

**ADDENDUM
TO
AGENDA**

CITY COUNCIL MEETING

MONDAY, NOVEMBER 19, 2018

7:00 p.m.

City Council Chambers, City Hall - 45 Lyon Terrace
Bridgeport, Connecticut

ADDED:

COMMUNICATION TO BE REFERRED TO COMMITTEE:

- 201-17** Communication from City Attorney re: Proposed Employment Contract with Chief of Police, Armando J. Perez, referred to Contracts Committee.

RESOLUTION TO BE REFERRED TO BOARDS, COMMISSIONS, ETC.:

- 200-17** Resolution presented by Council Member(s) Spain, Nieves & Langan re: Proposed Amendments to the Municipal Code of Ordinances, Title 8 – Health and Safety, amend Chapter 8.90 – Regulation of the Marketing of Tobacco Products to Children, referred to Ordinance Committee.

AGENDA

CITY COUNCIL MEETING

MONDAY, NOVEMBER 19, 2018

7:00 P.M.

CITY COUNCIL CHAMBERS, CITY HALL - 45 LYON TERRACE
BRIDGEPORT, CONNECTICUT

Prayer

Pledge of Allegiance

Roll Call

MINUTES FOR APPROVAL:

Approval of City Council Minutes: October 15, 2018

COMMUNICATIONS TO BE REFERRED TO COMMITTEES:

- 198-17** Communication from City Attorney re: Proposed Settlement of Pending Litigation with Horace Jennings, et al, referred to Miscellaneous Matters Committee.
- 199-17** Communication from Fire Department re: Proposed Request by the Fire Chief Pursuant to and in accordance with C.G.S. §7-430 and their Collective Bargain Agreement, Fire Fighters Local 834 that Manuel Firpi having or soon to attain the age of sixty-five years or more to remain employed by the City for another year, referred to Contracts Committee.

MATTERS TO BE ACTED UPON (CONSENT CALENDAR):

- *153-17** Public Safety and Transportation Committee Report re: Resolution requesting that the stretch of public road around St. Mary's by the Sea from the edge of the property line of the Black Rock Yacht Club to the edge of the property line of 923 Gilman Street be designated as Eames Boulevard.
- *169-17** Public Safety and Transportation Committee Report re: Honorary Street Naming of a Portion of George Street as "Paul Mendes Way".
- *177-17** Public Safety and Transportation Committee Report re: Resolution to Proceed with the Final Design and Construction of the Pequonnock River Trail Extension made possible by Connecticut Department of Transportation Congestion Mitigation & Air Quality (CMAQ) Grant.

THE FOLLOWING NAMED PERSON HAS REQUESTED PERMISSION TO ADDRESS THE CITY COUNCIL ON MONDAY, NOVEMBER 19, 2018 AT 6:30 P.M., IN THE CITY COUNCIL CHAMBERS, CITY HALL, 45 LYON TERRACE, BRIDGEPORT, CT.

<u>NAME</u>	<u>SUBJECT</u>
Dasha Spell 284 Beechwood Avenue Bridgeport, CT 06604	CSMA.
John Marshall Lee 30 Beacon Street Bridgeport, CT 06605	Fiscal & Governance Issues.
Jacquelyn Cauthen 397 Charles Street Bridgeport, CT 06606	Becoming Divas Conference, March 2019 Wholistic Network.
Cecil Young 99 Carroll Avenue Bridgeport, CT 06607	Labor Relations.
Anna Greer Sacred Heart University 59 Harborview Place Bridgeport, CT 06605	Walkability in Bridgeport.
Crystal Aguirre Make the Road CT 65 Washington Terrace Bridgeport, CT 06604	Walkability of Sidewalks.

**CITY COUNCIL MEETING
PUBLIC SPEAKING
MONDAY, NOVEMBER 19, 2018
6:30 PM
City Council Chambers, City Hall
45 Lyon Terrace
Bridgeport, CT**

Council President Nieves called the Public Speaking Session to order at 6:37 p.m.

ROLL CALL

The City Clerk Lydia Martinez called the roll.

- 130th District: Pete Spain
- 131st District: Denese Taylor-Moye
- 132nd District: Marcus Brown, Kyle Langan
- 133rd District: Michael Defilippo, Jeannette Herron
- 134th District: Michelle Lyons, AmyMarie Vizzo-Paniccia
- 135th District: Rosalina Roman-Christy, Mary McBride-Lee
- 136th District: Alfredo Castillo, Maria Zambrano Viggiano
- 137th District: Maria Valle, Aidee Nieves
- 138th District: Karen Jackson, Nessah Smith
- 139th District: Ernest Newton

A quorum was present. Council President Nieves stated that Council Member Christina Smith was out of town and that Council Member Banta was detained at work.

THE FOLLOWING NAMED PERSON HAS REQUESTED PERMISSION TO ADDRESS THE CITY COUNCIL ON MONDAY, NOVEMBER 19, 2018 AT 6:30 P.M., IN THE CITY COUNCIL CHAMBERS, CITY HALL, 45 LYON TERRACE, BRIDGEPORT, CT.

NAME

SUBJECT

Dasha Spell
284 Beechwood Avenue
Bridgeport, CT 06604

CSMA.

Ms. Spell came forward and stated her name and address for the record. She said that she wanted to speak about the partnership with the BOE, the Community and the Council. The budget discussion will be starting soon and she suggested that the City help the BOE with electricians, plumbers and custodians. There are community forums being held at the various schools. She said that she hoped that the Council Members would attend the one on the 28th at Thomas Hooker School. The budget is tight for the City, but even tighter for the BOE. The community is supposed to assist with the education of the youth.

City of Bridgeport
City Council
Regular Meeting
November 19, 2018

RECEIVED
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19 NOV 28 AM 9:33
ATTEST
CITY CLERK

She reminded everyone that they had people fighting for their education and now it was time for the Council to support the BOE for the students in the schools now. There are many different ways to help out, such as having the Police officers who are on the streets already helping out with the students who have to walk to schools. There are parents who work outside of the community or single parents who simply hope that their children get home safely.

The Classical Studies Academy is currently focused on selling coupon books to support the school.

John Marshall Lee
30 Beacon Street
Bridgeport, CT 06605

Fiscal & Governance Issues.

Mr. Lee came forward, stated his name and address for the record and then read the following statement into the record:

Council Members,

Sincere wishes for the holiday this week that calls forth thanks giving from each of your family members. There are 20 of you who have been elected to represent all of us out here. Were any of you surprised by the numbers of City voters who came out two weeks ago to vote? Were they getting in touch with what seemed like a national sentiment, some have called a “blue wave” wherein especially women came to the polls and used their citizen power? How many young people were voting for change that would protect all of us from gun violence? And how many overall just returned to a basic exercise of their right to vote in line with the 500 NAACP buttons seen around Bridgeport that said, DEFEAT HATE – VOTE!!

Is CFO Flatto keeping track of all funds due the City? Last week the CT Post reported that scrap metal delivered to the Transfer Station was a budget item, though I did not check to see if purchasing department has an agreement that gets best terms for the City. At least, some funds are recovered there and have their own line item #41666 in the monthly budget report where \$11,402 was recovered in September. What Ken did not know, or understand, or bother to explore was that City crews “harvested scrap metal” in blight and perhaps other City operations. Where did those funds go? Did any one in City employ ever ask? Some thought it was for parties for employees; a sunshine fund received mention. Where is the taxpayer Sunshine Fund, City Council? Does that sound like a silly question?

Where do items purchased by the City which cannot be returned, and fail to be used, where do they go? Where is Bridgeport’s Limbo? Who is in charge? What process is followed? What is the cost to store? To whom does the person in charge report? What am I talking about?? For one thing let’s try a light show purchased late in the term of Bill Finch to show up one or more RR underpasses downtown? Was the expense \$350,000 or thereabouts? Was the bill paid? Where is the value to the taxpayer? What is open, accountable, transparent or honest about such a fiscal matter?

And while we are looking at the monthly financial report and previously asked questions that get no final and definitive answer, what is ongoing at the Print Shop. (Three years ago I pointed to the fact that in the previous five years, the Print Shop reported (0) revenues and were otherwise balanced with expenses according to the reports. However, a review of Print Shop purchases showed that over \$800,000 of excess expenses in the 5 years were actually spent by the City BEYOND THE MONTHLY REPORT.

To my ear, Ken Flatto never provided a conclusive answer that accounted for sufficient revenues to offset the actual \$800,000 of purchases.

What Ken did was cute and quirky? For the 2017-18 budget year he created a new line item #41538 in the revenue report, suggested that \$10,000 would be received and reported \$6957 of revenues in the first few months, but nothing for most FY remaining months. In 2018-19 he has shown ZERO each month so far, yet I know that revenues have been paid to that office. Is Ken competent? Does Ken care? Where is the taxpayer party, Mr. Flatto?

Through the years I have questioned why progressive Labor Relations issues are never advanced for discussion or implementation? And never part of Mayoral election campaigns. Curious? Not really when the City Council president worked with Labor Relations, and "union friendly" agreements were not unusual. When Contracts Committee members attend seminars, what progressive ideas do they return with? Why do Police Department contracts limit the full cost including pension overtime for "external overtime"? Who approved that? Are there similar contract limits that continue expensive payments and earn taxpayers less value than without such limitations? Who will speak for contract committee? Will you allow taxpayers to address such matters at your next meeting specifically? What does secrecy do for us taxpayers? Increase our monthly expenses? Lower our property re-sale values? Force the mil rate to increase? Time will tell.

Jacquelyn Cauthen
397 Charles Street
Bridgeport, CT 06606

Becoming Divas Conference,
March 2019 Wholistic Network.

Ms. Cauthen came forward and gave her name and address. She wished everyone a happy Monday. She said that she was also known by another name, was generous, and blessed. She is a certified nurse and has been teaching health and sex education to female public school students for some time. Ms. Cauthen said that she had created a program called Becoming Divas for girls. She said that her goal was to reach one million girls with the program. The Becoming Divas conference has been scheduled for Housatonic College in March of 2019.

She then explained that she needed some assistance reaching out to caterers for the conference. Council Member Herron and Sister Marion Ward have helped her in the past. As a retired individual, she lives on a fixed income. Now she needs some additional support.

She displayed a booklet which she had written for the girls. In June of 2019, she would like to take some of the girls to a conference.

City of Bridgeport
City Council
Regular Meeting
November 19, 2018

Cecil Young
99 Carroll Avenue
Bridgeport, CT 06607

Labor Relations.

Mr. Young came forward and gave his name and address. He wished everyone a Happy Thanksgiving and a Happy Christmas.

He then spoke about the termination of his health benefits two weeks after he was let go. He asked Council Member Newton to request that the Labor Relations explain why they did this. Mr. Young said that he had heard the excuses and wants the City to justify his termination. He should have never been terminated. All the Council Members swore an oath on a Bible. Now it is time to speak truth to power. The Council Members need to show that Mr. Young was justly terminated. Council Member Newton asked the head of Labor Relations to produce the evidence, but she did not. Mr. Young said that he was persecuted simply for speaking the truth to power regarding the Health Department. Where was the City Attorney? He was doing his job protecting the City. Even though the City Attorney is a friend of Mr. Young's, the City Attorney should be doing what is right. It's not about Mr. Young, but about everyone.

Anna Greer
Sacred Heart University
59 Harborview Place
Bridgeport, CT 06605

Walkability in Bridgeport.

Ms. Greer came forward and gave her name and address. She said that she was present in support for the Make the Road, CT. She said that one of the issues was how the students could get to school on time and in a safe manner. While she supports the children walking to school, right now, it is not safe to do so. Ms. Greer said that last year, they went into the high schools and asked the students what routes they used to walk to school. Most of the routes that were mapped failed because they did not have cross walks or other dangerous intersections. The High School students have to walk 2 miles in dangerous conditions. She encouraged the Council Members to interact with the students who may be inviting the Council Members to accompany the students on their walk to school. When there is snow on the ground, the sidewalks are often not plowed and the students end up walking in the streets.

She encouraged everyone who had questions to reach out to her.

Crystal Aguirre
Make the Road CT
65 Washington Terrace
Bridgeport, CT 06604

Walkability of Sidewalks.

Ms. Aguirre came forward and gave her name and address. She said that she has lived in Bridgeport all of her life and graduated from Harding School this year. She had to walk a mile and a half to school each day. While the City wants all the students to be college and career ready. They can't do this if they are arriving late to school. It would cost over \$2 million dollars to get all the high school students bus passes. There are trip and fall cracks in the sidewalks,

cross walk lights that don't work and dangerous intersections. While walking to school, Ms. Aguirre was harassed a few times.

Ms. Aguirre said that she would like to see the City do something about making an intersection where the drivers can't see around the corner safer by adding some artwork.

ADJOURNMENT

Council President Nieves closed the public speaking portion at 7:05 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Services

CITY OF BRIDGEPORT
CITY COUNCIL MEETING
MONDAY, NOVEMBER 19, 2018

7:00 PM

City Council Chambers, City Hall - 45 Lyon Terrace
Bridgeport, Connecticut

Mayor Ganim called the meeting of the City Council to order at 7:07 p.m.

PRAYER

Mayor Ganim requested Ms. Cauthen open the meeting with a prayer.

PLEDGE OF ALLEGIANCE

Mayor Ganim requested that Council Member Vizzo-Paniccia lead those present in reciting the Pledge of Allegiance.

ROLL CALL

The City Clerk called the roll.

130th District: Pete Spain
131st District: Denese Taylor-Moye
132nd District: Marcus Brown, Kyle Langan
133rd District: Michael Defilippo, Jeannette Herron
134th District: Michelle Lyons, AmyMarie Vizzo-Paniccia
135th District: Rosalina Roman-Christy, Mary McBride-Lee
136th District: Alfredo Castillo, Maria Zambrano Viggiano
137th District: Maria Valle, Aidee Nieves
138th District: Karen Jackson, Nessah Smith
139th District: Ernest Newton

A quorum was present.

MINUTES FOR APPROVAL:

Approval of City Council Minutes: October 15, 2018

**** COUNCIL MEMBER TAYLOR-MOYE MOVED THE MINUTES OF THE OCTOBER 15, 2018 COUNCIL MEETING.**

**** COUNCIL MEMBER BROWN SECONDED.**

**** THE MOTION TO APPROVE MOVED THE MINUTES OF THE OCTOBER 15, 2018 COUNCIL MEETING AS SUBMITTED PASSED UNANIMOUSLY.**

COMMUNICATIONS TO BE REFERRED TO COMMITTEES:

198-17 Communication from City Attorney re: Proposed Settlement of Pending Litigation with Horace Jennings, et al, referred to Miscellaneous Matters Committee.

199-17 Communication from Fire Department re: Proposed Request by the Fire Chief Pursuant to and in accordance with C.G.S. §7-430 and their Collective Bargain Agreement, Fire Fighters Local 834 that Manuel Firpi having or soon to attain the age of sixty-five years or more to remain employed by the City for another year, referred to Contracts Committee.

201-17 Communication from City Attorney re: Proposed Employment Contract with Chief of Police, Armando J. Perez, referred to Contracts Committee.

RESOLUTION TO BE REFERRED TO BOARDS, COMMISSIONS, ETC.:

200-17 Resolution presented by Council Member(s) Spain, Nieves & Langan re: Proposed Amendments to the Municipal Code of Ordinances, Title 8 – Health and Safety, amend Chapter 8.90 – Regulation of the Marketing of Tobacco Products to Children, referred to Ordinance Committee.

**** COUNCIL MEMBER LANGAN MOVED TO COMBINE AND APPROVE THE FOLLOWING COMMUNICATION TO BE REFERRED TO COMMITTEES AND THE RESOLUTION TO BE REFERRED TO BOARDS, COMMISSIONS, ETC.:**

198-17 COMMUNICATION FROM CITY ATTORNEY RE: PROPOSED SETTLEMENT OF PENDING LITIGATION WITH HORACE JENNINGS, ET AL, REFERRED TO MISCELLANEOUS MATTERS COMMITTEE.

199-17 COMMUNICATION FROM FIRE DEPARTMENT RE: PROPOSED REQUEST BY THE FIRE CHIEF PURSUANT TO AND IN ACCORDANCE WITH C.G.S. §7-430 AND THEIR COLLECTIVE BARGAIN AGREEMENT, FIRE FIGHTERS LOCAL 834 THAT MANUEL FIRPI HAVING OR SOON TO ATTAIN THE AGE OF SIXTY-FIVE YEARS OR MORE TO REMAIN EMPLOYED BY THE CITY FOR ANOTHER YEAR, REFERRED TO CONTRACTS COMMITTEE.

201-17 COMMUNICATION FROM CITY ATTORNEY RE: PROPOSED EMPLOYMENT CONTRACT WITH CHIEF OF POLICE, ARMANDO J. PEREZ, REFERRED TO CONTRACTS COMMITTEE.

RESOLUTION TO BE REFERRED TO BOARDS, COMMISSIONS, ETC.:

200-17 RESOLUTION PRESENTED BY COUNCIL MEMBER(S) SPAIN, NIEVES & LANGAN RE: PROPOSED AMENDMENTS TO THE MUNICIPAL CODE OF ORDINANCES, TITLE 8 – HEALTH AND SAFETY, AMEND CHAPTER 8.90 – REGULATION OF THE MARKETING OF TOBACCO PRODUCTS TO CHILDREN, REFERRED TO ORDINANCE COMMITTEE.

**** COUNCIL MEMBER HERRON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

MATTERS TO BE ACTED UPON (CONSENT CALENDAR):

***153-17 Public Safety and Transportation Committee Report re: Resolution requesting that the stretch of public road around St. Mary's by the Sea from the edge of the property line of the Black Rock Yacht Club to the edge of the property line of 923 Gilman Street be designated as Eames Boulevard.**

***169-17 Public Safety and Transportation Committee Report re: Honorary Street Naming of a Portion of George Street as "Paul Mendes Way".**

***177-17 Public Safety and Transportation Committee Report re: Resolution to Proceed with the Final Design and Construction of the Pequonnock River Trail Extension made possible by Connecticut Department of Transportation Congestion Mitigation & Air Quality (CMAQ) Grant.**

Mayor Ganim asked if there was any Council Members who would like to remove an item from the Consent Calendar. Council Member Vizzo-Paniccia requested Agenda Items 153-17 and 169-17 be removed. Council Member Zambrano Viggiano requested that Agenda Item 177-17 be removed.

Mayor Ganim stated that there was no longer a Consent Calendar and all the items would be voted on individually.

153-17 Public Safety and Transportation Committee Report re: Resolution requesting that the stretch of public road around St. Mary's by the Sea from the edge of the property line of the Black Rock Yacht Club to the edge of the property line of 923 Gilman Street be designated as Eames Boulevard.

**** COUNCIL MEMBER NEWTON MOVED THE ITEM.**

**** COUNCIL MEMBER CASTILLO SECONDED.**

Council Member Vizzo-Paniccia stated that she was just being consistent about opposing honorary street naming.

Council Member Spain said that this was not a memorial naming of a street, but a clarification of a legal name of a street.

Council Member McBride-Lee said that she was not sure about Council Member Vizzo-Paniccia's objection to the naming. Mayor Ganim said that Council Member Vizzo-Paniccia was not in favor of honorary street naming.

**** THE MOTION TO APPROVE AGENDA ITEM 153-17 PUBLIC SAFETY AND TRANSPORTATION COMMITTEE REPORT RE: RESOLUTION REQUESTING THAT THE STRETCH OF PUBLIC ROAD AROUND ST. MARY'S BY THE SEA FROM THE EDGE OF THE PROPERTY LINE OF THE BLACK ROCK YACHT CLUB TO THE EDGE OF THE PROPERTY LINE OF 923 GILMAN STREET BE DESIGNATED AS EAMES BOULEVARD PASSED WITH SIXTEEN (16) IN FAVOR (SPAIN, TAYLOR-MOYE, BROWN, LANGAN, DEFILIPPO, HERRON, LYONS, MCBRIDE-LEE, ROMAN-CHRISTY, ZAMBRANO VIGGIANO, CASTILLO, NIEVES, VALLE, JACKSON, N. SMITH AND NEWTON) AND ONE (1) OPPOSED (VIZZO-PANICCIA).**

169-17 Public Safety and Transportation Committee Report re: Honorary Street Naming of a Portion of George Street as "Paul Mendes Way".

**** COUNCIL MEMBER NEWTON MOVED THE ITEM.**

Council Member Newton said that Mr. Mendes was one of the first Afro-Americans to work for the Red Cross. In the Hollow, he played a strong role in starting the NRZ. Mr. Mendes was a member of the Mt Aery Baptist Church and the church family wants a small section of George Street named in honor of Mr. Mendes.

**** COUNCIL MEMBER JACKSON SECONDED.**

Council Member Viggiano Zambrano said that she was not present at the Committee meeting. She said that it was originally listed as portion of Frank Street in resolution. Council Member Newton explained that there was an error in the original document and it was supposed to be George Street and it was amended to George Street in Committee.

**** COUNCIL MEMBER LYONS MOVED TO TABLE AGENDA ITEM 169-17 PUBLIC SAFETY AND TRANSPORTATION COMMITTEE REPORT RE: HONORARY STREET NAMING OF A PORTION OF GEORGE STREET AS "PAUL MENDES WAY".**

Council Member Lyons was asked to explain her reasoning for her motion to table. Council Member Lyons said that she would send it back to committee instead.

**** COUNCIL MEMBER LYONS WITHDREW HER MOTION TO TABLE AGENDA ITEM 169-17 PUBLIC SAFETY AND TRANSPORTATION COMMITTEE REPORT RE: HONORARY STREET NAMING OF A PORTION OF GEORGE STREET AS "PAUL MENDES WAY".**

Council Member Newton said that if someone had a problem they should come to the committee meeting. He said that this was not rocket science to move it one block from Frank Street to

George Street. There is no argument or opposition. Council Member Newton said that he did not know why it would have to go back to committee. The church did their due diligence.

Council Member Lyons said that she had been out of town when the Committee meeting had been held and she had been asked by a neighbor to table the item. She said that she did not have an issue with the item but now a constituent was concerned.

Council Member Viggiano Zambrano said that she had been working the night of the Committee meeting and she wanted to make sure that all the constituents were heard. She said that she understood that there were concerns and just wanted to make sure everyone was clear.

Council Member Newton said that there were rules and this item had been passed unanimously. He said that he did not understand why there was such a big issue on a small error when the item was passed out of committee unanimously. This should not be stopped because someone didn't come to the Committee meeting. Council Member Newton then announced that he would also start to object to other items in a similar manner if this is how the Council would be operating.

Mayor Ganim said that he would give Council Member Newton all the respect due to him but believed that the issue was somewhat unclear.

Ms. Gaines, a member of the church, came forward and said that this was simply a mistake because the main entrance to the church is on George Street.

Council Member Herron said that when an item is amended, the co-writers of the ordinances are notified, but in this case, they were not. There have been many times when something was voted on unanimously and then sent back to committee.

Council Member Lyons said that she was not at the meeting and had no problem with the resolution but was sending this back for further clarification.

Council President Nieves said that she would defer to Council Member Newton's concern, however, she wished to point out that the Council Members have sent items back to Committee in order for clarification.

Council Member Newton said that he had submitted the language to the City Clerk's Office. The error was his fault. He then repeated his earlier statement that the Council Members should be prepared for him to send back other items that were unanimously approved in Committee in the future.

**** COUNCIL MEMBER VIGGIANO MOVED TO TABLE AGENDA ITEM AGENDA ITEM 169-17 PUBLIC SAFETY AND TRANSPORTATION COMMITTEE REPORT RE: HONORARY STREET NAMING OF A PORTION OF GEORGE STREET AS "PAUL MENDES WAY" AND SEND IT BACK TO COMMITTEE.**

**** COUNCIL MEMBER SPAIN SECONDED.**

**** THE MOTION TO TABLE AGENDA ITEM 169-17 PUBLIC SAFETY AND TRANSPORTATION COMMITTEE REPORT RE: HONORARY STREET NAMING OF A PORTION OF GEORGE STREET AS "PAUL MENDES WAY" AND SEND IT**

BACK TO COMMITTEE AND SEND IT BACK TO COMMITTEE PASSED WITH SIXTEEN (16) IN FAVOR (SPAIN, TAYLOR-MOYE, BROWN, LANGAN, DEFILIPPO, HERRON, LYONS, VIZZO-PANICCIA, MCBRIDE-LEE, ROMAN-CHRISTY, ZAMBRANO VIGGIANO, CASTILLO, NIEVES, VALLE, JACKSON, AND N. SMITH) AND ONE (1) OPPOSED (NEWTON).

177-17 Public Safety and Transportation Committee Report re: Resolution to Proceed with the Final Design and Construction of the Pequonnock River Trail Extension made possible by Connecticut Department of Transportation Congestion Mitigation & Air Quality (CMAQ) Grant.

**** COUNCIL MEMBER VALLE MOVED TO TABLE AGENDA ITEM 177-17 PUBLIC SAFETY AND TRANSPORTATION COMMITTEE REPORT RE: RESOLUTION TO PROCEED WITH THE FINAL DESIGN AND CONSTRUCTION OF THE PEQUONNOCK RIVER TRAIL EXTENSION MADE POSSIBLE BY CONNECTICUT DEPARTMENT OF TRANSPORTATION CONGESTION MITIGATION & AIR QUALITY (CMAQ) GRANT AND SEND IT BACK TO COMMITTEE.**

**** COUNCIL PRESIDENT NIEVES SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER N. SMITH MOVED TO ADD AN ITEM REGARDING A PROPOSED WORKER'S COMPENSATION SETTLEMENT WITH THE ESTATE OF CARNEY FREDDINO FOR REFERRAL TO THE MISCELLANEOUS MATTERS COMMITTEE.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

**** COUNCIL MEMBER N. SMITH MOVED TO REFER AN ITEM REGARDING A PROPOSED WORKER'S COMPENSATION SETTLEMENT WITH THE ESTATE OF CARNEY FREDDINO TO THE MISCELLANEOUS MATTERS COMMITTEE.**

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

**** THE MOTION PASSED UNANIMOUSLY. (ITEM #202-17)**

164-17 Grant Submission: re U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) for FY2018 Local Solicitation. (#19312)

**** COUNCIL MEMBER LYONS MOVED TO ADD ITEM, 164-17 GRANT SUBMISSION: RE U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FOR FY2018 LOCAL SOLICITATION. (#19312) TO THE AGENDA.**

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

**** THE MOTION PASSED UNANIMOUSLY.**

Council Member Newton said that this was the first time that he had seen something voted on and brought directly to the Council floor. He said that he wished that the Chair had mentioned this in Committee.

Council Member Lyons said that it was brought up at the last Public Safety meeting and this item had to be moved to a Special Meeting due to the timeliness of the grant deadline.

**** THE MOTION TO APPROVE AGENDA ITEM 164-17 GRANT SUBMISSION: RE U.S. DEPARTMENT OF JUSTICE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) FOR FY2018 LOCAL SOLICITATION. (#19312) PASSED UNANIMOUSLY.**

Council Member McBride-Lee said that she would like to say that today the City had distributed turkeys and she had never seen some many people in need of a turkey.

Mayor Ganim said that he was pleased that the City was able to help so many people.

Council Member Vizzo-Paniccia then requested a point of personal privilege. She went on to make the following statement:

Thank you Mayor. I would like everyone to know that at the National League of Cities (NLC) Elected Officials Conference last week in Los Angeles, California, I was elected to be the President of the Women in Municipal Government (WIMG) Constituency Committee from Nov, 2018 to Nov, 2019.

This Committee is comprised of elected women from all over the United States of America.

I started many years ago as a member, was selected/elected to serve as a board member, then elected to be 2nd Vice-President, the following year as 1st Vice-President, with now as President.

I will be hosting this committee of approx 60+- women, maybe a guest of theirs along with NLC Staff next year here in Bridgeport.

Back in September, 2015, I also hosted NLC's Public Safety and Crime Prevention (PSCP) Steering Committee as I continue over 10 years as a very involved and committed member. There were elected officials at different levels, law enforcement officials in many different fields along with the NLC Staff.

I also continue to serve on the NLC's (UCC)- University Communities Council as now a involved member still even after serving as 1st and 2nd Vice- Chair and serving as Chair for 2 years.

When I attend any NLC meetings, I attend their meetings!

I ask our Bridgeport elected Councilwoman to join via application to WIMG. There is no longer a member fee as the City is already a NLC Member. NLC changes their policy 2 years ago and the only fee would be any activity fee- which is extra.

NLC memberships are also comprised of all elected officials from around the United States of America.”

ADJOURNMENT

**** COUNCIL MEMBER BROWN MOVED TO ADJOURN.**

**** COUNCIL MEMBER JACKSON SECONDED.**

**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned 7:45 p.m.

Respectfully submitted,

S. L. Soltes
Telesco Secretarial Service

CITY OF BRIDGEPORT
OFFICE OF THE CITY ATTORNEY
999 Broad Street
Bridgeport, CT 06604-4328

CITY ATTORNEY
R. Christopher Meyer

DEPUTY CITY ATTORNEY
John P. Bohannon, Jr.

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Michael C. Jankovsky
Richard G. Kascaik, Jr.
Bruce L. Levin
John R. Mitola
Lawrence A. Ouellette, Jr.
Lisa R. Trachtenburg
Tyisha S. Toms



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Comm. #198-17 Ref'd to Miscellaneous Matters Committee
On 11/19/2018

November 13, 2018

The Honorable City Council
of the City of Bridgeport
45 Lyon Terrace
Bridgeport, CT 06604

**Re: Proposed Settlement of Pending Litigation in the Matter of Horace Jennings, et al v.
City of Bridgeport, et al**

Dear Councilpersons:

The Office of the City Attorney respectfully recommends the following pending lawsuit be settled. It is our professional opinion that resolving this matter for the consideration agreed to between the parties is in the best interests of the City of Bridgeport.

<u>Plaintiffs</u>	<u>Nature of Claim</u>	<u>Plaintiffs' Attorney</u>
Horace E. Jennings, Jr. Margaret E. Jennings Bernard Jennings Dennis Jennings Eric Jennings	Civil Litigation	Sally A. Roberts, Esq. 11 Franklin Square New Britain, CT 06051

Kindly place this matter on the agenda for the City Council meeting on November 19, 2018, for referral to the Miscellaneous Matters Committee. Thank you for your assistance in this matter.

Very truly yours,

R. Christopher Meyer
City Attorney

cc: Joseph P. Ganim, Mayor
Lydia N. Martinez, City Clerk

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NOV 14 AM 10:37
CITY CLERK



CITY OF BRIDGEPORT, CONNECTICUT
BRIDGEPORT FIRE DEPARTMENT

30 CONGRESS STREET, BRIDGEPORT, CT 06604 • Telephone (203) 337-2070 • Fax (203)576-8274

RICHARD E. THODE
Fire Chief

COMM. ç199-17 Ref'd to Contracts Committee on 11/19/2018.

November 13, 2018

The Honorable Lydia Martinez
City Clerk
City of Bridgeport
45 Lyon Terrace
Bridgeport, CT 06604

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CITY CLERK

Dear City Clerk and Members of the City Council,

Pursuant to and in accordance with *C.G.S. §7-430* and the collective bargain agreement between the City of Bridgeport and Fire Fighters Local 834, Manuel Firpi of the Bridgeport Fire Department, now having attained or soon to attain the age of sixty-five years or more, is requesting approval of the Bridgeport City Council to remain in the employ of the Bridgeport Fire Department for another year.

Contracts (Fo) 11/15/18

We respectfully ask that this request be referred to the ~~Public Safety~~ Committee, wherein the individual, as well as representatives of the Department and City, will be present for questioning, and appropriate information on the physical fitness of this individual to continue in his/her position will be furnished to the Council for consideration.

Should you have any questions, please do not hesitate to contact my office at 203-337-2070.

Sincerely,

Richard E. Thode
Fire Chief

CITY OF BRIDGEPORT
OFFICE OF THE CITY ATTORNEY

999 Broad Street
Bridgeport, CT 06604-4328

CITY ATTORNEY
R. Christopher Meyer

DEPUTY CITY ATTORNEY
John P. Bohannon, Jr.

ASSOCIATE CITY ATTORNEYS
Michael C. Jankovsky
Richard G. Kascek, Jr.
Bruce L. Levin
John R. Mitola
Lawrence A. Ouellette, Jr.
Tyisha S. Toms
Lisa R. Trachtenburg



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OF COUNSEL
Mark T. Anastasi
Russell D. Liskov
Ronald J. Pacacha

Telephone (203) 576-7647
Facsimile (203)576-8252

COMM. 201-17 Ref'd to Contracts Committee
on 11/19/2018.

November 15, 2018

Frances Ortiz
City Clerk
City Hall
45 Lyon Terrace
Bridgeport, CT 06604

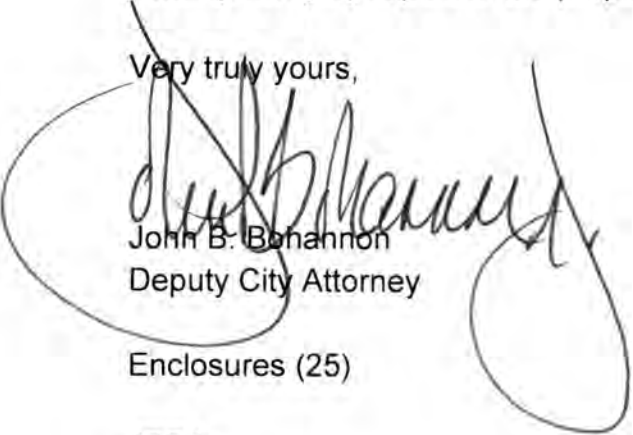
Re: City Council Meeting – Monday, November 19, 2018

Dear Frances:

Kindly add the following matter to the City Council's Meeting Agenda for Monday, November 19, 2018:

Proposed Contract between the City of Bridgeport and Chief of Police, Armando J. Perez.
Twenty-five (25) copies of the proposed Contract accompany this correspondence.

Very truly yours,


John P. Bohannon
Deputy City Attorney

Enclosures (25)

JPB:kr

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18 NOV 15 PM 3:42
TEST
CITY CLERK

**CITY OF BRIDGEPORT
EMPLOYMENT CONTRACT
CHIEF OF POLICE FOR THE CITY OF BRIDGEPORT**

This Agreement is entered into effective the 6TH day of November 2018 by and between the City of Bridgeport, a municipal organized and existing under the laws of the State of Connecticut ("City"), and Armando J. Perez of 300 Congress Street, Bridgeport, CT 06604 ("Chief of Police").

WHEREAS, the City in accordance with the City Charter established a position entitled Chief of Police, the occupant of such position being a full-time regular uniformed member of the Bridgeport Police Department, and;

WHEREAS, in accordance with the Charter of the City of Bridgeport, Bridgeport Mayor Joseph P. Ganim has designated Armando J. Perez as his appointee to the position of Chief of Police for a five (5) year term of office.

NOW, THEREFORE, the parties hereto hereby mutually agree as follows:

ARTICLE I - DUTIES AND RESPONSIBILITIES

The Chief of Police shall operate and control the Police Department of the City, subject to the ultimate operational control vested in the Mayor by law, and consistent with the duties vested in the City's Board of Police Commissioners ("Board") by law. The Chief of Police shall be the head of the City's Police Department and, subject to the operational control of the Mayor, shall exercise those powers and be responsible for those duties as provided by law. See Bridgeport Charter, Chapter 3, § 1, and Chapter 14, §§ 1-5; and Bridgeport Code of Ordinances, Chapter 2.42. The Chief of Police is subject to, and shall abide by, all pertinent state and federal statutes and regulations, as well as the City Charter, Code of Ordinances, and departmental policies, procedures, rules and regulations.

ARTICLE II – TERM / COMPENSATION / WORK CONDITIONS

A. The Chief of Police shall perform such services as stated in Article I as Chief of Police for a term of five (5) years commencing on November 6, 2018 and continuing for five (5) years thereafter as provided for under the terms and conditions of the Charter of the City. See Bridgeport Charter, Chapter 14, § 4.

B. The position of Chief of Police is not affiliated with any collective bargaining unit and, in accordance with Bridgeport Code of Ordinances § 2.36.010 *Officers' Salaries*, the Chief of Police shall be paid at the annual rate of One Hundred and Forty-Five Thousand Four Hundred and Twenty-Eight Dollars (\$145,428.00). In addition, during the five (5) year term of employment he shall be entitled to all increases for cost of living as provided for in City Ordinance §2.36.010. This shall be his exclusive compensation and there will be no other payments or salary for services provided.

C. The Chief of Police is a bona fide executive position. Therefore, the Chief of Police shall remain exempt during the term of appointment described herein from entitlement to any overtime pay and shall not, during said term of appointment, be eligible for compensatory time either to be used for leave or to be accumulated and paid out upon separation from City service.

ARTICLE III – BENEFITS

The Chief of Police as a twenty (20) plus hour per week City employee is entitled to receive the standard employee benefits granted to the City's unaffiliated class. Included in this benefits package are the following:

A. **LONGEVITY PAY:** The Chief of Police shall receive longevity pay at the rate of Seventy-Five Dollars (\$75.00) per year of service (to be calculated based upon the initial hiring date of the Chief of Police with the City's Police Department).

B. VACATION, SICK, PERSONAL, HOLIDAY AND BEREAVEMENT

LEAVE TIME: The vacation, sick, personal, holiday and bereavement leave time afforded the Chief of Police shall be in accordance with the vacation, sick, personal, holiday and bereavement leave time provided to other unaffiliated City employees.

C. HEALTH BENEFITS, HEALTH INSURANCE COVERAGE AND TERM

LIFE INSURANCE POLICY: The health benefits, health insurance coverage and term life insurance policy provided to the Chief of Police shall be in accordance with those provided to other unaffiliated City employees and their spouses and dependents; and short-term/long-term disability insurance in accordance with the City's Policy on Unaffiliated Employee Sick Leave. Upon retirement from the City, the Chief of Police and his eligible spouse and dependents shall receive retiree health benefits coverage in accordance with those provided to other retired Bridgeport Police officers.

D. PENSION PLANS: The Chief of Police shall remain a contributing member of the Connecticut Municipal Employees Retirement Fund ("CMERS"), with both he and the City continuing to make their respective required contributions.

In addition, the Chief of Police will be eligible to participate in the City's 457 Deferred Compensation Plan in the same manner as other employees of the City.

Finally, the City will contribute ten percent (10%) of the annual salary of the Chief of Police to the ICMA Retirement System Plan; and the Chief of Police will be eligible to make additional contributions to the ICMA Plan as consistent with the plan rules and applicable law.

ARTICLE IV – TAKE HOME MOTOR VEHICLE AND UNIFORM ALLOWANCE

The Chief of Police shall be provided with an appropriate take-home motor vehicle in accordance with the City Owned Vehicle Policy. The Chief of Police shall receive the sum of Nine hundred and Twenty-Five Dollars (\$925.00) annually as a uniform allowance.

ARTICLE XII – APPLICABLE LAW

This Agreement will be interpreted in accordance with the laws of the State of Connecticut.

FOR ARMANDO J. PEREZ

WITNESS

Armando J. Perez

Name Printed: _____

FOR THE CITY OF BRIDGEPORT

WITNESS

Joseph P. Ganim, Mayor
Duly Authorized

Name Printed: _____



OFFICE OF THE CITY CLERK RESOLUTION FORM

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ATTEST _____
CITY CLERK

SECTION I CITY COUNCIL SUBMISSION INFORMATION

Log ID/Item Number:	200-17
Submitted by Councilmember(s):	Peter D. Spain
Co-Sponsors(s):	Aidee Nieves Kyle Langan Choose an item... Choose an item...
District:	130TH, 132nd and 137th
Subject:	Proposed Amendments to the Municipal Code of Ordinances, amend Chapter 8.90 Regulation of Marketing of Tobacco Products to Children
Referred to:	Ordinance Committee
City Council Date:	November 19, 2018

Whereas, Chapter 8 of the Bridgeport Municipal Code (the "Ordinance") establishes sensible regulations to safeguard and promote the health and safety of Bridgeport residents;

Whereas, the U.S. Surgeon General reported recently that smoking is the number one preventable cause of death in the U.S., with tobacco use being responsible for almost a half million deaths a year and costs of billions of dollars in health and lost worker productivity (Reference 1);

Whereas, 95% of adult smokers began smoking before age 21, and the ages 18-21 are when most transition from occasional use to daily use and dependence (Reference 2);

Whereas, the 2017 Connecticut School Health Survey, known nationally as the Youth Tobacco Survey (YTS), reflect that over one-third of Connecticut high school students (nearly 59,000) report having tried some form of tobacco and current youth tobacco use in Connecticut is 17.9% (Reference 3);

Whereas, over 80% of high school seniors are 18 or older because they graduate, younger teens have easy access to nicotine and tobacco products through high school friends who can now purchase legally (Reference 4);

Whereas, 79% of Connecticut youth under 18 did not attempt to purchase tobacco products in the last 30 days, 21% did try. Of those, 92.4% were successful. Only 7.6% were refused sale (Reference 4);

Whereas, FDA commissioner Dr. Scott Gottlieb declared vaping a teen epidemic and identified the popular e-cigarette JUUL and four other brands as major contributors to this epidemic (Reference 5);

Whereas, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7% and youth misconceptions about harm of nicotine and e-cigarettes remain high (Reference 6);

Whereas, studies show that youth who initiate on and use e-cigarettes are six or more times more likely to use combustible tobacco cigarettes (Reference 7);

Whereas, the Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationally would have a substantial positive impact on public health, causing long-term declines in smoking rates and reducing tobacco initiation among adolescents age 15-17 by 25% (Reference 8);



OFFICE OF THE CITY CLERK RESOLUTION FORM

Now therefore be it ordained by the City Council of the City of Bridgeport that, effective upon publication, the Municipal Code of Ordinances, Chapter 8, is hereby amended as follows:

Chapter 8.90 - REGULATION OF THE SALES AND MARKETING OF TOBACCO PRODUCTS TO CHILDREN

8.90.010 - Short title.

This chapter shall be known and may be cited as the "Bridgeport tobacco sales and marketing ordinance."

(Ord. dated 3/15/99)

8.90.020 - Purpose of chapter.

- A. It is declared to be the public policy of the city to reduce the exposure of its children to the marketing of tobacco products in order to promote their health, safety and welfare. The city finds that the use of tobacco products has prevalent, material, and predictable deleterious impacts on the health of individuals and is therefore a significant threat to the public health of its inhabitants. Thousands of users of tobacco products and other individuals exposed to second-hand smoke die or are stricken with illnesses every year that are attributed to tobacco use. Tobacco advertising, whether intended to promote tobacco use or only to compete for market share, has the consequence of promoting tobacco use. Tobacco advertising helps significantly to induce children to initiate tobacco use. Children are more receptive than adults to the clever images and messages contained in tobacco advertising and are likely to purchase the most heavily-advertised brands. Exposure to tobacco marketing, adult smoking, and peer smoking are the greatest risk factors for teenage children that decide to smoke. Of these, exposure to marketing is the greatest risk factor. The prohibition on sales to children is useful but is insufficient alone to discourage tobacco use among children.
- B. The city believes that additional measures must be taken to reduce the exposure of minors to tobacco advertising. Pursuant to the statutes of the State of Connecticut, the city has the power to regulate and prohibit any trade or business which is or may become prejudicial to public health and may make lawful regulations and ordinances in furtherance of public health. Therefore, to encourage the protection of the public health, the city seeks to reduce the exposure of children to tobacco sales, marketing and use by taking measures that include:
1. Prohibiting certain outdoor advertising in public places and certain indoor advertising of tobacco products in places likely to be frequented by children;
 2. Prohibiting the marketing of tobacco products in proximity to schools, parks and other locations frequented by children;
 3. Prohibiting certain tobacco marketing methods that are aimed at children or are likely to induce or encourage the use of tobacco products among children;
 4. Creating a permit system with penalties as a means of enforcing the requirements of this chapter on those who sell tobacco products; and
 5. Prohibiting the use of tobacco products at all Bridgeport public schools.
- C. It is declared to be the public policy of the city to reduce youth access to tobacco products to promote the health, safety, and welfare of Bridgeport's youth. Raising the minimum legal sale and distribution age for all tobacco products to twenty-one (21) reduces access to these products by youth, as teens often acquire such products from social networks, including older friends: the vast majority of those providing nicotine and tobacco products for youth aged seventeen (17) and under are themselves between eighteen (18) and twenty (21) years old and are able to purchase legally.



OFFICE OF THE CITY CLERK RESOLUTION FORM

D. Select findings from the 2017 Connecticut School Health Survey reflect over one-third of Connecticut high school students (nearly 59,000) report having ever tried some form a tobacco and current tobacco use is reported at 17.9%. The YTS survey shows the vast majority of youth are using flavored tobacco products, e-cigarettes and vaping devices, and although cigarette smoking has decreased among Connecticut youth, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7% , and shows usage increasing with age. When asked how they accessed these products, the majority of youth surveyed (59.3%) reported they obtained their e-cigarettes from a friend.

E. The Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationwide will have a substantial positive impact on public health and provide long-term declines in smoking rates by reducing tobacco initiation among adolescents aged 15-17 by twenty five percent (25%) and overall prevalence of tobacco use by twelve percent (12%).

F. The city believes that additional measures must be taken to reduce youth access to all Tobacco Products. Pursuant to the statutes of the State of Connecticut, the city has the power to regulate and prohibit any trade or business which is or may become prejudicial to public health and may make lawful regulations and ordinances in furtherance of public health. Therefore, to encourage the protection of public health, the city seeks to prevent and reduce youth access to tobacco products by taking measures that include:

1. Prohibiting the sale of all tobacco products to persons under the age of 21.
2. Requiring tobacco retailers to verify age by examining valid identification.
3. Requiring tobacco retailers to display signage that informs persons "The sale of tobacco or nicotine products or devices to persons under 21 is prohibited."
4. Using existing tobacco permit system as a means of enforcing the requirements of this Chapter.

(Ord. dated 3/15/99)

8.90.030 - Definitions.

When used in this chapter, the following words and terms shall have the following meanings:

"Public park" means any public park of the city, whether designated as a park, park land, open spaces or recreation areas on the master plan of the city or on local zoning, assessment, engineering or geographic information system maps, as well as any other location used as a park within the city.

"Public place" means any public area, including public parks and public schools, where a tobacco advertisement is located or from which a tobacco advertisement on public or private property can be seen, including, but not limited exclusively to, advertisements on billboards, buildings, store fronts, public transportation vehicles including buses, taxicabs, ferry boats, government buildings, government real property, and tobacco advertisements at all places of public convenience frequented or likely to be frequented by children, including without limitation sports or entertainment facilities, fields and arenas open to the public, except for adult establishments such as bars, nightclubs and other places of public entertainment where children are excluded by law. A "public place" does not mean or include any location intended to be visible only by those inside a premises, a private residence or a multiple dwelling unit.

"Public school" includes all pre-school, elementary, intermediate and high schools, and all other schools that come under the jurisdiction of the board of education.



OFFICE OF THE CITY CLERK RESOLUTION FORM

"Tobacco" or "tobacco products" means any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, snorted, sniffed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, cigarettes, e-liquids, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco" or "tobacco products" also means electronic delivery systems, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including, but not limited to, e-cigarettes, e-cigars, e-pipes, vapor products, or e-hookahs. "Tobacco" or "tobacco products" also means any component or accessory used in the consumption of tobacco products, whether or not they contain nicotine, including, but not limited to, filters, cartridges, pods, pens, rolling papers, or pipes. "Tobacco" or "tobacco products" does not include drugs, devices, or combination products authorized for sale as a tobacco cessation product approved by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act, all products containing tobacco or a tobacco derivative, including but not exclusively limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, and so-called "smokeless" tobacco products, and products or merchandise sold, distributed or given away alone or in combination with other goods, services or merchandise which contains thereon the name brand, slogan, artwork, imagery or opinions of, or which products or merchandise are associated with, the maker or distributor of tobacco products.

"Tobacco advertisement" means the use of any promotional material in any media to market tobacco products or to promote tobacco use, including the sponsorship of sporting or entertainment events or the sponsorship of individual teams, entrants or competitors, advertising the sale or promoting the use of tobacco products in a public place, except retailers of tobacco products who may use only tombstone advertising after such retailer obtains a tobacco marketing permit pursuant to this chapter. A "tobacco advertisement" does not include advertisements on commercial vehicles used for transporting tobacco or tobacco products or any sign that contains the name or slogan of the business located within the premises on which such sign is located, provided such sign does not contain a brand name of a tobacco product.

"Tobacco marketing permit" or "~~tobacco permit~~" means the permit specified herein which must be obtained from the health department by every ~~person or entity~~ Tobacco Retailer which sells or offers for sale tobacco products directly to the public.

"Tobacco retailer" means any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group or combination acting as a unit that owns or operates, any manufacturer, producer, distributor, supplier, wholesaler or retailer of tobacco products. "Tobacco retailer" does not mean the employees of an owner or operator of any manufacturer, producer, distributor, supplier, wholesaler or retailer of tobacco products.

"Tobacco sale" means the actual sale, including face-to-face sales and all self-service sales methods, and free distribution or giveaway of tobacco products alone or in combination with other goods, services, merchandise or marketing promotions, as well as the sale or distribution of individual cigarettes or cigars or the sale or distribution of a lesser number of cigarettes or cigars than the advertised count on a typical pack or container.

"Tombstone advertisement" means the posting in public view of announcements as to the availability of tobacco products and the price thereof on a sign or signs, which shall be in a black-and-white format only and may not contain logos, artwork, imagery, slogans or opinions about tobacco products or promote the use thereof.

(Ord. dated 3/15/99)

8.90.040 - Prohibited practices.

A. Tobacco advertisements are prohibited in public places as specified in this chapter.



OFFICE OF THE CITY CLERK RESOLUTION FORM

- B. Tobacco sales are prohibited by vending machine or other self-vending methods except in places where persons under the age of twenty-one (21) are not permitted access. for adult establishments as defined in "public place" and as permitted by Section 8.90.060.
- C. Marketing of tobacco products is prohibited in the locations, and in the manners, specified in this chapter.
- D. Tobacco sales are prohibited except in accordance with this chapter after obtaining a tobacco permit described in Section 8.90.050.
- E. Use of tobacco products is prohibited on public school property.

(Ord. dated 3/15/99; Ord. dated 11/1/99)

8.90.050- Minimum Legal Sales Age, Signage, and Enforcement

- A. No Tobacco Retailer shall themselves, or through any agent, employee, or representative, give, sell, barter, or otherwise distribute any tobacco product to any person under twenty-one (21) years of age.
- B. Each person selling or otherwise distributing tobacco products shall verify the age of the purchaser by means of a government-issued photographic identification containing the bearer's date of birth demonstrating that the purchaser is twenty-one (21) years of age or older. Verification is required for any persons who appears to be under the age of (30).
 - 1. That a person appeared to be over the age of twenty-one (21) shall not constitute a defense to a violation of this Chapter. If a person fails to provide adequate proof of age, the Tobacco Retailer or the Tobacco Retailer's agent, employee, or representative shall not sell any tobacco product to the person.
- C. "THE SALE OF TOBACCO OR NICOTINE PRODUCTS OR DEVICES TO PERSONS UNDER 21 IS PROHIBITED" signs shall be legibly printed in letters at least one inch high and shall be posted clearly and conspicuously in every location where the products are available for purchase. Signage shall be in multiple languages as needed to be consistent with other facility postings.
- D. Selling or otherwise distributing tobacco products in any place that does not have a sign posted in a conspicuous place is prohibited by law and punishable consistent with this Chapter.
- E. This Section shall be enforced by the Bridgeport Health Department or its designated agent(s).
 - 1. From time to time, but at least twice per year, the Bridgeport Health Department shall conduct unannounced compliance checks. The Bridgeport Health Department shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter licensed premises to attempt to purchase tobacco products. Unannounced follow-up compliance check(s) of all non-compliant tobacco retailers are required within three (3) months of any violation. The results of all compliance checks and inspections shall be published by the Bridgeport Health Department at least annually.
- F. Any citizen who desires to register a complaint pursuant to this Chapter may do so by contacted the Bridgeport Health Department or its designated agent(s), and the Bridgeport Health Department or its designated agent(s) shall investigate.

8.90.0560 - Tobacco marketing permit procedure.



OFFICE OF THE CITY CLERK RESOLUTION FORM

- A. All tobacco sales by retailers which commence operations after the effective date of this chapter shall be made only after obtaining a tobacco marketing permit from the health department on a form provided and upon a demonstration of compliance with this chapter. All retailers existing prior to the effective date of this ordinance may continue to make tobacco sales until December 31, 1999. Starting January 1, 2000, all such retailers must obtain a tobacco marketing permit pursuant to this chapter.
- B. The permit fee shall be one hundred fifty dollars (\$150.00) [MOU1] per calendar year, or a pro rata portion thereof based upon the number of months during the calendar year in which such retailer was in operation. The permit fee shall be reviewed and adjusted annually by the Bridgeport Health Department. The fee for a tobacco permit should cover the administrative cost for licensing, education and training, retail inspections, and unannounced compliance checks as outlined in this Chapter.
- C. The duration of a permit shall be for one calendar year.
- D. A permit shall not be transferred from one Tobacco Retailer to another or from one location to another.
- E. No permit shall be issued or renewed to an establishment unless the Tobacco Retailer signs a form stating that the Tobacco Retailer has read this Chapter and has provided training to all employees on the sale of tobacco products. Such training shall include information that the sale of tobacco products to persons under 21 years of age is illegal, the types of identification legally acceptable for proof of age, and that sales to persons under 21 years of age shall subject the Tobacco Retailer to penalties.
- F. All permitted premises must be open to inspection by the Bridgeport Health Department during regular business hours.
- G. A permit shall be displayed at all times and shall be exhibited to any person upon request.
- H. No Tobacco Retailer shall engage in the sale of tobacco products without a valid permit.

8.90.070 – Violations and Penalties

- A.D. Violations of this chapter by a tobacco retailer shall be punishable by fine or suspension or revocation of the permit, as follows:
1. Upon a first violation of this chapter, the health department shall impose a fine of \$150.00 [MOU2], issue a written warning or citation to the retailer specifying the violation of this chapter.
 2. ~~If the retailer fails to demonstrate that the action complained of in the citation has been corrected to the satisfaction of the health department within five business days of the date the citation was issued, a violation will then be issued for the action complained of.~~
 3. ~~A violation is punishable by a fine of one hundred twenty-five (\$125.00) per day pursuant to Chapter 1.12, Section 1.12.010 of the municipal code of ordinances for each day that the action complained of was not corrected after the violation was issued, and such amount shall be paid to the health department within ten business days of demand.~~
 - 2.4. If a second violation is issued within a thirty-six (36) month period the same calendar year, in addition to the monetary fine of \$150.00, payable, the tobacco marketing permit shall be suspended for a period of seven (7) calendar days, or until the last day of the calendar month, whichever occurs first [MOU3].



OFFICE OF THE CITY CLERK RESOLUTION FORM

~~3.-5.~~ If a third violation is issued within the same calendar year a thirty-six (36) month period, in addition to the monetary fine payable of \$150.00, the tobacco marketing permit shall be suspended for one hundred eightythree (18030) days, or until the last day of the calendar year, whichever occurs first.

4. If a fourth violation is issued within a thirty-six (36) month period, in addition to the monetary fine of \$150.00, the tobacco permit shall be revoked.

~~6.~~ If a retailer has received three or more violations in a calendar year, no tobacco marketing permit will be issued to such business for the next succeeding calendar year.

B. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. The decision that a violation has occurred shall be in writing mailed to the tobacco retailer by the Bridgeport Health Department, the notice should specify the chapter and section with which the tobacco retailer is in violation no later than thirty (30) days from the date of the violation. Tobacco retailers have the right to appeal civil penalties in accordance with this Chapter.

C. Upon suspension or revocation of a tobacco permit, all tobacco products shall be removed from the premises. Failure to remove shall constitute a separate violation punishable by a fine to be set by the Bridgeport Health Department for each and every day of noncompliance.

D. A tobacco permit issued under this Chapter may also be denied, suspended, or revoked by the Bridgeport Health Department through written notice should the Tobacco Retailer or Tobacco Retailer's agent, employee, or representative, directly or indirectly:

1. Sell tobacco products without a valid tobacco permit

2. Fail to pay fines issued in accordance with this Chapter

3. Have a tobacco retail sales license revoked within the preceding 12 months of the date of application.

4. Fail to provide required information on the application for a tobacco permit or provide false or misleading information on an application for a tobacco permit.

5. Violate federal, state, or local tobacco product sales and use laws

E. Violations of this chapter by an advertiser, marketer or promoter of tobacco products or promoting the use thereof, other than a retailer, shall be punishable by a fine of one hundred fifty dollars (\$150.00) per day for each day that such violation continues beyond the tenth day after such violation is issued.

F. All fines collected from violations of this Chapter are to be deposited into a fund administered by the Bridgeport Health Department to cover the administrative costs for licensing, education and training, retail inspections, unannounced compliance checks, and the regulation of marketing of tobacco products.

(Ord. dated 3/15/99)

(Ord. dated 11/3/08; Ord. dated 5/16/16)

8.90.0860 - Phase-in applicable to certain businesses.



OFFICE OF THE CITY CLERK RESOLUTION FORM

If a retailer or other business owner can demonstrate to the reasonable satisfaction of the health department within sixty (60) days of the effective date of this chapter that it has entered into written agreements that existed on or before April 1, 1999, pertaining to the sale, advertisement, vending machine or other self-service sales method or other marketing of tobacco products that would otherwise be prohibited by this chapter, and further demonstrates that such written agreements would be materially violated or cancelled upon the enforcement of this ordinance against such retailer or business owner, the health department may issue an appropriate waiver of the strict enforcement of one or more of the provisions of this chapter, but only as to such specific business relationship, which waiver shall not be granted for a period in excess of two years from the effective date hereof.

(Ord. dated 3/15/99)

8.90.090- Public Education

The Bridgeport Health Department shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this Chapter to citizens affected by it, and to guide tobacco retailers in their compliance. The program may include publication of a brochure for affected tobacco retailers explaining the provisions of this Chapter and signage mandated by this Chapter.

8.90.100 - Rulemaking Authority

The Bridgeport Health Department is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this Chapter in order to protect the public health, safety, and welfare.

8.90.110 - Liberal Construction

This article shall be liberally construed so as to further its purposes.

8.90.120 – Severability

The provisions of this section are hereby declared severable, and if any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances held by a court of component jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this section that can be given effect.

8.90.070130 - Effective date.

This chapter shall be effective upon publication, [INSERT AGREED UPON EFFECTIVE DATE FOR AMENDMENTS]

(Ord. dated 3/15/99)

REFERENCES

1. *Public Health Service (2014) The health consequences of smoking – 50 years of progress: A report of the Surgeon General. U.S. Department of Health and Human Services, Atlanta, Georgia.*
<http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.
2. *PMC U.S. Library of Medicine, NIH (2008) The Importance of Timing of Transitions for Risk of Regular Smoking and Nicotine Dependence.* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2659851/>



OFFICE OF THE CITY CLERK RESOLUTION FORM

3. *Connecticut Youth Tobacco Survey Results 2017 Surveillance Report*, p. 12.
4. *Connecticut Youth Tobacco Survey Results 2017 Surveillance Report*, p. 36
Fig. 1. *Connecticut Youth Tobacco Survey Results 2017 Surveillance Report*, p. 14.
5. U.S. Food and Drug Administration. *FDA takes new steps to address epidemic of youth e-cigarette use*. News Release September 12, 2018 <https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/default.htm>
6. *Connecticut Youth Tobacco Survey Results 2017 Surveillance Report*, p. 15-17.
7. Barrington-Trimis JL, Urman R, Berhane K, et al. *E-Cigarettes and Future Cigarette Use*. *Pediatrics*. 2016;138(1):e20160379. doi:10.1542/peds.2016-0379; see also <https://truthinitiative.org/news/3-main-reasons-youth-use-e-cigarettes>.
8. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products*. The Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products. Institute of Medicine, Report Brief March 2015.
http://www.nationalacademies.org/hmd/~/media/Files/Report%20Files/2015/TobaccoMinAge/tobacco_minimum_age_report_brief.pdf

- ORIGINAL DRAFT LANGUAGE IS ATTACHED -



OFFICE OF THE CITY CLERK RESOLUTION FORM

DEPARTMENT	Referral date sent	Response Received	Date reply received
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Choose an item.		<input type="checkbox"/> Yes <input type="checkbox"/> No	

SECTION IV PUBLIC HEARING INFORMATION

Public Hearing Required	Details	Date
<input type="checkbox"/> Yes <input type="checkbox"/> No	Public Hearing Ordered on: CT Post Publication Date(s): Public Hearing Held on:	

SECTION V AMENDMENTS/EXHIBITS

Choose an item.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
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SECTION VI COMMITTEE ACTION/APPROVAL INFORMATION

Choose an item.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
Choose an item.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
Choose an item.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date:

SECTION VII WITHDRAWN/SINE DIE INFORMATION

Choose an item.	<input type="checkbox"/> Yes <input type="checkbox"/> No	Date:
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SECTION VIII DATE OF APPROVAL/DENIAL FROM CITY COUNCIL

City Council Approval Date: _____

SECTION IX COMMENTS (if any)

Proposed Resolution Amending the Bridgeport Municipal Code

CHAPTER 8. SECTION 90 OF THE BRIDGEPORT MUNICIPAL CODE

Submitted by: Peter D. Spain

Co-Sponsors: Aidee Nieves and Kyle Langan

Districts: 130, 132, and 137

Whereas, Chapter 8 of the Bridgeport Municipal Code (the "Ordinance") establishes sensible regulations to safeguard and promote the health and safety of Bridgeport residents;

Whereas, the U.S. Surgeon General reported recently that smoking is the number one preventable cause of death in the U.S., with tobacco use being responsible for almost a half million deaths a year and costs of billions of dollars in health and lost worker productivity (Reference 1);

Whereas, 95% of adult smokers began smoking before age 21, and the ages 18-21 are when most transition from occasional use to daily use and dependence (Reference 2);

Whereas, the 2017 Connecticut School Health Survey, known nationally as the Youth Tobacco Survey (YTS), reflect that over one-third of Connecticut high school students (nearly 59,000) report having tried some form of tobacco and current youth tobacco use in Connecticut is 17.9% (Reference 3);

Whereas, over 80% of high school seniors are 18 or older because they graduate, younger teens have easy access to nicotine and tobacco products through high school friends who can now purchase legally (Reference 4);

Whereas, 79% of Connecticut youth under 18 did not attempt to purchase tobacco products in the last 30 days, 21% did try. Of those, 92.4% were successful. Only 7.6% were refused sale (Reference 4);

Whereas, FDA commissioner Dr. Scott Gottlieb declared vaping a teen epidemic and identified the popular e-cigarette JUUL and four other brands as major contributors to this epidemic (Reference 5);

Whereas, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7% and youth misconceptions about harm of nicotine and e-cigarettes remain high (Reference 6);

Whereas, studies show that youth who initiate on and use e-cigarettes are six or more times more likely to use combustible tobacco cigarettes (Reference 7);

Whereas, the Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationally would have a substantial positive impact on public health, causing long-term declines in smoking rates and reducing tobacco initiation among adolescents age 15-17 by 25% (Reference 8);

Now therefore be it ordained by the City Council of the City of Bridgeport that, effective upon publication, the Municipal Code of Ordinances, Chapter 8, is hereby amended as follows:

Chapter 8.90 - REGULATION OF THE SALES AND MARKETING OF TOBACCO PRODUCTS TO CHILDREN

8.90.010 - Short title.

This chapter shall be known and may be cited as the "Bridgeport tobacco sales and marketing ordinance."

(Ord. dated 3/15/99)

8.90.020 - Purpose of chapter.

- A. It is declared to be the public policy of the city to reduce the exposure of its children to the marketing of tobacco products in order to promote their health, safety and welfare. The city finds that the use of tobacco products has prevalent, material, and predictable deleterious impacts on the health of individuals and is therefore a significant threat to the public health of its inhabitants. Thousands of users of tobacco products and other individuals exposed to second-hand smoke die or are stricken with illnesses every year that are attributed to tobacco use. Tobacco advertising, whether intended to promote tobacco use or only to compete for market share, has the consequence of promoting tobacco use. Tobacco advertising helps significantly to induce children to initiate tobacco use. Children are more receptive than adults to the clever images and messages contained in tobacco advertising and are likely to purchase the most heavily-advertised brands. Exposure to tobacco marketing, adult smoking, and peer smoking are the greatest risk factors for teenage children that decide to smoke. Of these, exposure to marketing is the greatest risk factor. The prohibition on sales to children is useful but is insufficient alone to discourage tobacco use among children.
- B. The city believes that additional measures must be taken to reduce the exposure of minors to tobacco advertising. Pursuant to the statutes of the State of Connecticut, the city has the power to regulate and prohibit any trade or business which is or may become prejudicial to public health and may make lawful regulations and ordinances in furtherance of public health. Therefore, to encourage the protection of the public health, the city seeks to reduce the exposure of children to tobacco sales, marketing and use by taking measures that include:
1. Prohibiting certain outdoor advertising in public places and certain indoor advertising of tobacco products in places likely to be frequented by children;
 2. Prohibiting the marketing of tobacco products in proximity to schools, parks and other locations frequented by children;
 3. Prohibiting certain tobacco marketing methods that are aimed at children or are likely to induce or encourage the use of tobacco products among children;

4. Creating a permit system with penalties as a means of enforcing the requirements of this chapter on those who sell tobacco products; and
5. Prohibiting the use of tobacco products at all Bridgeport public schools.

C. It is declared to be the public policy of the city to reduce youth access to tobacco products to promote the health, safety, and welfare of Bridgeport's youth. Raising the minimum legal sale and distribution age for all tobacco products to twenty-one (21) reduces access to these products by youth, as teens often acquire such products from social networks, including older friends; the vast majority of those providing nicotine and tobacco products for youth aged seventeen (17) and under are themselves between eighteen (18) and twenty (21) years old and are able to purchase legally.

D. Select findings from the 2017 Connecticut School Health Survey reflect over one-third of Connecticut high school students (nearly 59,000) report having ever tried some form a tobacco and current tobacco use is reported at 17.9%. The YTS survey shows the vast majority of youth are using flavored tobacco products, e-cigarettes and vaping devices, and although cigarette smoking has decreased among Connecticut youth, the use of electronic cigarettes and vaping devices continues to increase at an alarming rate, with current use reported at 14.7% , and shows usage increasing with age. When asked how they accessed these products, the majority of youth surveyed (59.3%) reported they obtained their e-cigarettes from a friend.

E. The Institute of Medicine predicted in a 2015 report that raising the minimum legal sales age for tobacco products to 21 nationwide will have a substantial positive impact on public health and provide long-term declines in smoking rates by reducing tobacco initiation among adolescents aged 15-17 by twenty five percent (25%) and overall prevalence of tobacco use by twelve percent (12%).

F. The city believes that additional measures must be taken to reduce youth access to all Tobacco Products. Pursuant to the statutes of the State of Connecticut, the city has the power to regulate and prohibit any trade or business which is or may become prejudicial to public health and may make lawful regulations and ordinances in furtherance of public health. Therefore, to encourage the protection of public health, the city seeks to prevent and reduce youth access to tobacco products by taking measures that include:

1. Prohibiting the sale of all tobacco products to persons under the age of 21.
2. Requiring tobacco retailers to verify age by examining valid identification.
3. Requiring tobacco retailers to display signage that informs persons "The sale of tobacco or nicotine products or devices to persons under 21 is prohibited."
4. Using existing tobacco permit system as a means of enforcing the requirements of this Chapter.

(Ord. dated 3/15/99)

8.90.030 - Definitions.

When used in this chapter, the following words and terms shall have the following meanings:

"Public park" means any public park of the city, whether designated as a park, park land, open spaces or recreation areas on the master plan of the city or on local zoning, assessment, engineering or geographic information system maps, as well as any other location used as a park within the city.

"Public place" means any public area, including public parks and public schools, where a tobacco advertisement is located or from which a tobacco advertisement on public or private property can be seen, including, but not limited exclusively to, advertisements on billboards, buildings, store fronts, public transportation vehicles including buses, taxicabs, ferry boats, government buildings, government real property, and tobacco advertisements at all places of public convenience frequented or likely to be frequented by children, including without limitation sports or entertainment facilities, fields and arenas open to the public, except for adult establishments such as bars, nightclubs and other places of public entertainment where children are excluded by law. A "public place" does not mean or include any location intended to be visible only by those inside a premises, a private residence or a multiple dwelling unit.

"Public school" includes all pre-school, elementary, intermediate and high schools, and all other schools that come under the jurisdiction of the board of education.

"Tobacco" or "tobacco products" means any product containing, made, or derived from tobacco or nicotine, whether natural or synthetic, that is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, snorted, sniffed, absorbed, dissolved, inhaled or ingested by any other means, including, but not limited to, cigarettes, e-liquids, cigars, little cigars, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco" or "tobacco products" also means electronic delivery systems, including any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including, but not limited to, e-cigarettes, e-cigars, e-pipes, vapor products, or e-hookahs. "Tobacco" or "tobacco products" also means any component or accessory used in the consumption of tobacco products, whether or not they contain nicotine, including, but not limited to, filters, cartridges, pods, pens, rolling papers, or pipes. "Tobacco" or "tobacco products" does not include drugs, devices, or combination products authorized for sale as a tobacco cessation product approved by the U.S. Food and Drug Administration, as those terms are defined in the Federal Food, Drug and Cosmetic Act, all products containing tobacco or a tobacco derivative, including but not exclusively limited to, cigarettes, cigars, pipe tobacco, chewing tobacco, and so-called "smokeless" tobacco products, and products or merchandise sold, distributed or given away alone or in combination with other goods, services or merchandise which contains thereon the name brand, slogan, artwork, imagery or opinions of, or which products or merchandise are associated with, the maker or distributor of tobacco products.

"Tobacco advertisement" means the use of any promotional material in any media to market tobacco products or to promote tobacco use, including the sponsorship of sporting or entertainment events or the sponsorship of individual teams, entrants or competitors, advertising the sale or promoting the use of tobacco products in a public place, except retailers of tobacco products who may use only tombstone advertising after such retailer obtains a tobacco marketing permit pursuant to this chapter. A "tobacco advertisement" does not include advertisements on commercial vehicles used for transporting tobacco or tobacco products or any sign that contains the name or slogan of the business located within the premises on which such sign is located, provided such sign does not contain a brand name of a tobacco product.

"Tobacco marketing permit" or ~~"tobacco permit"~~ means the permit specified herein which must be obtained from the health department by every ~~person or entity~~ Tobacco Retailer which sells or offers for sale tobacco products directly to the public.

"Tobacco retailer" means any individual, firm, partnership, joint venture, association, joint stock company, corporation, unincorporated business entity, or any other group or combination acting as a unit that owns or operates, any manufacturer, producer, distributor, supplier, wholesaler or retailer of tobacco products. "Tobacco retailer" does not mean the employees of an owner or operator of any manufacturer, producer, distributor, supplier, wholesaler or retailer of tobacco products.

"Tobacco sale" means the actual sale, including face-to-face sales and all self-service sales methods, and free distribution or giveaway of tobacco products alone or in combination with other goods, services, merchandise or marketing promotions, as well as the sale or distribution of individual cigarettes or cigars or the sale or distribution of a lesser number of cigarettes or cigars than the advertised count on a typical pack or container.

"Tombstone advertisement" means the posting in public view of announcements as to the availability of tobacco products and the price thereof on a sign or signs, which shall be in a black-and-white format only and may not contain logos, artwork, imagery, slogans or opinions about tobacco products or promote the use thereof.

(Ord. dated 3/15/99)

8.90.040 - Prohibited practices.

- A. Tobacco advertisements are prohibited in public places as specified in this chapter.
- B. Tobacco sales are prohibited by vending machine or other self-vending methods except in places where persons under the age of twenty-one (21) are not permitted access. for adult establishments as defined in "public place" and as permitted by Section 8.90.060.
- C. Marketing of tobacco products is prohibited in the locations, and in the manners, specified in this chapter.
- D. Tobacco sales are prohibited except in accordance with this chapter after obtaining a tobacco permit described in Section 8.90.050.
- E. Use of tobacco products is prohibited on public school property.

(Ord. dated 3/15/99; Ord. dated 11/1/99)

8.90.050- Minimum Legal Sales Age, Signage, and Enforcement

A. No Tobacco Retailer shall themselves, or through any agent, employee, or representative, give, sell, barter, or otherwise distribute any tobacco product to any person under twenty-one (21) years of age.

B. Each person selling or otherwise distributing tobacco products shall verify the age of the purchaser by means of a government-issued photographic identification containing the bearer's date of birth demonstrating that the purchaser is twenty-one (21) years of age or older. Verification is required for any persons who appears to be under the age of (30).

1. That a person appeared to be over the age of twenty-one (21) shall not constitute a defense to a violation of this Chapter. If a person fails to provide adequate proof of age, the Tobacco Retailer or the Tobacco Retailer's agent, employee, or representative shall not sell any tobacco product to the person.

C. "THE SALE OF TOBACCO OR NICOTINE PRODUCTS OR DEVICES TO PERSONS UNDER 21 IS PROHIBITTED" signs shall be legibly printed in letters at least one inch high and shall be posted clearly and conspicuously in every location where the products are available for purchase. Signage shall be in multiple languages as needed to be consistent with other facility postings.

D. Selling or otherwise distributing tobacco products in any place that does not have a sign posted in a conspicuous place is prohibited by law and punishable consistent with this Chapter.

E. This Section shall be enforced by the Bridgeport Health Department or its designated agent(s).

1. From time to time, but at least twice per year, the Bridgeport Health Department shall conduct unannounced compliance checks. The Bridgeport Health Department shall conduct compliance checks by engaging persons between the ages of 18 and 20 to enter licensed premises to attempt to purchase tobacco products. Unannounced follow-up compliance check(s) of all non-compliant tobacco retailers are required within three (3) months of any violation. The results of all compliance checks and inspections shall be published by the Bridgeport Health Department at least annually.

F. Any citizen who desires to register a complaint pursuant to this Chapter may do so by contacting the Bridgeport Health Department or its designated agent(s), and the Bridgeport Health Department or its designated agent(s) shall investigate.

8.90.0560 - Tobacco marketing permit procedure.

A. All tobacco sales by retailers which commence operations after the effective date of this chapter shall be made only after obtaining a tobacco marketing permit from the health department on a form provided and upon a demonstration of compliance with this chapter. All retailers existing prior to the effective date of this ordinance may continue to make tobacco sales until December 31, 1999. Starting January 1, 2000, all such retailers must obtain a tobacco marketing permit pursuant to this chapter.

B. The permit fee shall be one hundred fifty dollars (\$150.00) [MOU1] per calendar year, or a pro rata portion thereof based upon the number of months during the calendar year in which such retailer was in operation. The permit fee shall be reviewed and adjusted annually by the Bridgeport Health Department. The fee for a tobacco permit should cover the administrative cost for licensing, education and training, retail inspections, and unannounced compliance checks as outlined in this Chapter.

C. The duration of a permit shall be for one calendar year.

D. A permit shall not be transferred from one Tobacco Retailer to another or from one location to another.

E. No permit shall be issued or renewed to an establishment unless the Tobacco Retailer signs a form stating that the Tobacco Retailer has read this Chapter and has provided training to all employees on the sale of tobacco products. Such training shall include information that the sale of tobacco products to persons under 21 years of age is illegal, the types of identification legally acceptable for proof of age, and that sales to persons under 21 years of age shall subject the Tobacco Retailer to penalties.

F. All permitted premises must be open to inspection by the Bridgeport Health Department during regular business hours.

G. A permit shall be displayed at all times and shall be exhibited to any person upon request.

H. No Tobacco Retailer shall engage in the sale of tobacco products without a valid permit.

8.90.070 – Violations and Penalties

A.D. Violations of this chapter by a tobacco retailer shall be punishable by fine or suspension or revocation of the permit, as follows:

1. Upon a first violation of this chapter, the health department shall impose a fine of \$150.00[MOU2], issue a written warning or citation to the retailer specifying the violation of this chapter.
2. ~~If the retailer fails to demonstrate that the action complained of in the citation has been corrected to the satisfaction of the health department within five business days of the date the citation was issued, a violation will then be issued for the action complained of.~~
3. ~~A violation is punishable by a fine of one hundred twenty-five (\$125.00) per day pursuant to Chapter 1.12, Section 1.12.010 of the municipal code of ordinances for each day that the action complained of was not corrected after the violation was issued, and such amount shall be paid to the health department within ten business days of demand.~~
- 2-4. ~~If a second violation is issued within a thirty-six (36) month period the same calendar year, in addition to the monetary fine of \$150.00, payable, the tobacco marketing permit shall be suspended for a period of seven (7) calendar days, or until the last day of the calendar month, whichever occurs first[MOU3].~~
- 3-5. ~~If a third violation is issued within the same calendar year a thirty-six (36) month period, in addition to the monetary fine payable of \$150.00, the tobacco marketing permit shall be suspended for one hundred eightythree (18030) days, or until the last day of the calendar year, whichever occurs first.~~
4. If a fourth violation is issued within a thirty-six (36) month period, in addition to the monetary fine of \$150.00, the tobacco permit shall be revoked.
6. ~~If a retailer has received three or more violations in a calendar year, no tobacco marketing permit will be issued to such business for the next succeeding calendar year.~~

B. Each violation, and every day in which a violation occurs or continues, shall constitute a separate offense. The decision that a violation has occurred shall be in writing mailed to the tobacco retailer by the Bridgeport Health Department, the notice should specify the chapter and section with which the tobacco retailer is in violation no later than thirty (30) days from the date of the violation. Tobacco retailers have the right to appeal civil penalties in accordance with this Chapter.

C. Upon suspension or revocation of a tobacco permit, all tobacco products shall be removed from the premises. Failure to remove shall constitute a separate violation punishable by a fine to be set by the Bridgeport Health Department for each and every day of noncompliance.

D. A tobacco permit issued under this Chapter may also be denied, suspended, or revoked by the Bridgeport Health Department through written notice should the Tobacco Retailer or Tobacco Retailer's agent, employee, or representative, directly or indirectly:

1. Sell tobacco products without a valid tobacco permit
2. Fail to pay fines issued in accordance with this Chapter
3. Have a tobacco retail sales license revoked within the preceding 12 months of the date of application.
4. Fail to provide required information on the application for a tobacco permit or provide false or misleading information on an application for a tobacco permit.
5. Violate federal, state, or local tobacco product sales and use laws

E. Violations of this chapter by an advertiser, marketer or promoter of tobacco products or promoting the use thereof, other than a retailer, shall be punishable by a fine of one hundred fifty dollars

(\$150.00) per day for each day that such violation continues beyond the tenth day after such violation is issued.

F. All fines collected from violations of this Chapter are to be deposited into a fund administered by the Bridgeport Health Department to cover the administrative costs for licensing, education and training, retail inspections, unannounced compliance checks, and the regulation of marketing of tobacco products.

(Ord. dated 3/15/99)

(Ord. dated 11/3/08; Ord. dated 5/16/16)

8.90.0860 - Phase-in applicable to certain businesses.

If a retailer or other business owner can demonstrate to the reasonable satisfaction of the health department within sixty (60) days of the effective date of this chapter that it has entered into written agreements that existed on or before April 1, 1999, pertaining to the sale, advertisement, vending machine or other self-service sales method or other marketing of tobacco products that would otherwise be prohibited by this chapter, and further demonstrates that such written agreements would be materially violated or cancelled upon the enforcement of this ordinance against such retailer or business owner, the health department may issue an appropriate waiver of the strict enforcement of one or more of the provisions of this chapter, but only as to such specific business relationship, which waiver shall not be granted for a period in excess of two years from the effective date hereof.

(Ord. dated 3/15/99)

8.90.090- Public Education

The Bridgeport Health Department shall engage in a continuing public health education program to explain and clarify the purposes and requirements of this Chapter to citizens affected by it, and to guide tobacco retailers in their compliance. The program may include publication of a brochure for affected tobacco retailers explaining the provisions of this Chapter and signage mandated by this Chapter.

8.90.100 - Rulemaking Authority

The Bridgeport Health Department is hereby authorized to promulgate rules and regulations to carry out the purpose and intent of this Chapter in order to protect the public health, safety, and welfare.

8.90.110 - Liberal Construction

This article shall be liberally construed so as to further its purposes.

8.90.120 - Severability

The provisions of this section are hereby declared severable, and if any provision, clause, sentence, or paragraph of this section or the application thereof to any person or circumstances held by a court of component jurisdiction to be unconstitutional or otherwise invalid, such a ruling shall not affect the other parts of this section that can be given effect.

8.90.070130 - Effective date.

This chapter shall be effective upon publication. [INSERT AGREED UPON EFFECTIVE DATE FOR AMENDMENTS]

(Ord. dated 3/15/99)

REFERENCES

1. Public Health Service (2014) The health consequences of smoking – 50 years of progress: A report of the Surgeon General. U.S. Department of Health and Human Services, Atlanta, Georgia. <http://www.surgeongeneral.gov/library/reports/50-years-of-progress/full-report.pdf>.
2. PMC U.S. Library of Medicine, NIH (2008) The Importance of Timing of Transitions for Risk of Regular Smoking and Nicotine Dependence. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2659851/>
3. Connecticut Youth Tobacco Survey Results 2017 Surveillance Report, p. 12.
4. Connecticut Youth Tobacco Survey Results 2017 Surveillance Report, p. 36
Fig. 1. Connecticut Youth Tobacco Survey Results 2017 Surveillance Report, p. 14.
5. U.S. Food and Drug Administration. FDA takes new steps to address epidemic of youth e-cigarette use. News Release September 12, 2018
<https://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/default.htm>
6. Connecticut Youth Tobacco Survey Results 2017 Surveillance Report, p. 15-17.
7. Barrington-Trimis JL, Urman R, Berhane K, et al. E-Cigarettes and Future Cigarette Use. *Pediatrics*. 2016;138(1):e20160379. doi:10.1542/peds.2016-0379; *see also* <https://truthinitiative.org/news/3-main-reasons-youth-use-e-cigarettes>.
8. Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products. The Committee on the Public Health Implications of Raising the Minimum Age for Purchasing Tobacco Products. Institute of Medicine, Report Brief March 2015.
[http://www.nationalacademies.org/hmd/~media/Files/Report%20Files/2015/TobaccoMinAge/tobacco_minimum_age_report_brief.pdf](http://www.nationalacademies.org/hmd/~/media/Files/Report%20Files/2015/TobaccoMinAge/tobacco_minimum_age_report_brief.pdf)

Item# *153-17 Consent Calendar

Resolution requesting that the stretch of public road around St. Mary's by the sea from the westernmost edge of the property line of the Black Rock Yacht Club to the westernmost edge of the property line of 923 Gilman Street be designated as Eames Boulevard.



**Report
of
Committee
on**

Public Safety and Transportation

City Council Meeting Date: November 19, 2018

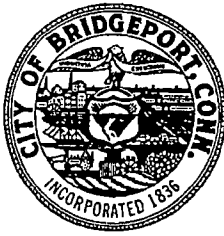
Attest: *Lydia N. Martinez*
Lydia N. Martinez, City Clerk

Approved by: _____
Joseph P. Ganim, Mayor

Date Signed: _____

PLEASE NOTE: Mayor did not sign report

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CITY CLERKS OFFICE
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ATTEST
CITY CLERK



City of Bridgeport, Connecticut

Office of the City Clerk

To the City Council of the City of Bridgeport.

The Committee on **Public Safety and Transportation** begs leave to report; and recommends for adoption the following resolution:

Item No. *153-17 Consent Calendar

WHEREAS, some residents in the St. Mary's by the Sea section of the city list their home addresses as "Eames Boulevard",

WHEREAS, Eames Blvd is named for the one and only George Manson Eames (1859-1937), a Bridgeport civic leader, member of the Park Commission (1902-1937), and President of the Commission from 1905-1937; and

WHEREAS, Eames Boulevard is widely known as that **stretch of public road** around St. Mary's by the Sea in the City of Bridgeport *from* the westernmost edge of the property line of the Black Rock Yacht Club (80 Grovers Avenue, Bridgeport, CT 06605) *to* the westernmost edge of the property line of 923 Gilman St, Bridgeport, CT 06605 (bordering a city park); and

WHEREAS, homeowners in the area have requested to have "Eames Blvd" street signs erected at both ends of Eames Boulevard to define their stretch of road for visitors to and others traveling to their homes; and

WHEREAS, the City Engineer and Traffic Engineer denied the request for Eames Blvd street signs "because Eames Boulevard name was never adopted by the City Council"; and

WHEREAS, the City Engineer is requiring the City Council to pass a resolution to designate the aforementioned "stretch of public road" as Eames Boulevard; and

NOW, THEREFORE, BE IT RESOLVED that the **stretch of public road** around St. Mary's by the Sea in the City of Bridgeport *from* the westernmost edge of the property line of the Black Rock Yacht Club (80 Grovers Avenue, Bridgeport, CT 06605) *to* the westernmost edge of the property line of 923 Gilman St, Bridgeport, CT 06605 will be designated going forward as "Eames Boulevard".

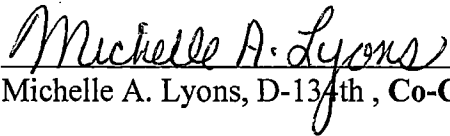


City of Bridgeport, Connecticut Office of the City Clerk

Report of Committee on **Public Safety and Transportation**
Item No. *153-17 Consent Calendar

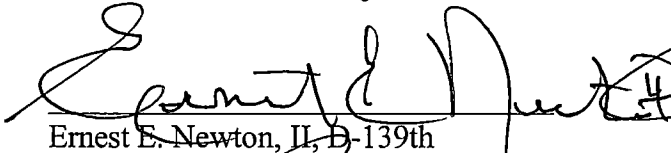
-2-

RESPECTFULLY SUBMITTED,
THE COMMITTEE ON
PUBLIC SAFETY AND TRANSPORTATION



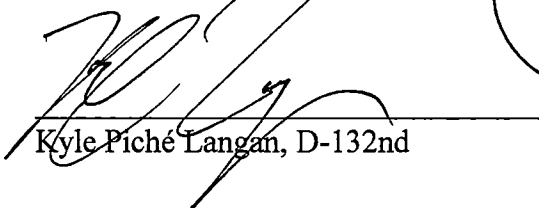
Michelle A. Lyons, D-134th, Co-Chair

Jack O. Banta, D-131st, Co-Chair



Ernest E. Newton, II, D-139th

Karen Jackson, D-138th


Kyle Piché Langan, D-132nd

Eneida L. Martinez, D-139th

Maria I. Valle, D-137th

City Council Date: November 19, 2018



City of Bridgeport, Connecticut

Office of the City Clerk

To the City Council of the City of Bridgeport:

The Committee on **Public Safety and Transportation** begs leave to report; and recommends for adoption the following resolution:

Item No. *169-17 Consent Calendar

WHEREAS, Paul Mendes was a life-long city resident, educated in the Bridgeport public school system he furthered his education with a B.S. in Business Administration, and over the years was very instrumental in supporting numerous community and neighborhood projects in both the Hollow neighborhood and citywide that contributed to the greatness of Bridgeport; and

WHEREAS, Paul Mendes was employed twenty plus years with the American Red Cross where he was valued and treasured as an emergency services representative; and

WHEREAS, Paul Mendes was Executive Director of the Mt. Aery Baptist Church Development Corp, a former member and Exalted Ruler of New Era Lodge #290 I.B.P.O.E. of W. and member of the Chessman Foundation; and

WHEREAS, his spiritual needs were met as a disciple of Mt. Aery Baptist Church where he served in the Fellowship Club, the Men's Fellowship, the Bible Study and Sunday School; and

WHEREAS, members of the Hollow Neighborhood Revitalization Zone, the Hollow Community Development Corporation, the Mt. Aery Baptist Church and Friends of Paul Mendes have reached out to his City Council representatives from the 136th District to request that the City designate a portion of George Street, from Main Street to Madison Avenue, in his honor; and

WHEREAS, Paul Mendes always watched out for his community and his neighbors and it would be an honor for his friends, church and those he touched that his love, kindness, generosity and many contributions be recognized by the City of Bridgeport by having the portion of George Street between Main Street and Madison Avenue honorably designated as "**Paul Mendes Way**"; and

NOW, THEREFORE, BE IT RESOLVED that in memory of a community leader and role model; a compassionate man who loved this City and the people therein; and in recognition of his many contributions to the City of Bridgeport and the Hollow neighborhood that George Street between Main Street and Madison Avenue be honorably named "**Paul Mendes Way**" with appropriate signage being placed at the George Street intersections with Main Street, Hurd Avenue, and Madison Avenue.

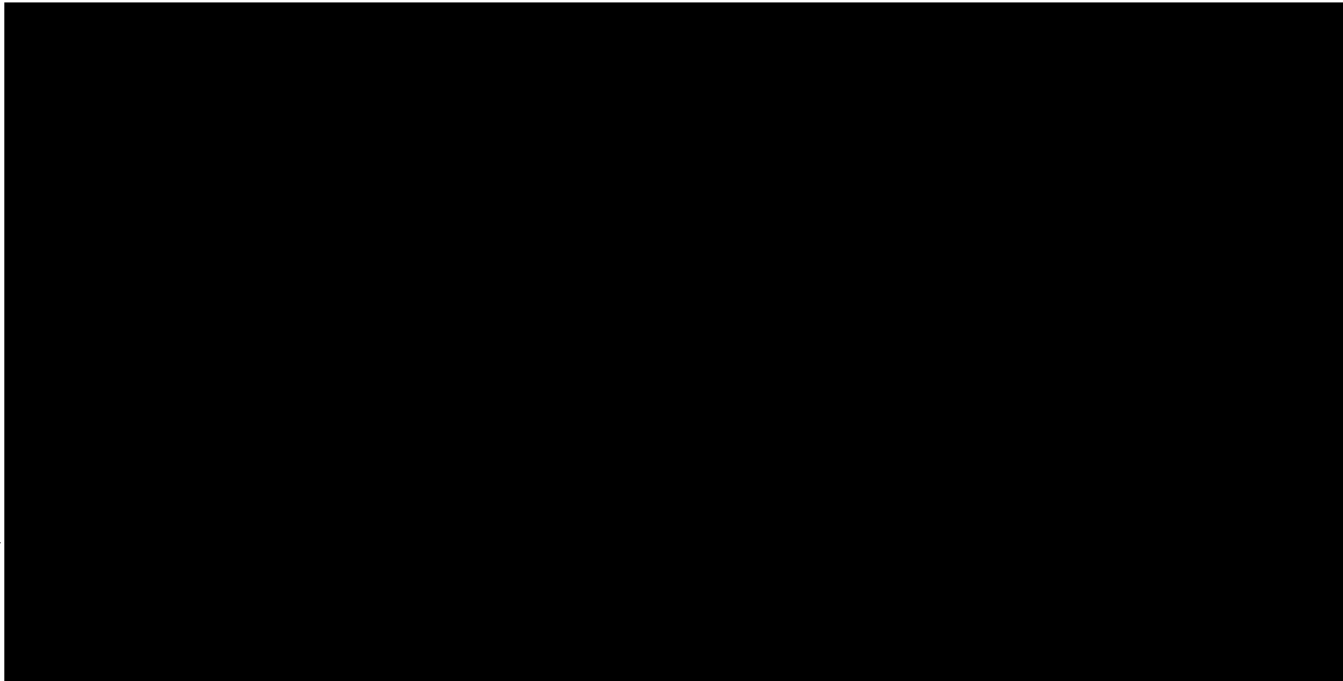


City of Bridgeport, Connecticut
Office of the City Clerk

Report of Committee on **Public Safety and Transportation**
Item No. *169-17 Consent Calendar

-2-

RESPECTFULLY SUBMITTED,
THE COMMITTEE ON
PUBLIC SAFETY AND TRANSPORTATION



City Council Date: November 19, 2018
Tabled & Ref'd Back to Committee: November 19, 2018



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Suggested Sites

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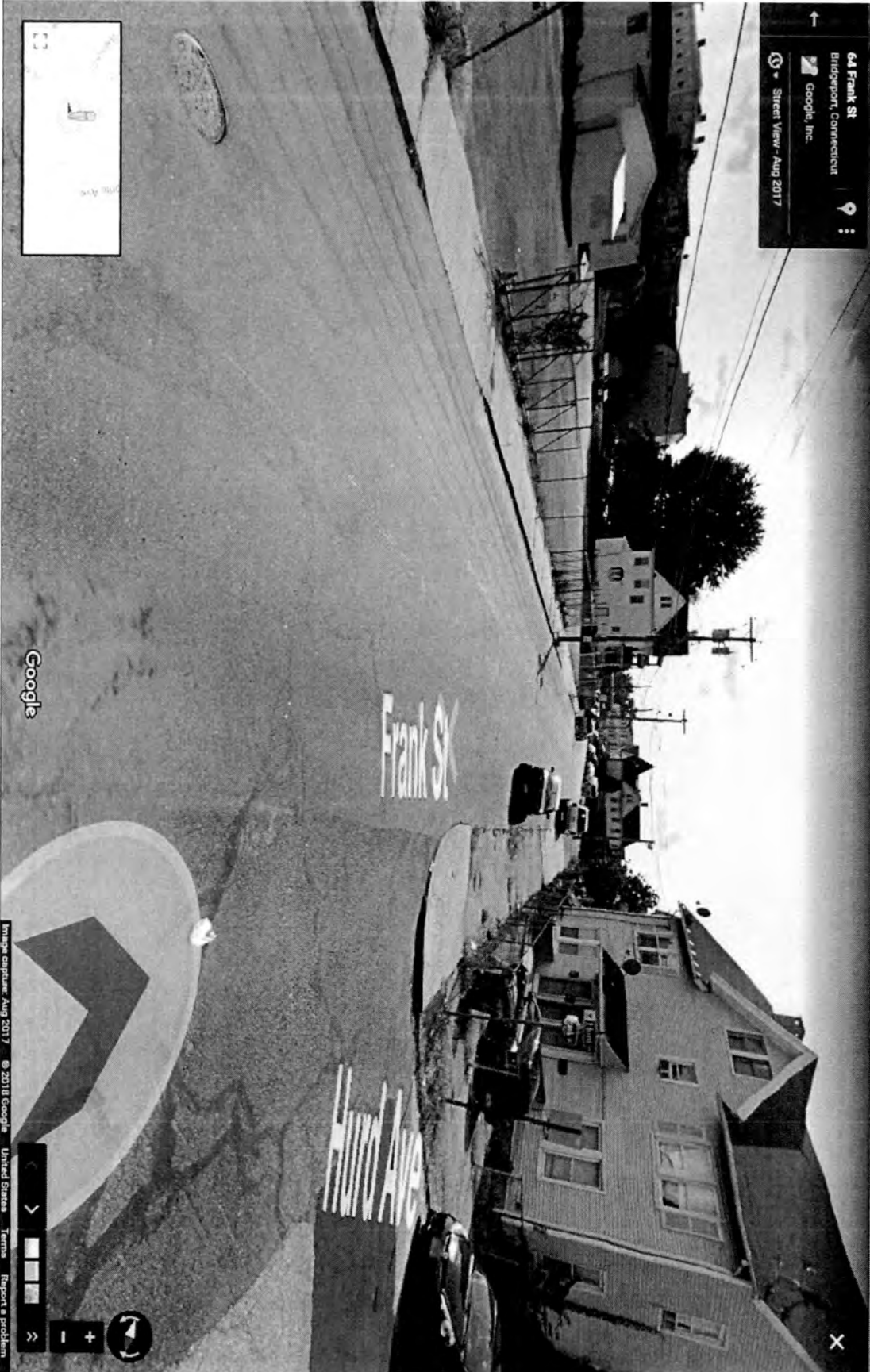
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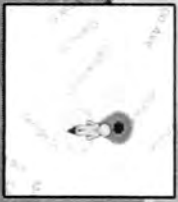
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City of Bridgeport, Connecticut

Office of the City Clerk

To the City Council of the City of Bridgeport:

The Committee on **Public Safety and Transportation** begs leave to report; and recommends for adoption the following resolution:

Item No. *177-17 Consent Calendar

Resolution

WHEREAS, the Pequonnock River Trail is a 16-mile bicycle route extending from the Monroe-Newtown border, through Monroe and Trumbull, and currently ending at Beardsley Park in Bridgeport; and

WHEREAS, the City of Bridgeport Office of Planning and Economic Development secured \$1.4 Million of federal Congestion Mitigation & Air Quality (CMAQ) funding managed by the Connecticut Department of Transportation, and provided a \$400,000 local match; and

WHEREAS, the total \$1.8 Million is being utilized to design and construct the remaining 3 miles to connect the Pequonnock River Trail between Beardsley Park and Seaside Park, identified as State Project 15-374; and

WHEREAS, OPED, in consultation with CTDOT, hired NV5 to design the remaining segment of the Pequonnock River Trail through Bridgeport; and

WHEREAS, the project design focuses on the creation of dedicated bicycle lanes where most feasible, and clear signage for bicycles along the entire length of the Trail; and

WHEREAS, the design is transitioning from preliminary design to final design; and

WHEREAS, three (3) public information meetings were conducted during July and August 2018, followed by an additional two-week public comment period; and

WHEREAS, the CTDOT requires City Council support to move the project into final design and construction.

NOW THEREFORE, BE IT RESOLVED, that the City of Bridgeport, through its City Council, does support the advancement of design and subsequent construction of the City's "Pequonnock River Trail Extension," utilizing funds from the CMAQ Program, otherwise identified as State Project 15-374.



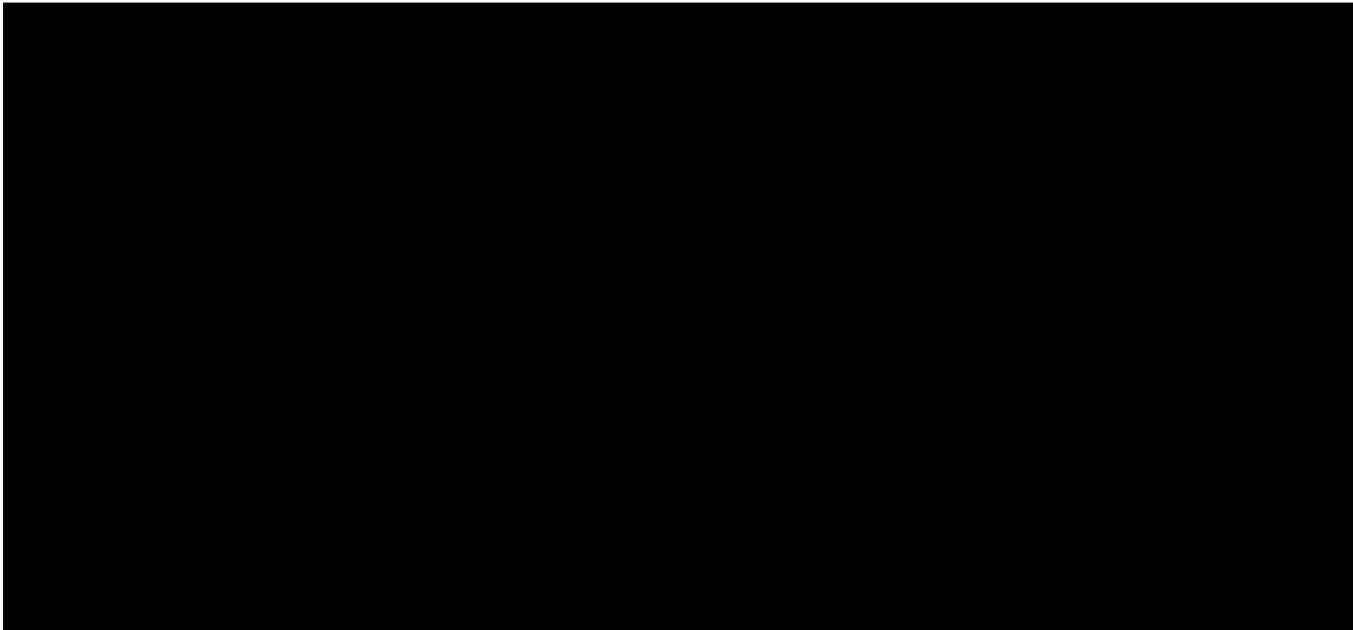
City of Bridgeport, Connecticut
Office of the City Clerk

Report of Committee on Public Safety and Transportation

Item No. *177-17 Consent Calendar

-2-

RESPECTFULLY SUBMITTED,
THE COMMITTEE ON
PUBLIC SAFETY AND TRANSPORTATION



City Council Date: November 19, 2018
Tabled & Ref'd Back to Committee: November 19, 2018

Item # 164-17

Grant Submission: re U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) for FY2018 Local Solicitation. (#19312)



**Report
of
Committee
on**

Public Safety and Transportation

City Council Meeting Date: November 19, 2018
(OFF THE FLOOR)

Attest: Lydia N. Martinez
Lydia N. Martinez, City Clerk

Approved by: Joseph P. Ganim
Joseph P. Ganim, Mayor
Date Signed: 11/26/18

RECEIVED
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18 NOV 27 AM 10:26
ATTEST
CITY CLERK



City of Bridgeport, Connecticut

Office of the City Clerk

To the City Council of the City of Bridgeport.

The Committee on **Public Safety and Transportation** begs leave to report; and recommends for adoption the following resolution:

Item No. 164-17

**A Resolution by the Bridgeport City Council
Regarding the
U.S. Department of Justice
Edward Byrne Memorial Justice Assistance Grant (JAG) Program
FY2018 Local Solicitation (#19312)**

WHEREAS, the U.S. Department of Justice is authorized to extend financial assistance to municipalities in the form of grants; and

WHEREAS, this funding has been made possible through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2018 Local Solicitation; and

WHEREAS, funds under this grant will be used to support and improve law enforcement response; and

WHEREAS, it is desirable and in the public interest that the City of Bridgeport, submits an application to the U.S. Department of Justice to support projects and acquire equipment that will improve law enforcement response

NOW THEREFORE, BE IT HEREBY RESOLVED BY THE CITY COUNCIL:

1. That it is cognizant of the City's grant application to and contract with the U.S. Department of Justice for the purpose of the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2018 Local Solicitation.
2. That it hereby authorizes, directs and empowers the Mayor or his designee, the Director of Central Grants, to execute and file such application with the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2018 Local Solicitation and to provide such additional information and to execute such other contracts, amendments, and documents as may be necessary to administer this program.




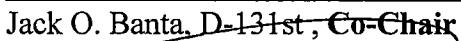
City of Bridgeport, Connecticut
Office of the City Clerk


Report of Committee on Public Safety and Transportation
Item No. 164-17

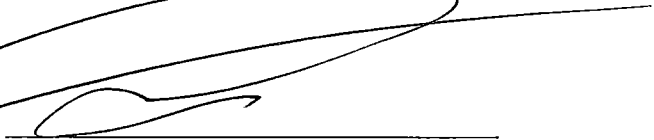
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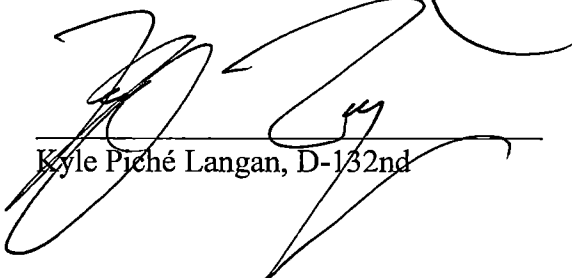
RESPECTFULLY SUBMITTED,
THE COMMITTEE ON
PUBLIC SAFETY AND TRANSPORTATION



Michelle A. Lyons, D-134th, Co-Chair



Jack O. Banta, D-131st, Co-Chair


Ernest E. Newton, II, D-139th


Karen Jackson, D-138th


Kyle Piché Langan, D-132nd


Eneida L. Martinez, D-139th


Maria I. Valle, D-137th

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OFFICE OF THE CITY ATTORNEY

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Facsimile (203) 576- 8252



**Comm. #202-17 Ref'd to Miscellaneous Matters Committee
On 11/19/2018 (OFF THE FLOOR)**

November 19, 2018

Honorable Council Member AmyMarie Vizzo-Paniccia
& Honorable Council Member Nessah Smith
Co-Chairpersons of Miscellaneous Matters Committee
Bridgeport City Council
45 Lyon Terrace
Bridgeport CT 06604

RECEIVED
CITY CLERKS OFFICE
18 NOV 20 AM 9:46
ATTEST
CITY CLERK

Re: Proposed Workers' Compensation Matter Settlement with Estate of Carney Freddino

Dear Honorable Councilpersons:

At the conclusion of this evening's City Council meeting, would one of you kindly introduce the appropriate Motions (*set forth below*) to place the above-referenced matter onto the Agenda for t
FOR REFERRAL TO MISCELLANEOUS MATTERS COMMITTEE.

This is a time sensitive matter as it is scheduled for an upcoming Workers' Compensation Commission hearing. Assuming the item is referred to committee this evening, then it can be considered at the Miscellaneous Matters Committee's Regular November meeting scheduled for next Monday (November 29th at 6 PM) and subsequently be timely acted upon by the Full City Council at its December 3rd meeting.

MOTION 1 – Motion to Add to the Agenda the matter of a proposed Workers' Compensation Settlement with the Estate of Carney Freddino

Requires – 2/3 Majority Vote


MOTION 2 – Motion to Refer to the Miscellaneous Matters Committee a proposed Workers' Compensation Settlement with the Estate of Carney Freddino

Requires - Simple Majority Vote

Anastasi to City Clerk
Re: Workers' Compensation Settlement w/Estate of C. Freddino
Dated: 11/19/18
Page 2 of 2

Thank you very much for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Mark T. Anastasi". The signature is written in a cursive style with a long, sweeping underline.

Mark T. Anastasi, Esq.

Cc: Lydia Martinez, City Clerk
Frances Ortiz, Asst. City Clerk
R. Christopher Meyer, City Atty.
Daniel Shamus, Chief of Staff
Kimberly Staley, CAO
Richard Weiner, Benefits Manager
Joseph Passaretti, Esq. / Monstream & May