



# City of Madison

City of Madison  
Madison, WI 53703  
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## Meeting Minutes - Approved COMMON COUNCIL ORGANIZATIONAL COMMITTEE

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Tuesday, October 6, 2009

4:30 PM

210 Martin Luther King, Jr. Blvd.  
Room 108 (City-County Building)

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### CALL TO ORDER

**Present:** 7 -  
Tim Bruer; Mark Clear; Shiva Bidar-Sielaff; Marsha A. Rummel; Bryon A. Eagon; Michael Schumacher and Chris Schmidt

**Excused:** 1 -  
Judy Compton

**Others Present:** Ald. Bridget Maniaci, Ald. Satya Rhodes-Conway, City Attorney Mike May, Jim Whitney (City Architect), Lucia Nunez (DCR Director), Chief Noble Wray (MPD), Jennifer Zilavy (Assistant City Atty.), Kathryn Plominski (Alcohol Policy Coordinator), Joel Plant (Mayoral Assistant) and Kristin Czubkowski (TCT)

Ald. Tim Bruer, Chair, called the meeting to order at 4:34 p.m.

### APPROVAL OF MINUTES

A motion was made by Ald. Michael Schumacher, seconded by Ald. Mark Clear to approve the meeting minutes from September 1, 2009. The motion passed by voice vote/other.

### PUBLIC COMMENT

There was no public comment.

### DISCUSSION ITEM

Ald. Judy Compton arrived at 4:45 p.m.

**Present:** 8 -  
Tim Bruer; Mark Clear; Shiva Bidar-Sielaff; Marsha A. Rummel; Bryon A. Eagon; Judy Compton; Michael Schumacher and Chris Schmidt

[16147](#)

Common Council Office: Security Door Plans & Cost Estimates - Ald. Tim Bruer, Common Council President

**Attachments:** [Council Office Security Door Plan](#)  
[Council Office Security Door Cost Estimates](#)

Ald. Tim Bruer requested that this item be moved up on the agenda. There was no objection. Ald. Tim Bruer noted that during one of his Council President terms the Mayor's office was remodeled with a security door and it was thought that the Council office would be moving and a security door would be installed at that time. That move did not occur but security concerns are still valid. Ald. Bruer requested the Madison Police Department and the City Architect to review security within the office. What is before the CCOC are preliminary drawings and estimates.

Jim Whitney, City Architect, reviewed the Common Council office security door proposal and cost estimates. He noted that it is the simplest modification he could come up with in terms of providing full security for the Council Office. He noted that it would involve installing a door and a security window with a deal tray similar to what is installed in the Police Department.

Ald. Shiva Bidar-Sielaff questioned why the Architectural & Engineering Design Fees were \$10,000. Mr. Whitney noted that these costs assume there may be some engineering work due to the heating and cooling needs of the office. Mr. Whitney stated that he would meet with a mechanical engineer to see if their estimate was reflective with his estimate.

Ald. Marsha Rummel asked what was the real threat to the Council office. Lisa Veldran noted that there have been recent incidents (e.g. bomb scare, stalking case) that have caused her to reconsider the need for security in the office. She stated that the office is open even when staff is not present and people coming into the office have access to alder mailboxes. She also noted there are times when staff returns to the office that alders are assisting the public. A security assessment was conducted with a MPD officer and Mr. Whitney. Simple security changes were made: scissors/letter openers removed from front of desks, panic buttons relocated, and a mirror installed. Major security changes dealing with access were discussed and Ald. Tim Bruer was clear that some sort of public access be maintained. The attached security door plan was drafted after the assessment.

Chief Noble Wray noted that over the years the MPD has taken a number of reports on threats made against alders and supported safety and security measures being taken for the Common Council office staff and alders.

Ald. Bruer asked Mr. Whitney to return to the CCOC when further details are available. Ald. Judy Compton stated that safety for staff is needed and alders should make the office as safe as possible.

[16145](#)

2010 Proposed Common Council Meeting Dates

**Attachments:** [DRAFT 2010 Council Meetings](#)  
[MEAC memo RE: Council Meetings on Election Days](#)

Lisa Veldran presented a proposed list of 2010 Common Council meeting dates that avoid meetings on election days and any holidays in 2010. There were no objections to the schedule as presented. Ald. Tim Bruer requested that the co-sponsors of the resolution be the members of the CCOC.

## REFERRALS FROM COMMON COUNCIL

[15806](#)

Repealing Section 25.09(12) of the Madison General Ordinances to eliminate the sunset provision and make the Chronic Nuisance Premises ordinance permanent.

**Sponsors:** David J. Cieslewicz, Tim Bruer, Mark Clear, Judy Compton, Paul E. Skidmore, Thuy Pham-Remmele, Michael Schumacher, Jed Sanborn, Joseph R. Clausius, Steve King and Bridget R. Maniaci

**Attachments:** [Version 2 - Alternate](#)  
[Version 1](#)  
[Registration Stmt.pdf](#)  
[Police Capt Report.pdf](#)  
[K. Sileaff Email re: Chronic Nuisance 10/6/09 CCOC](#)  
[J. Zilavy Handout 10/16/09 CCOC](#)

Recommend adoption of SUBSTITUTE Ordinance.

**This item was moved up on the agenda with no objection. Ald. Mark Clear moved adoption of the original ordinance (not the EOC alternate ordinance), seconded by Ald. Judy Compton.**

Assistant City Attorney Jennifer Zilavy, Chief Noble Wray and Lucia Nunez, Department of Civil Rights Director, were present for discussion on this item. Attorney Zilavy distributed and reviewed with CCOC members a handout entitled "Chronic Nuisance Premises Ordinance – Implementation Summary" (attached to legislative file).

Attorney Zilavy noted that out of approximately 100 properties 8 were identified with chronic nuisance activity. All properties, with the exception of one, were abated. She stated that in her estimation the ordinance was working as it was intended.

Ald. Judy Compton thanked Attorney Zilavy for her efforts and noted that the ordinance has been a great help in her district. Ald. Compton asked what was contained in the letter that is sent out to the property owners. Chief Wray stated that the initial letter provides the landlord with an opportunity to meet with the Attorney Zilavy and the MPD to work on solutions to abate the chronic nuisance problem(s).

Ald. Marsha Rummel asked if there was any information/data on evictions that

may have occurred due to the abatement process. Attorney Zilavy stated that information would be hard to quantify. She was aware of only one incidence where it may have occurred (1118 Petra Place). The property was declared a chronic nuisance first and nothing changed. Attorney Zilavy then filed a drug nuisance claim in circuit court. The landlord then evicted tenants who were actively involved in drug activity and had not paid their rent in three months.

Lucia Nunez stated that the Department of Civil Rights conducts a cross-check with Attorney Zilavy's list. There were no matches between housing complaints with the addresses of the identified chronic nuisance properties in 2009 or 2008. Housing complaints were mainly made up of claims related to failure to rent or issues with lease terms and conditions.

Ald. Tim Bruer noted that the strength of the chronic nuisance ordinance involved education and mediation and had gone well beyond what people imagined.

Ald. Marsha Rummel asked if the EOC alternate was before the CCOC. It was noted that the motion before the CCOC was to recommend adopting the original ordinance and not the EOC alternate ordinance. Ms. Nunez noted that the EOC alternate requested eight (8) changes and additional reports to be generated. Ald. Rummel wanted the CCOC to discuss making the ordinance permanent or extending the sunset to November 1, 2010 as recommended by EOC.

Ald. Schumacher asked how the EOC became involved with the ordinance. Attorney Zilavy noted that the original EOC chronic nuisance ordinance was tabled at a spring Council meeting (5/19/09 meeting - Legislative File No. 12036) and then an ordinance was introduced to eliminate the sunset provision. Ms. Nunez stated that the alternate was produced from the last EOC meeting which added the language from Ordinance, Legislative File No. 12036, extended the sunset date and added report/data collection on evictions.

Joel Plant stated that the ordinance was referred to Public Safety Review Committee, EOC, Housing Committee and Community Services Committee and that EOC was the only committee that recommended changes to the ordinance. Ald. Clear clarified that the Housing Committee was meeting on October 7, 2009 to discuss the ordinance.

Ald. Bidar-Sielaff questioned Lucia Nunez on whether she saw any problems compiling data on protected classes and the use of the chronic nuisance ordinance. Chief Wray said that if the data is requested as part of the eviction outcome he believed there would be bigger challenges in data collection. Officers don't produce an outcome that is based on eviction. Ald. Bidar-Sielaff noted that the language in the alternate didn't specify collecting data on those who get evicted but rather data on the tenants. Lucia Nunez had a problem with landlords collecting that kind of data – they should be renting to whomever (not discriminating). She noted the intent of the EOC was to find out who is being affected by the ordinance but she realized this request would be challenging in order to collect the data.

Ald. Compton stated that nothing was "broken" and a problem didn't seem to exist so she could not support the alternate ordinance from EOC. Ms. Nunez noted that the amendments listed in the drafter's analysis laid out the reason

for the changes by EOC. She felt the collection of the data would be difficult but encouraged the CCOC to look at and review the amendments. Ms. Zilavy noted that the EOC changes contained in the alternate ordinance were in the original version from the spring. She was opposed to Change #1 and Change #2 dealing with the District Attorney's office. She stated that the City Attorney's office has no influence over whether the DA will charge a person and their turnaround time is affected by lack of resources in their office. Chief Wray said that Council could request reports on the effectiveness of the ordinance at any time.

Ald. Schumacher said what he has heard is that there are no problems with the ordinance, that it is working and that the real issue before CCOC is dealing with the sunset.

Ald. Shiva Bidar-Sielaff made a friendly amendment to the main motion to request an annual report of the chronic nuisance activity and actions (excluding (12)(a)(1) 3 dealing with evictions.) by the Chief of Police to be contained in their annual report to Council.

The motion (as amended by Ald. Bidar-Sielaff) was made by Ald. Michael Schumacher, seconded by Ald. Judy Compton, to Return to Lead with the Following Recommendation(s) to adopt the ordinance to the PUBLIC SAFETY REVIEW COMMITTEE.

The amended motion passed by voice vote/other.

14940

THIRD SUBSTITUTE - Amending Section 33.02 of the Madison General Ordinances to modify the composition of the Alcohol License Review Committee.

**Sponsors:** Tim Bruer, Mark Clear, Judy Compton, Michael Schumacher and Julia S. Kerr

**Attachments:** [Version 1](#)  
[070709 CCOC R Lee Registration Statement](#)  
[Registration Form.pdf](#)  
[Version 2](#)  
[Version 3](#)  
[Ald. Eagon's Draft 4th Substitute 14940](#)  
[Version 4](#)

Motion as amended passed 4:3: Ayes: Bruer, Clear, Bidar-Sielaff, Rummel, Eagon - Noes: Compton, Schumacher - Non-Voting: Schmidt

Ald. Bryon Eagon distributed a 4th substitute ordinance that he would like CCOC to consider (attached to the legislative file). Changes included:

1. Expanding "student" to include any student from the UW, MATC or Edgewood
2. Must be 18 years of age
3. 2 year appointment vs. 3 year appointment
4. Mayor approves recommendation

Ald. Judy Compton reiterated her concern that the student be 21 years old (legal drinking age) vs. 18 years old. Ald. Eagon believed an 18 year old could contribute to discussions given the variety of experiences that they are able to take part in currently.

Ald. Mark Clear questioned whether the student would need to be enrolled vs. a graduated student or someone who has dropped out. City Attorney Mike May stated that the student appointment was intended to be a currently enrolled student, and if not enrolled, would resign from the ALRC.

Ald. Bridget Maniaci said that the word "enrollment" is subjective and that students could be part-time or taking one credit. Ald. Eagon didn't see any problem with student status being part-time vs. full-time.

Ald. Shiva Bidar-Sielaff supported the fourth substitute.

Ald. Marsha Rummel did not agree with taking out the ASM technical advisor language. City Attorney May understood that when the ordinance was drafted that the technical advisor would be gone and that the student would be appointed. He believed that it would be a decision by the body on whether to keep an ASM technical advisor and a student member from another school.

Ald. Mark Clear made a friendly amendment to the main motion that the student must be currently enrolled and remain enrolled while serving on the ALRC. Motion was considered friendly by Ald. Eagon.

Ald. Bryon Eagon moved, seconded by Ald. Marsha Rummel to add back the following language, "...the chair of the Student Council of the Associated Students of Madison..". Ald. Mark Clear and Ald. Michael Schumacher opposed the motion. Ald. Schumacher reiterated that a compromise had been reached and couldn't support the compromise. Ald. Marsha Rummel stated that she thought the ALRC was unbalanced and it sent a good institutional message to the students that this is policy that affects them directly. Ald. Bridget Maniaci stated that she liked the amendment because it brings a variety of student stakeholders. Ald. Shiva Bidar-Sielaff supported the motion because it provided an opportunity for the student constituency to have their voices heard. Ald. Shiva Bidar-Sielaff made a friendly amendment to the motion to unstrike all language in (2)(a). Motion was considered friendly by Ald. Eagon.

The motion as amended failed on the following vote of 3-4: Aye: Bidar-Sielaff, Rummel, Eagon - No: Bruer, Clear, Compton, Schumacher - Non-Voting: Schmidt

A motion to adopt the Fourth Substitute Ordinance as amended was made by Ald. Bryon Eagon, seconded by Ald. Shiva Bidar-Sielaff, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by a roll call vote of:

**Ayes:** 5 -  
Tim Bruer; Mark Clear; Shiva Bidar-Sielaff; Marsha A. Rummel and Bryon A. Eagon

**Noes:** 2 -  
Judy Compton and Michael Schumacher

**Non Voting:** 1 -  
Chris Schmidt

[15914](#)

Amending Sec. 39.02(3)(c) of the Madison General Ordinances to revise the terms for members of the Affirmative Action Commission from two to three years.

**Sponsors:** David J. Cieslewicz and Joseph R. Clausius

**Ald. Mark Clear moved to approve, seconded by Ald. Shiva Bidar-Sielaff. This Ordinance was Return to Lead with the Recommendation for Approval to the AFFIRMATIVE ACTION COMMISSION**

[15912](#)

Amending and repealing various sections of the Madison General Ordinances to correct inconsistencies and improper references in the Madison General Ordinances, constituting the 2009 City Attorney Reviser's Ordinance.

**Sponsors:** Common Council By Request

**Attachments:** [4612CA.rev.ord.pdf](#)

**A motion was made by Ald. Mark Clear, seconded by Ald. Shiva Bidar-Sielaff, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.**

## DISCUSSION ITEMS

[15826](#)

Creating a special committee on alcohol licensing and enforcement - Ald. Marsha Rummel, District 6

**Ald. Marsha Rummel spoke to this item. She stated that she was frustrated by issues related to alcohol licensing and thought that a subcommittee or work group could be formed, either by CCOC or the ALRC, to review and discuss issues. Ald. Clear asked her to clarify whether she was concerned with mechanical processes or policy issues. Ald. Rummel said it was more on the mechanical processes focusing on enforcement, notification, role of license clerk, etc.**

**Kathryn Plominski stated that two subcommittees have now been meeting: a Collaboration Subcommittee which brainstorm ways to problem solve issues between stakeholders and a Policy Work Group to work on policy issues. Ald. Compton asked if these subcommittees would address the issues that Ald. Rummel was concerned with.**

**Ald. Tim Bruer asked Kathryn Plominski to provide a written framework/memo on the subcommittees and the initiatives/issues they are working on for the next CCOC meeting. Joel Plant reviewed the CPT compliance check process and stated that it is being streamlined by hiring an hourly position to take over this process.**

## FUTURE AGENDA ITEMS

\*Memo from Kathryn Plominski on ALRC Subcommittees - Description and Initiatives/Issues

## ADJOURNMENT

A motion was made by Ald. Marsha Rummel, seconded by Ald. Mark Clear, to adjourn. The motion passed by voice vote/other. The meeting adjourned at 6:21 p.m.