



City of Madison
Meeting Minutes - Final
COMMON COUNCIL
ORGANIZATIONAL COMMITTEE

City of Madison
Madison, WI 53703
www.cityofmadison.com

Tuesday, March 7, 2006

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 201 (City-County Building)

CALL TO ORDER

Others in Attendance: Ald. Mike Verveer, Ald. Ken Golden, Ald. Judy Compton, Janet Piraino, City Attorney Michael May, Assistant City Attorney Marci Paulsen, Roger Goodwin, City-Co. Public Health Director Dr. Thomas Schlenker, MPD Chief Noble Wray, Rosemary Lee, Brian Haltinner, Gary Poulson, Jean MacCubbin.

The meeting was called to order at 4:30 p.m.

Present: Ald. Paul J. Van Rooy, Ald. Zachariah Brandon, Ald. Austin W. King, Ald. Paul E. Skidmore, Ald. Isadore Knox, Jr. and Ald. Larry Palm

Absent: Ald. Santiago Rosas and Ald. Brenda K. Konkel

APPROVAL OF MINUTES

Approve the February 7, 2006 meeting minutes.

A motion was made by Ald. Palm, seconded by Ald. Skidmore, to Approve the Minutes. The motion passed by acclamation.

ITEMS REFERRED BY COUNCIL

Ald. Brenda Konkel arrived at 4:34 p.m.

Present: Ald. Paul J. Van Rooy, Ald. Zachariah Brandon, Ald. Austin W. King, Ald. Paul E. Skidmore, Ald. Isadore Knox, Jr., Ald. Larry Palm and Ald. Brenda K. Konkel

Absent: Ald. Santiago Rosas

02553

SUBSTITUTE - Amending Section 3.36(11) of the Madison General Ordinances to modify the pay differential and leave accumulation for employees on military leave.

A motion was made by Ald. Brandon, seconded by Ald. King, to Return to Lead with the Recommendation to Approve as Substituted to the PERSONNEL BOARD Ald. Judy Compton (co-sponsor) spoke on the ordinance. She explained that her reason for proposing the ordinance change was to align City military employee benefits with those that are given to state and federal military employees. She believed that veterans should have Veteran's Day off as a paid leave holiday and that it would allow these individuals to have needed time to reflect on that day.

Ald. Zach Brandon asked Ald. Compton if there was a request from veterans or City staff to have Veteran's Day off. Ald. Compton indicated that there was no request. Ald. Brandon asked what led her make this requires outside of the City collective bargaining. Ald. Compton indicated that she did not see this change as a union issue.

Ald. Brandon asked city staff if there were other groups of employees such as Jewish employees who receive Jewish holidays off, Muslims employees Muslim holidays off, etc. Roger Goodwin (HR Director) indicated that there were no other groups who received specific days off.

Roger Goodwin spoke on the ordinance. He stated that he had concerns with Section 11(c) relative to the holiday pay for Veteran's Day and that the ordinance would have major budgetary impacts on the City of Madison. He noted that the State and Federal employees do not receive Veteran's Day off as a paid holiday. He distributed a summary by agency on the number of employees who are Veteran's or Members of the Reserves/Guards (dated March 1, 2006). 10% of city employees would be affected by this ordinance and impact certain agencies more than others (e.g. Metro, Streets, Parks, etc.)

Ald. Judy Compton asked if the ordinance were to pass would it have effect on the hiring process. Roger Goodwin indicated that Veteran applicants are awarded a certain number of points in the application process already and it would have no effect.

Roger Goodwin indicated that he had a number of problems with the ordinance.:

1. Creates preferential treatment for a group of employees.
2. Creates the potential for unions to bargain Veterans Day off for all employees.
3. Issue of seniority and job assignment problems within agencies.

Ald. Zach Brandon moved, seconded by Ald. Austin King, to recommend adoption with removal of section 11(c) relative to Veteran's Day Holiday Pay. The motion passed by acclamation.

Ald. Paul Van Rooy requested that Agenda Item No. 8 relative to the discussion on Madison Police Department and Common Council communications be taken up at this time. No member of the CCOC objected.

02846

Discussion of Madison Police Department and Council Communications

MPD Chief, Noble Wray, reviewed the memo from Assistant Chief, Randy Gaber regarding Alder Notifications (dated 3/6/06) with CCOC members. The memo was in response to CCOC's request on 2/7/06 for baseline notification criteria for major events in alders' districts. He indicated that alders should have been contacted over the last two weeks by District Captains on their preferred method of notification.

Ald. Paul Skidmore requested that gang fights or other related incidents be added to the list of general criteria for Alder notification.

Ald. Brenda Konkel requested that sexual assaults, particularly multiple assaults that may be related to each other, be added to the list.

Chief Noble Wray will revise the memo and send out to all alders.

02795

Report of the Mayor submitting a listing of boards, committees and commissions that did not meet in 2005.

A motion was made by Ald. Brandon, seconded by Ald. King, to RECOMMEND TO COUNCIL WITH THE FOLLOWING RECOMMENDATIONS - REPORT OF OFFICER Accept the report with recommendations. The motion passed by acclamation.

02870

Amending the 2006 Adopted City of Madison Operating Budget to appropriate funds from the Contingent Reserve to join the Dane County Cities and Villages Association.

A motion was made by Ald. Brandon, seconded by Ald. Skidmore, to Return to Lead with the Recommendation for Approval to the BOARD OF ESTIMATES Ald. Zach Brandon requested to be added as a co-sponsor. The motion passed by acclamation.

02873

Amending Sections 2.29 and 2.40(6)(d) of the Madison General Ordinances to clarify that appearance forms may only be submitted by persons physically present at a meeting.

A motion was made by Ald. Brandon, seconded by Ald. King, to Rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE, due back on April 4, 2006 Ald. Austin King proposed a friendly amendment that in cases where the person filling out the registration form is indefinitely confined or over the age of 75, they could have someone else fill out their form.

Ald. Zach Brandon appreciated the intent but wanted to know what precluded these individuals from calling, writing or emailing Council members/committee members.

Ald. Austin King believed that some individuals would want to register their opinions via the actual registration form versus calling, writing or emailing.

City Attorney May was not sure that the absentee ballot language qualifying permanent absentee ballot would cover everyone Ald. King intended with his amendment.

Ald. Brenda Konkel questioned that if the meeting starts at 6:30 p.m. and someone arrives at 6:25 p.m., registers and then leaves, do they have to be there until their item is taken up on the agenda? She also questioned whether these forms would not be accepted?

City Attorney May indicated that the forms would not be accepted as the ordinance is written now. He indicated that if you wanted to be more lenient you can state the date of the meeting (versus the time) and that would leave registration open.

Ald. Konkel asked what happened to the forms now if people register and the meeting is cancelled? City Attorney May did not know.

Ald. Larry Palm asked if the registration form would need to be changed to ask the question if the person registering is the actual person registering.

Ald. Brandon moved to refer the item to have language drafted mirroring the permanent absentee ballot language. Ald. Konkel stated that the definition of "person" be identified so that a corporation who sends an individual doesn't register as an individual.

The item was rereferred to the CCOC with the request that the City Attorney develop language to allow those with permanent disabilities to register using a The motion passed by acclamation.

02877

Amending Section 2.01(1) of the Madison General Ordinances to require that all Common Council meetings adjourn no later than midnight and to establish scheduled supplementary meetings to be held as needed.

A motion was made by Ald. Brandon, seconded by Ald. King, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by acclamation

03037

SUBSTITUTE - Amending Section 23.05 of the Madison General Ordinances to create definitions of chewing tobacco, cigarettes and tobacco bars and to permit chewing tobacco in all public places and to permit smoking of all tobacco products (other than cigarettes) at all tobacco bars.

A motion was made by Ald. Skidmore, seconded by Ald. King, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Registrations:

Rosemary Lee - Support - Spoke
Brian Haltinner - Support - Spoke
Gary Poulson (Tobacco Free Dane County) - Oppose - Spoke
Dr. Thomas Schlenker (City-County Public Health Director) - Oppose - Spoke
Jean MacCubbin - Oppose - Spoke
Vanessa Shipley - Support - Spoke
Dan Sebald - Oppose - Spoke
Jennifer R. Thompson - Support - Did not speak

Ald. Mike Verveer spoke to the ordinance. Ald. Verveer noted that the proposed ordinance would allow Maduro's to operate as a cigar bar and would not have any great impact on the recently adopted smoking ban.

He noted that this proposal was:

1. Not about repealing the current smoking ban ordinance
2. Not about allowing cigarettes. He noted that with this proposal you cannot legally smoke a cigarette in a cigar bar and the sale of cigarettes cannot count towards the 10% threshold.
3. Not a blanket grandfather clause to allow other establishments to become cigar bars.

Rosemary Lee - 111 W. Wilson Street, #108, Madison - She noted that the current smoking ban is hurting Maduro's cigar bar financially. The smoking ban adopted by the Council was putting this establishment out of business. She was in favor of the proposal to allow Maduro's to continue as a cigar bar.

Brian Haltinner - 117A E. Main Street, Madison - He indicated that he was the owner of Maduro's cigar bar. He was trying to find some common ground to create a compromise. He noted that there were private clubs that were exempted from the smoking ban already. He believed that an exemption for cigar bars was more clear and compelling. Pipe and cigar smoking are fundamentally different than smoking cigarettes - you don't want to run outside to smoking a cigar like you do with a cigarette.

Gary Poulson - 637 Charles Lane, Madison - Representing Tobacco Free Dane County - The TFDC organization could not support the exemption. Their key mission is to improve the air quality in working spaces in the City of Madison. He admired the effort by Ald. Verveer to assist a particular business but the proposal ordinance greatly expands its original intent. There were concerns about employee health in these business and the possibility of mischief. He noted positive issues: the City had granted more liquor licenses than the previous year, information from State Workplace Development indicated that hospitality employment was up 3.4% in Dane County and Madison's portion of that was 7%, a health study done by the UW Comprehensive Cancer Center indicated that bartenders health had improved at least 40% and that air quality had improved at least 87% (from pre-July 2005 to post-July 2005).

Dr. Thomas Schlenker - City-County Public Health Director - He opposed the exemption. He stated that the mortality rates for cigar smoking is very similar to mortality rates for cigarette smoking. Dr. Schlenker distributed a table comparing the mortality rates for male cigar only vs. cigarette only smokers.

Jean MacCubbin - 3530 Heather Crest, Madison - She indicated that she is on the Tobacco Free Dane County Board but is not their spokesperson. She stated that the ordinance is amending the Public Health code NOT the Economic Development code. She noted several inconsistencies: exempting a very small piece of the hospitality business expands the scope of the ordinance, changes in the enforcement regulations are needed. Examples into allowing ashtrays where smoking is allowed might be a problem for the cigar bar and auditing and filing the proper paperwork to be verified by the City Clerk's office may be an issue in that office.

Vanessa Shipley, 811 Jenifer Street, Madison - Employee of Maduro. She noted that the ban has affected business.

Dan Sebald, 1553 Adams Street, #A13, Madison - Thought the ordinance created a loophole and would chip away at the existing ordinance. He didn't think the 10% was much of threshold to surpass.

Jennifer R. Thompson, W8288 Thompson Road, Poynette - Supported but did not speak

Ald. Austin King asked Assistant Attorney Marci Poulsen whether ashtrays would be prohibited in the cigar bar. Attorney Poulsen noted that it would be allowed, as well as the required signage.

A friendly amendment to remove language referencing humidors was made by Ald. Brenda Konkel. The motion passed by the following vote:

Absent: Rosas

Aye: Van Rooy, Brandon, King, Skidmore and Knox, Jr.

No: Palm and Konkel

DISCUSSION ITEMS

03124

Request to Discontinue "Council Clippers" - Lisa Veldran, Administrative Assistant

A motion was made by Ald. Skidmore, seconded by Ald. Konkel, to Accept Lisa Veldran, Administrative Assistant, distributed the results of a poll on alders accessing Council Clippers:

12 Alders do NOT access the Council Clippers
2 Alder do access the Council Clippers
6 Alders did not respond

Motion was to accept the report from the Administrative Assistant to discontinue "Council Clippers" as a function of the Common Council Office. The motion passed by acclamation.

03060

Creating a CCOC subcommittee to conduct Council staff performance reviews.
- Requested by Ald. Zach Brandon, District 7

Ald. Zach Brandon requested City Attorney Michael May draft an ordinance creating a subcommittee of CCOC to conduct performance reviews of Council staff. His intent was to establish a small subcommittee of the CCOC to anticipate and deal with problems with the Council Office.

Lisa Veldran stated that the ordinance states that staff oversight is done by the Common Council President. The Administrative Assistant supervises the Council Secretary.

Ald. Brenda Konkel would like to hear more about the concept and requested that staff have input on this item. She noted that as a former Council President it was a good idea to evaluate what went well and what didn't go well for the year.

Ald. Brandon indicated that it was his intent to gather information every year so that problems or issues could be addressed.

ADJOURNMENT

Meeting adjourned at 5:53 p.m.