



City of Madison
Meeting Minutes - Final
COMMON COUNCIL
ORGANIZATIONAL COMMITTEE

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

Tuesday, October 3, 2006

4:30 PM

210 Martin Luther King, Jr. Blvd.
Room 103A (City-County Building)

CALL TO ORDER

Present: Austin W. King, Paul J. Van Rooy, Brenda K. Konkel, Lauren Cnare and Robbie Webber

Absent: Isadore Knox, Jr., Tim Bruer and Michael E. Verveer

Others Present: Michael May (City Attorney), Rosemary Lee

The meeting was called to order by Ald. Austin King at 4:33 p.m.

APPROVAL OF MINUTES

Approval of Common Council Organizational Committee minutes from September 5, 2006.

A motion was made by Van Rooy, seconded by Webber, to Approve the Minutes.
The motion passed by acclamation.

ITEMS REFERRED FROM COUNCIL

Ald. Robbie Webber moved, seconded by Ald. Lauren Cnare to table Agenda Item No. 2 - Legislative File No. 04483 to remove the administrative appeal of decisions to deny, not renew, revoke or suspend an adult entertainment license. Motion was approved by acclamation.

Ald. Tim Bruer arrived at 4:36 p.m., Ald. Isadore Knox arrived at 4:40 p.m. and Ald. Mike Verveer arrived at 4:50 p.m.

Present: Austin W. King, Paul J. Van Rooy, Brenda K. Konkel, Lauren Cnare, Robbie Webber, Isadore Knox, Jr., Tim Bruer and Michael E. Verveer

04544

Amending Section 2.025 of the Madison General Ordinances to require that alders notify the Common Council President and Common Council Office Administrative Assistant when they will be absent from the City for any period of five (5) days or longer.

A motion was made by Van Rooy, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

Lisa Veldran, Administrative Assistant, explained that she had requested the amendment to the ordinance. The amendment would codify a practice of alder absence notification that is currently being done by Council staff to alders, mayor and committee staff. An alder had questioned the practice. The alder had determined that it was not required by ordinance that she notify staff or alders if she were out of town, only if she were missing a Common Council meeting. The motion passed by acclamation.

DISCUSSION ITEM

04361

Common Council Meeting - Public Input Procedures: allowing the option for the public to provide input at the beginning of the Common Council meeting. - Ald. Brenda Konkel

Attachments: DRAFT Ordinance: Early Public Comment at Council meetings

Rerefer to the COMMON COUNCIL ORGANIZATIONAL COMMITTEE

Ald. Brenda Konkel indicated that it was her intent to follow a process of public testimony that is similar to the process at Board of Estimates meetings. At BOE meeting an individual has the option of testifying at the beginning of the meeting (allowing those individuals to leave earlier in the meeting) or to testify when the item comes up on the agenda. She believed that people should be allowed to testify and go home. This would also assist those individuals who are ill or disabled and are not able to find an alder on the Council floor to make a motion to move them ahead in the queue of speakers.

Ald. Austin King shared the concern from the last meeting that CCOC members feared that a "circus" would break out and asked members to share their concerns again.

Ald. Lauren Cnare wanted to know how the ordinance would deal with questioning those people who testified in the beginning of the meeting and left after their testimony. She wanted to know if the person would need to be questioned at the time of their testimony by alders. She saw this as a down side to someone testifying early.

Ald. Brenda Konkel stated that the Board of Estimates members ask questions at the time of testimony.

Ald. Austin King wanted to know if there was a way to make testifying early an exception and not the norm. He thought that a person could be required to check a box stating that they had a reason to testify early.

Ald. Tim Bruer stated that he understood why some individuals may need to testify early but often people want to know how to circumvent the process, that it may not be critical for them to testify early. He believed that it was human nature to get in and get out quickly.

Ald. Brenda Konkel said that this did not appear to be a problem at BOE. Ald. Tim Bruer stated that there were fewer people testifying at BOE and that there are less controversial items at BOE than at Common Council meetings.

Ald. Robbie Webber thought that there was merit to a check off box of some sort where the individual would indicate why they needed to leave early. She also thought that language should be included to let people know that their testimony was more effective if they waited until their item came up on the agenda.

Registration: Rosemary Lee, 111 W. Wilson Street: Neither Supported/Opposed;
SPOKE

Ms. Lee indicated that it the proposal was good in the sense that it gave the citizen the option. She agreed that it would not give the alders a chance to question the speaker and thought the individual might as well not testify at all. She agreed that testimony was more effective as the issue was being addressed.

Ald. Robbie Webber asked if alders would ask questions of the registrant before the start of public hearings. City Attorney Michael May indicated that early testimony would need to occur after public hearings.

Ald. Tim Bruer requested that the committee gather Council's response to this

proposal. He thought the concept was great but that it would create bigger problems. He would like to see a survey of alders views (pros/cons) on a draft ordinance.

Ald. Lauren Cnare asked if this ordinance would also apply to committees, commissions and boards. Ald. Brenda Konkel indicated that it would and that language already exists on public comment : MGO 3.27(4)(g).

Ald. Paul Van Rooy moved, seconded by Ald. Tim Bruer to take Agenda Item No. 2 - Legislative File No. 04483 to remove the administrative appeal of decisions to deny, not renew, revoke or suspend an adult entertainment license off the table. Motion was approved by acclamation.

ITEMS REFERRED FROM COUNCIL

04483

Amending Sections 9.05(3)(e) and 9.05(8)(b), deleting Section 9.05(12), renumbering Sections 9.05(13) to (16), amending Section 9.49(3) and creating Section 9.49(4)(g) of the Madison General Ordinances to remove the administrative appeal of decisions to deny, not renew, revoke, or suspend an adult entertainment license.

A motion was made by Van Rooy, seconded by Cnare, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER

City Attorney Michael May explained that the changes to this ordinance would align with a court decision made by the Colorado Supreme Court (City of Littleton, Colorado v. Z.J. Gifts D-4, LLC dba Christal's) which underscored the need for prompt judicial review of adult entertainment licences.

Municipalities that still require administrative review of adult entertainment licenses would be suspect and be challenged in the courts. The motion passed by acclamation.

ADJOURNMENT

A motion was made by Bruer, seconded by Van Rooy, Meeting adjourned at 5:00 p.m. The motion passed by acclamation.