



City of Madison

City of Madison
Madison, WI 53703
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Meeting Minutes - Draft SUSTAINABLE MADISON COMMITTEE

Monday, March 18, 2013

4:30 PM

215 Martin Luther King, Jr. Blvd.
Room 300

CALL TO ORDER / ROLL CALL

Present: 10 -

Satya V. Rhodes-Conway; Natasha S. Sattin; John M. Robinson; Lance E. Green; Richard J. Pearson; Anya M. Firszt; Jeannette E. LeZaks; Lou W. Host-Jablonski; Ann Grodnik-Nagle and David A. Albino

Absent: 1 -

Jill Johnson

Excused: 5 -

Sam J. Breidenbach; Jesse J. Shields; Patrick Eagan; Selamawit Z. Wondaferew and Richard A. Heinemann

APPROVAL OF MINUTES

A motion was made by Rhodes-Conway, seconded by Albino, to Approve the Minutes. The motion passed by voice vote/other.

PUBLIC COMMENT

Noal Hooper is not in favor of #29241- presented concerns about people being able to get to the terrace for garbage or getting kids out of the car, due to terrace plantings. Streets employees are not happy. Safety of the food in terrace because of heavy metals in soil, etc. Vertical or temporary gardening are alternatives. Also had issues with gardening and the nutrients from fertilizer going into the lakes.

DISCLOSURES AND RECUSALS

NEW BUSINESS

[29241](#)

Amending Section 10.25 of the Madison General Ordinances to create a terrace planting ordinance.

Mark Wolf – gave an overview. The food policy council identified this type of ordinance for a short term goal.

City Engineer/Food Policy person to work out the specifics of the policy supported by ordinance. Terrace planting is already being done so this is to make what is already happening legal. BPW has recommended adoption already.

John Robinson – is it currently illegal?.

Mark Woulf – anything over 24 inches. Policy has been to allow, but ordinances indicate it is illegal.

Satya Rhodes-Conway – The current policy/ordinance is very limited.
John Robinson – will more defined criteria cause people to have to make changes to their terrace gardens?
Mark Woulf – it may, but we hope it will also cause more people to garden.
Satya Rhodes-Conway – almost all enforcement is complaint driven
Mark Woulf – the standards/information will be more prominent on the city's web site. This is the ordinance. The city engineer and food policy person to work out a policy that will come back to a food policy council.
Lance Green – Do you need a special approval currently?
Mark Woulf – No – you can plant, but the plants must be 24 inches or less.
Lance Green – issues with garbage and recycling containers on terrace.
Mark Woulf – this is the type of issue that can be addressed in the policy.
Lance Green – people are putting garbage and recycling in bike lanes on street because of terrace planting. Is the food for the public or for the resident?
Mark Woulf – This is at your risk - food is a public thing .
Lance Green – Is the risk for the city or other people? Leaves are also an issues – or trees – you can't plant within a certain distance from trees.
Mark Woulf – this will be discussed through the policy.
John Robinson – does it also cover structures?
Mark Woulf – raised beds are not allowed –
Satya Rhodes-Conway – any kind of structure will need a privileges in streets variance.
Satya Rhodes-Conway – if you garden in the terrace or if your yard/terrace is not mowed... BI will go out and inspect, write a ticket – if you still don't do anything BI will mow and charge you for it. This is the same as now.
Lance Green – Tree trimming – limbs comes down and could ruin garden?
Satya Rhodes-Conway – that is correct - risk planter being taken.

Satya Rhodes-Conway moved approval
Dick Pearson seconded.

Satya – thanks for all the questions, but this is small. This makes legal what a lot of people are doing already. Clarify that if there are veggies on the terrace that the City can still trim trees, etc. this expands what you can do with the land as the resident is taking care of the land. Officially – it does not have to be grass you can plant flowers and veggies. I want the city to have practice and policy match. I want to encourage people to raise more food. I want to be able to the pick tree in the terrace. I urge your support.
John – the City does a good job of noticing residents about work in the public right of away –
Satya Rhodes-Conway – the ordinance should talk about the height, and not allow invasive species.
Lou Host-Jablonski – what about fertilizer.
Satya Rhodes-Conway – Already some existing policies on this usage. The policy will look at fertilizer/insecticides.
Lance Green – I am in support. This is supported within the sustainability plan.

A motion was made by Rhodes-Conway, seconded by Pearson, to Return to Lead with the Recommendation for Approval to the MADISON FOOD POLICY COUNCIL. The motion passed by voice vote/other.

[29178](#)

SUBSTITUTE Creating Section 8.32 of the Madison General Ordinances to allow edible landscaping on City-owned land.

Mark Woulf – there is a second substitute coming that will change some wording. Instead of Real Estate doing the administration – instead the department who owns the land (WU, Engineering, etc.) would be in charge of administration. There may be an appeal process. There will be a policy to create a uniformed application process regardless of who owns the land. We will not be issuing leases but issuing permits. For community gardens they have 5 years – for the permits how long should they last? Make it clear that it is not your property – that someone else might come and pick the fruit and that you can't sell the fruit.

Lance Green – Anyone can harvest but the applicant is to plant and harvest per the MGO wording.

Satya Rhodes-Conway – Plant with a permit – anyone can harvest.

Mark Woulf – I don't think that there will be one person wanting one tree – I think it will be a group wanting to do a group of trees or bushes. They are require to maintain the trees/bushes. The permit if it is yearly can be reviewed but a tree and bushes take longer than one year.

Jeannette LeZaks – Minimum area? Will each department define the size?

Mark Woulf – this needs to work out in the policy.

Ann Grodnik-Nagle – makes sense for the department who own the land to set criteria, but make sure that the criteria is clear so all departments are issuing permits the same way. Who owns the land?

Mark Woulf – Water Utility land, by water tanks, greenways, pools, etc.

Karl van Lith – Water Utility, Engineering, various departments.

Mark Woulf – the criteria will need to be on the web site?

Ann Grodnik – will there be any signage?

Mark Woulf – that is a very good question. Probably should be signage.

David Albino – what does the non-exclusive mean?

Mark Woulf – what does the permit give you? Others can walk through the land or harvest but not plant. This needs to be more clear.

Satya Rhodes-Conway – Attorney's write the ordinance – the policy is where more information is available and specific.

David Albino – what happens if there are too many people asking for permits and not enough land.

Mark Woulf – this needs to be dealt with in the policy. We are looking at transferring the permit.

Lou Host-Jablonski – why is this finally happening?

Mark Woulf – This doesn't include trees in terrace, which is the most controversial issue. The agency will also have some say over where the permits go.

Lou Host-Jablonski – what about an appeal process?

Mark Woulf – we need to deal with this. Could go to the board if staff denies the permit.

Satya Rhodes-Conway – this came from the Fruits and Nuts group. They tried to get permission working with forestry – on terraces – this has been resisted. How about parks? Initially there was also resistance – at first a group could come to parks – indicating that you need insurance?! When others don't – master gardeners?. Users of the park? There is more here and the policy will be better.

John Robinson – If the city wants more edible landscape why not have the city plant some?

Satya Rhodes-Conway – city has a lot work to do – so growing food isn't our job... as a city.

Mark Woulf – community gardens – the people have their plots and the food is for that person. Leases are 5 years.

Lou Host-Jablonski – urban-ag – no commercial gain. different than a lease or permit – is this still possible.

Satya – the city owns the land we can do anything we want with it if the council agrees.

Mark Woulf – Troy Gardens is more of an urban farm – we tried to define this is the new zoning code – now permitted or conditional approval.

John Conowall – clarity is need in policy statements could be part of policy. Should be covered in policy.

Mark Woulf – approval of pesticides/insecticides...

Lou Host-Jablonski – Mulch, compost?

Lance Green – Should we wait to approve this until we get the second substitute

Satya Rhodes Conway – moved approval

Anya Firszt seconded

We are one of many bodies – the food policy council is the lead – their job is to take all comments and take the final version to council.

Comments to send Food Policy Council

- Uniform application process
- An appeal process
- Add signage that is allowable
- Transferability of permit.

Lou Host-Jablonski - Is there a way to have a 5-year permit that can be reviewed. Or a one year permit that can be extended for up to 5 years.

Satya Rhodes-Conway – I think most people will be doing a orchard not a garden. I think the permit should be longer than one year. This is another thing to do – annual renewal or review all permits is more work... so having the permit last longer is better for city staff.

Mark Woulf – there is language that a permit can be revoked if there is an issue.

Lance Green – I think there is a pent-up demand for gardening and there will be groups coming in asking for gardening space. I think 3-5 years with renewal is good.

Satya Rhodes Conway – there is no cost for the permit.

John Conowell – Planting trees – who takes care of tree after I don't want to. Language to put land back after done 'gardening' might be included.

Satya Rhodes-Conway – These are gardens that will be public – anyone coming can take the food or take the plants. Not intended for vegetable gardens or community gardens. Can't define harvest because we are not

doing anything different here than other parts of the city. Right now the ordinance is silent about putting the land "back" because the city may want to keep the trees. Taking over a permit to someone else would be discussed.

Satya moves substitute
John Robinson seconds

A motion was made by Rhodes-Conway, seconded by Firszt, to Return to Lead with the following Recommendations for Approval to the MADISON FOOD POLICY COUNCIL:

- Uniform application process
- An define appeal process
- permits 3-years or longer
- Consider signage
- Transferability of permit.
- Clarify pesticides/insecticide/herbicides are chemical agents
- anyone can harvest

The motion passed by voice vote/other.

29152

Determine Work Plan for 2013

Attachments: [Local Government Policies related to Energy Efficiency.pdf](#)
[N-hood Plan eval-1st concepts.pdf](#)
[diagram 10Feb10.pdf](#)

Lou Host-Jablonski – energy efficiency and looking at the neighborhood planning process.

Lance Green – These are great lists – encourage members to review and look at this – there is a lot going on nationally regarding neighborhoods. Also on the city's web site.

Satya Rhodes-Conway – also prepared some idea on what other cities are doing regarding energy efficiency.

Jeanne – City Agencies Report and Solar.

Satya Rhodes-Conway – What are we going to put next agenda?

Karl van Lith – May want to review the sustainability plan too.

ANNOUNCEMENTS

None.

ADJOURNMENT

Robinson moved to adjourn - the motion was seconded by Firszt - motion passed unanimously. Meeting was adjourned.