

**GREENWOOD CEMETERY ADVISORY BOARD  
MEETING AGENDA  
FRIDAY, JUNE 5, 2015 AT 8:30 AM  
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN**

**I. CALL TO ORDER**

George Stern, Chairperson

**II. ROLL CALL**

Cheryl Arft, Deputy Clerk

**III. APPROVAL OF MINUTES**

A. Approval of minutes of May 1, 2015

**IV. UNFINISHED BUSINESS**

A. Review of the Rules and Regulations  
(Recommendation Checklist Items #4 & #7)

**V. NEW BUSINESS**

A. Grave Interest List  
(Recommendation Checklist Item #5 & #11)

**VI. CONTRACTOR REPORT**

**VII. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

**VIII. ADJOURN**

**Attachment**

- Recommendation Checklist

*Greenwood Cemetery Advisory Board:*

*The powers and duties of the Greenwood Cemetery Advisory Board is to provide the following recommendations to the City Commission:*

1. Modifications: *As to modifications of the rules and regulations governing Greenwood Cemetery.*
2. Capital Improvements: *As to what capital improvements should be made to the cemetery.*
3. Future Demands: *As to how to respond to future demands for cemetery services.*

*Section 34-30 (g) of the Birmingham City Code*

*NOTICE: Individuals requiring accommodations, such as mobility, visual, hearing, interpreter or other assistance, for effective participation in this meeting should contact the City Clerk's Office at (248) 530-1880 (voice), or (248) 644-5115 (TDD) at least one day in advance to request mobility, visual, hearing or other assistance.*

*Las personas que requieren alojamiento, tales como servicios de interpretación, la participación efectiva en esta reunión deben ponerse en contacto con la Oficina del Secretario Municipal al (248) 530-1880 por lo menos el día antes de la reunión pública. (Title VI of the Civil Rights Act of 1964).*

**GREENWOOD CEMETERY ADVISORY BOARD  
MEETING MINUTES  
FRIDAY, MAY 1, 2015 AT 8:30 AM  
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN**

**I. CALL TO ORDER**

George Stern, Chairperson, called the meeting to order at 8:30 AM.

**II. ROLL CALL**

Present: Kevin Desmond  
Pamela DeWeese  
Darlene Gehringer  
Linda Peterson  
George Stern  
Barbara Thurber

Absent: Laura Schreiner

Administration: Clerk Pierce and Deputy Clerk Arft

Guests: Cheri Arcome of Elmwood Cemetery

**MOTION:** Motion by DeWeese, seconded by Gehringer:  
To amend the agenda by moving item New Business item A. Approval of minutes from April 10, 2015 to this point in the meeting.

VOTE: Ayes: 6  
Nays: None  
Absent: 1 (Schreiner)

**IV. NEW BUSINESS**

**A. APPROVAL OF MINUTES FROM APRIL 10, 2015**

Ms. Pierce confirmed that Elmwood contracts with Birmingham Lawn for the cemetery lawn care.

Mr. Stern questioned the statement made by Mr. Valentine regarding new grave spaces and the contractor's commission. Ms. Pierce offered to listen to the tape of the meeting to confirm what was said.

**MOTION:** Motion by Gehringer, seconded by Thurber:  
To approve the Greenwood Cemetery Advisory Board minutes of April 10, 2015, as corrected.

VOTE: Ayes: 6  
Nays: None  
Absent: 1 (Schreiner)

**III. UNFINISHED BUSINESS**

**A. SPACE AVAILABILITY**

### (Recommendation Checklist Item #8)

Mr. Stern informed the members of recently enacted legislation. Public Act 398 legislation permits cemetery plot reclamation in 60 days under certain conditions. Public Act 422 legislation permits an endowment and perpetual care fund to be invested with a community foundation. Local legislators are planning to introduce alternative legislation regarding municipal cemetery investments. Mr. Stern said it is important to make money for the city as well as take care of citizens' needs. Ms. Pierce confirmed that the staff will review the recent laws and report back to the Board in the future. She confirmed that any money designated for the cemetery can only be used for the cemetery.

Ms. Pierce provided background for the space availability using the green space. She noted the Board has already recommended the Request for Proposal be issued for ground penetrating radar on the entire cemetery. Staff is requesting a Board recommendation today on whether or not to use the green space. Thereafter, the Board will consider revisions to the rules and regulations and the interest list. She pointed out that no graves in the green space will be sold until it is presented to the City Commission.

Mr. Desmond asked Ms. Arcome about the amount of mature landscaping in the green space. She said that can be worked around.

Ms. Pierce confirmed for Mr. Stern that all of the Board's recommendations will go the City Commission at the same time.

Ms. DeWeese said the Board should focus on the motion that failed at the last meeting and decide whether to offer the green space for graves and the conditions for sale.

**MOTION:** Motion by Desmond, seconded by DeWeese:

To recommend that the City offer the graves located in the green space of Sections B, C, K, L, and O for sale, with the following conditions:

1. No existing headstones or grave sites are moved;
2. No existing trees or mature landscaping is removed;
3. Flush mounted headstones are used for all newly created grave sites so as not to provide any visual disruption;
4. The structural integrity of all of the historic markers and the landscape is maintained;
5. Contractors that do work in the cemetery must be bonded and insured to ensure that if any damage is done the cost to repair is covered; and fixing any damage that may occur;
6. Advertise the opportunity for people that have space in the cemetery; and work with families that have lots adjoining green space so that they are aware of the opportunity as well.
7. Pending the results of Ground Penetrating Radar.

Mr. Stern expressed concern that since nothing is in the recommendation making it dependent upon our other considerations, it seems that the city could take this resolution and start selling graves immediately.

Ms. Pierce said this has to go before the Commission and will be part of the package consisting of ground penetrating radar, rules and regulations, and the grave interest list.

In response to a question, Ms. Pierce noted that restricting sales to Birmingham residents only is illegal.

VOTE:           Ayes: 5  
                  Nays: 1 (Gehringer)  
                  Absent: 1 (Schreiner)

#### **IV. NEW BUSINESS**

##### **B. REVIEW OF THE RULES AND REGULATIONS (Recommendation Checklist Items #4 & #7)**

Ms. Pierce suggested going through the rules and regulations by section and noted that the sections have been re-numbered for clarity.

Ms. DeWeese asked about the fee schedule and Ms. Pierce stated that fees are set administratively by staff.

The following sections were discussed and the changes were made by the Board:

##### II. Conduct of Persons

Item e.           ~~Bring any dog or animal into the cemetery grounds, except by permission of the Superintendent. Leash law applies to any dog or animal brought into the cemetery grounds.~~

Item g.           ~~Carry any refreshments or intoxicants into the cemetery grounds, or consume such while in the cemetery.~~

Item d.           ~~Break, injure, remove, or deface any monument or marker on the cemetery grounds. This does not include family members cleaning, repairing or restoring their family monuments or markers.~~

##### IV. Maintenance and perpetual care

The Board discussed whether the city should be responsible for damage to historical markers. It was agreed that Ms. Pierce will bring language for the Board to consider.

##### V. Operational regulations

In response to Mr. Stern's request, Ms. Arcome explained what corner markers are and how they are used.

Item h.           ~~As soon as flowers, floral pieces, potted plants, artificial flowers, flags, emblems, etc., used at funerals or placed on grave at other times, become unsightly or faded, they will be removed, and no responsibility for their protection will be assumed, except for special groups upon notification to the city.~~

It was agreed to replace the word "urn(s)" with the word "planter(s)" throughout Section V.

- Item d. Ironwork, seats, vases, and ~~urns~~ planters shall be allowed on lots, providing that the same shall be kept in good repair and well painted. If not kept in good repair and painted, the Superintendent shall have power and authority to remove same from cemetery, and shall not be liable for any such removal.
- Item e. ~~Urns~~ Planters of iron or granite for the planting of flowers will be removed from lots and put in storage if not filled by July 1<sup>st</sup>. ~~Urns~~ Planters so removed will be sold for cartage and storage charges, or destroyed, if not claimed within a period of one year.
- Item i. The Superintendent reserves the right to remove from beds, graves, vases, ~~urns~~, planters, or other containers, all flowers, potted plants, or other decorations, that are set out and then not kept properly watered, trimmed and free from weeds, and to do so as soon as they become objectionable.

VI. Monuments, Grave Markers and Foundations

The Board agreed to the following revision:

Monuments

Monuments will be permitted only on ~~lots having 90 or more square feet of area~~ two adjoining graves under one ownership. No more than one monument shall be erected on any lot.

**V. CONTRACTOR REPORT**

**A. CEMETERY UPDATE**

**VII. OPEN TO THE PUBLIC FOR MATTERS NOT ON THE AGENDA**

Mr. Buchanan questioned if the size of a lot in the green space is the same as what the City is selling. Mr. Stern explained that a plot in the green space is 3 x 10 feet. The existing plots are 4 x 11 feet. Ms. Arcome advised that a standard size plot in most cemeteries is 3 x 8 feet.

Ms. Pierce noted that the changes to the rules and regulations will be made and a copy provided to the members.

The next meetings are June 5<sup>th</sup> and July 10<sup>th</sup> at 8:30 AM.

Ms. Andrews asked for clarification of burial practices which will be addressed after the meeting by the Clerk.

**VIII. ADJOURN**

The meeting was adjourned at 10:00 AM.

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# MEMORANDUM

City Clerk's Office

**DATE:** April 24, 2015  
**TO:** Greenwood Cemetery Advisory Board  
**FROM:** Laura M. Pierce, City Clerk  
**SUBJECT:** Revisions to the Greenwood Cemetery Rules and Regulations

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In the final report of the Greenwood Cemetery Advisory Committee, the Committee recommended that the City Commission review the Greenwood Cemetery Operational Procedures, Conditions and Regulations to ensure they are fully inclusive (Recommendation #7).

The Greenwood Cemetery Rules and Regulations were last updated in 2012. The City Clerk's Office and the Contractor (Historic Elmwood Cemetery) have reviewed the rules and regulations and offer the suggested revisions to clean up the language and format and to add provisions for newly plotted areas (which is anticipated in 2015).

After discussion by the Greenwood Cemetery Advisory Board, the proposed revisions to the Rules and Regulations will be presented to the City Commission for consideration.

## SUMMARY OF REVISIONS

Section numbers were added to allow for easy reference throughout the document.

### Section V Operational Regulations:

- Moved from the end of the document to its current location.

### Section VI Monuments, Grave Markers, and Foundations:

- Separated markers from the monuments section.
- Added a section for flush markers only in the newly plotted areas. This provision would only affect graves sold after January 1, 2015. Flush markers will maintain the current look and feel of the cemetery.

### Section VII Funerals, Interments, and Disinterments

- Under the Disinterment section, added that the permit for a disinterment must be made by a licensed funeral director as required by Oakland County.

### Section VIII Burial Rights Policy

- The Burial Rights Policy has been added to clarify the type of burials allowed per grave. It is anticipated that the City will be able to offer graves for cremation burials only. Therefore "Cremation Grave" details have been included.
- Note: The current City fee schedule does not address the sale of "cremation graves". Upon Board recommendation of the revisions to the Rules and Regulations, staff will

recommend the City fee schedule be amended to include a fee of \$1,000.00 for a cremation grave accommodating one cremated remains and \$2,000.00 for a cremation grave accommodating two cremated remains.

#### Section IX Lot Resale Policy

- The Lot Resale Policy will limit the transfer of a grave, purchased after October 1, 2014, to a related third party or the grave must be returned to the City for 50% of the purchase price. Individuals will only be allowed to transfer the graves to immediate family.
- In the final report of the Greenwood Cemetery Advisory Committee, the Committee recommended that for any future plot sales by the City a restriction be placed upon such sales requiring that the owners wishing to sell these graves may only return the unused graves to the City for resale and that no private sales of those graves may occur. This recommendation does not apply to burial sites privately owned prior to October 1, 2014, unless the City subsequently acquires any such burial site. (Recommendation #4)

Please note: The Fee Schedule is a separate document and reviewed annually by staff, then approved by the City Commission. Revisions to the fee schedule are not listed in the Greenwood Cemetery Rules and Regulations.

#### SUGGESTED RESOLUTION:

To recommend that the City Commission approve the modifications to the Greenwood Cemetery Rules and Regulations.

**CITY OF BIRMINGHAM  
GREENWOOD CEMETERY OPERATIONAL PROCEDURES,  
CONDITIONS AND REGULATIONS**

**I. DEFINITIONS:**

The following words and phrases, ~~when used, the following sections shall,~~ for the purposes of these sections, have the meanings respectively ascribed to them, except in those instances where the context clearly indicates a different meaning.

- a. "Cemetery" shall mean Greenwood Cemetery.
- b. "Superintendent" shall mean the City Manager or his designee.
- c. "Marker" shall mean a stone or object denoting the location of a grave and which does not exceed eighteen (18) inches in height, sixteen (16) inches in width, and twenty-four (24) inches in length.
- d. "Monument" shall denote a memorial stone or object of a size in excess of that of a marker.
- e. "Permanent outside container" shall be a container which encloses a casket. The following are considered permanent outside containers: concrete boxes, concrete, copper or steel burial vaults.
- f. "Department" shall mean the Department of Public Services.

**II. CONDUCT OF PERSONS**

Every person entering the cemetery shall be responsible for any damage caused by such person while within the cemetery. No person under eighteen years of age shall enter the cemetery grounds unless accompanied by an adult responsible for his conduct, or unless permission has been granted by the Superintendent.

No person shall:

- a. Enter the cemetery except through an established gate, and only during the hours from 8:00 A.M. to sundown.
- b. Deposit or leave rubbish and debris on any part of the cemetery grounds.
- c. Pick, mutilate, remove, or destroy any living plants or parts thereof, whether wild or domestic, on the cemetery grounds, except in the work of maintenance by City employees.



- d. Break, injure, remove, or deface any monument or marker on the cemetery grounds.
- e. ~~Bring any dog or animal into the cemetery grounds, except by permission of the Superintendent.~~ Leash law applies to any dog or animal brought into the cemetery grounds.
- f. Bring or discharge any firearm on the cemetery grounds, except in the conduct of military funerals.
- g. Carry ~~any refreshments or~~ intoxicants into the cemetery grounds, or consume such while in the cemetery.
- h. Use any form of advertising on cemetery grounds.
- i. Conduct her/himself in any other than a quiet and respectful manner while on the cemetery grounds.

### **III. TRAFFIC REGULATIONS**

All traffic laws of the City of Birmingham that are applicable to the operation of vehicles in cemeteries shall be strictly observed. Every person driving a vehicle into the cemetery shall be responsible for any damage caused by such vehicle.

No person shall:

- a. Drive a vehicle within the cemetery at a speed in excess of ten (10) miles per hour.
- b. Drive or park a vehicle on other than established driveways except for the purpose of maintenance or construction.
- c. Turn a vehicle around within the cemetery except by following established driveways.
- d. Use a cemetery driveway as a public thoroughfare.

### **IV. MAINTENANCE AND PERPETUAL CARE**

The City and/or its Contractor shall be responsible for the maintenance and repair of the driveways, buildings, water system and fences. The City and/or its Contractor shall also cut and maintain the grass areas, ~~rake~~ remove the leaves, trim and remove trees and shrubs, apply fertilizer as necessary, and in general maintain the cemetery as a place of natural beauty devoted to the burial of the dead.

The City and/or its Contractor shall not be responsible for any special care of any particular section, lot or burial space or for the maintenance or repair of any monument, marker or planting placed by the owner. The City and/or its Contractor shall not contract or agree to give special care to any section, lot or burial space except as above provided. The City may maintain the integrity of damaged historical markers through the perpetual care fund.

## **V. OPERATIONAL REGULATIONS**

The following operational regulations shall apply to all areas within the cemetery:

- a. Corners of all lots will be marked by the City with permanent markers set flush with the ground surface, and these shall not be disturbed.
- b. The erection of any fence, railing, wall, coping, curbing, trellis, or embankment, or the planting of any hedge, on any lot or grave is prohibited. No cutting of paths shall be permitted.
- c. The City shall have the right to remove from any lot any objects, including trees and shrubs and flower pots, that, in the opinion of the Superintendent are injurious to the appearance of the cemetery.
- d. Ironwork, seats, vases, and ~~urns~~ planters shall be allowed on lots, providing that the same shall be kept in good repair and well painted. If not kept in good repair and painted, the Superintendent shall have power and authority to remove same from cemetery, and shall not be liable for any such removal.
- e. ~~Urn~~ Planters of iron or granite for the planting of flowers will be removed from lots and put in storage if not filled by July 1<sup>st</sup>. ~~Urn~~ Planters so removed will be sold for cartage and storage charges, or destroyed, if not claimed within a period of one year.
- f. No person shall plant, cut down, remove, or trim any tree, shrub, or plant within the cemetery except by permission of the Superintendent, or a person authorized by him to act in his stead in matters pertaining to the cemetery.
- g. The planting of flowers on any lot, or otherwise disturbing the sod, shall release the City from all obligation to resod without extra charge therefore. The planting of spirea, rose bushes, peonies, or shrubs that grow over three feet in height, will not be permitted.
- h. As soon as flowers, floral pieces, potted plants, ~~artificial flowers~~, flags, emblems, etc., used at funerals or placed on grave at other times, become unsightly or faded, they will be removed, and no responsibility for their protection will be assumed.
- i. The Superintendent reserves the right to remove from beds, graves, vases, ~~urns~~ planters, or other containers, all flowers, potted plants, or other decorations, that

are set out and then not kept properly watered, trimmed and free from weeds, and to do so as soon as they become objectionable.

## **VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS**

### **MONUMENTS**

Monuments will be permitted only on ~~lots having 90 or more square feet of area under one ownership~~ two adjoining graves under one ownership. No more than one monument shall be erected on any lot.

The erection of all monuments ~~and markers~~ shall be subject to the following conditions:

- a. Each monument ~~or marker~~ shall be supported on a concrete foundation not smaller than the base of the monument ~~or marker~~ it supports ~~and not less than forty-two (42) inches deep below the ground surface~~. Such foundation shall be constructed only by the City after payment therefore has been made. Foundations will be ~~poured~~ installed April to November, weather dependent, as determined by the Superintendent. Requests received after November 1<sup>st</sup> will be held until conditions allow for installation.
- b e. Designs for monuments ~~or markers~~ must be submitted to the Superintendent or to a person designated by him to act in his stead, when application is made for construction of foundations. A form with the size, material and design must be submitted to the City for approval and all installation fees must be paid in full prior to delivery of the memorial.
- c d. No monument ~~or marker~~ of artificial stone, sandstone, limestone, or soapstone will be permitted.
- d f. All contractors and workmen engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him, and they will be held responsible for any damage resulting from their negligence or carelessness. No work of setting monuments ~~or markers~~ shall be started that cannot be completed by the end of the day following the start of such work.

### **MARKERS**

- a b- Markers shall not exceed 1 ½ feet in height and shall have a minimum horizontal dimension at the base of not less than half of the height. All markers shall be in one piece, and shall be dressed on the bottom at right angles to the vertical axis. These measurements do not apply to government issue markers.
- b. Individual markers can be sod set without a concrete foundation.
- c. A form with the size, material and design must be submitted to the City for approval and all installation fees must be paid in full prior to delivery of the

memorial. Installation will not occur between November 1<sup>st</sup> and March 31<sup>st</sup> unless weather permits.

#### **FLUSH MEMORIAL SECTION - F-NORTH ONLY**

- a. No structures shall be placed or constructed by anyone other than employees of the City Department of Public Services in the area of Greenwood Cemetery designated as the "Flush Memorial Section".
- b. Bronze or granite markers only, set flush with the turf, will be permitted in this section. No structures which would extend above the ground level shall be permitted.
- c. A form with the size, material and design must be submitted to the City for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1<sup>st</sup> and March 31<sup>st</sup> unless weather permits.

#### **FLUSH MEMORIAL SECTION – AREAS PLOTTED AFTER JANUARY 1, 2015**

- a. On grave spaces in Sections B, C, K, L, and O, all memorials on new lots plotted after January 1, 2015, must be installed at lawn level. Memorials can be individual markers measuring 24" x 12" x 4" or 16" x 24" x 4" or companion memorials over two (2) graves measuring 48" x 12" x 4".
- b. The memorials must be made of acceptable granite material and set at lawn level.
- c. A form with the size, material and design must be submitted to the City for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1<sup>st</sup> and March 31<sup>st</sup> unless weather permits.

### **VII. FUNERALS, ~~AND~~ INTERMENTS AND DISINTERMENTS**

#### **INTERMENTS**

No lot or burial space shall be used for any purpose other than the interment of human remains and the erection of appropriate memorials to the dead.

No interment shall be made in Greenwood Cemetery until a proper burial permit has been issued, and until all other legally required permits have been issued by, and filed with, the proper authorities.

~~Department~~ City personnel will provide opening and closing of grave, initial and periodic maintenance only, and will not be responsible for handling and lowering vault or casket. Tents, lowering devices and other materials shall be furnished by the funeral director or vault company.

No grave shall be dug closer than six (6) inches from the line of any lot.

In all full burial interments, the casket shall be enclosed in a permanent outside container and shall be installed by the funeral director or vault company.

In all interments of cremated remains, the container shall be installed by the funeral director or vault company. The size of the container must be submitted with the request for burial.

All funerals within the cemetery shall be under the supervision of the City ~~Department~~. No burials are to be made on Sunday or legal holidays, except by permission of the Superintendent. Overtime charges will apply.

The ~~Department~~ City must be notified through the City Clerk, of the time and exact location of proposed interments in time to allow not less than ten (10) hours of daylight to prepare the grave. If notification occurs less than 10 hours of daylight prior to burial, overtime charges will apply.

Interments that involve preparation or follow-up work during other than regular working hours will be done at an additional charge for the overtime portion of the time required. The maximum charge shall not exceed the normal charges plus the weekend/holiday fee.

When it is necessary to prepare for an interment or disinterment (location, opening and/or closing), an overtime charge will apply. This fee is in addition to the normal interment or disinterment fee charged during regular working hours.

Interments of the remains of any persons other than the owner or an immediate member of his family will be permitted only after the written consent of the owner or the owner's authorized agent has been filed with the City Clerk. In case of a minor being the owner, the guardian may give consent upon proof of this authority to act.

Only one (1) interment in any one grave space shall be permitted, except in the case of a parent and infant child, two (2) children dying at about the same time, or in such other unusual cases as it shall seem to the Superintendent to be proper under the circumstances. Up to two cremated remains may be placed in the same space if the owner of the grave space or his heirs purchase the right to such interments. Should the owner permit the burial of such cremated remains, only one additional memorial shall be permitted on the grave space and such memorial shall not be larger than 24 x 12 x 4 inches and installed at lawn level. Up to three (3) cremated remains (only) may be placed on a single grave space.

## **DISINTERMENTS**

Disinterment of a full burial shall not be made without first obtaining a permit for the removal from the local health officer of Oakland County by a licensed funeral director. Such request for removal is to be made upon such forms as may be provided, and shall include such information as may be required, by the local health officer.

### **VIII. BURIAL RIGHTS POLICY**

Lots purchased from the City after October 1, 2014:

Full grave

One casketed remains and two cremated remains

- or -

Up to three cremated remains

Cremation grave

3 x 2 feet      one cremated remains

3 x 4 feet      two cremated remains

Lots purchased prior to October 1, 2014:

Full grave

One burial right per grave (To add a burial right for cremated remains, must purchase a second right of interment in the grave. Up to two cremated remains.)

- or -

Three cremated remains

### **IX. LOT RESALE POLICY**

All graves sold by the City after October 1, 2014 can only be returned to the City. Such graves cannot be transferred from the original purchaser to an unrelated third party. Graves can only be transferred to immediate family.

All graves returned to the City shall receive 50% of the original purchase price from the Greenwood Cemetery Perpetual Care Fund. Upon return of the graves, the City may resell the spaces.

### **X. SCHEDULE OF FEES AND CHARGES**

Fees and other charges are as set forth in the ~~City Code~~ Schedule of Fees, Charges, Bonds and Insurance.

### **XI. REVISIONS**

The obligations of the City as herein set forth may, from time to time, be modified by the Birmingham City Commission.

- Adopted by the Birmingham City Commission October 18, 1971 Resolution No. 1434-71.
- Adopted by the Birmingham City Commission February 13, 1984 Resolution No. 02-97-84.
- Adopted by the Birmingham City Commission February 23, 2009 Resolution No. 02-52-09.
- Adopted by the Birmingham City Commission December 17, 2012 Resolution No. 12-356-12



# MEMORANDUM

City Clerk's Office

**DATE:** May 29, 2015  
**TO:** Greenwood Cemetery Advisory Board  
**FROM:** Laura M. Pierce, City Clerk  
**SUBJECT:** Grave Interest List

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In the final report of the Greenwood Cemetery Advisory Committee (GCAC), the Committee recommended that letters be sent by first class mail to those on the Interest List to purchase burial rights to confirm that they wish to remain on the List and with the consequence that by not responding within 30 days they will be removed from the Interest List. The Committee further recommended that the sale of City owned plots be sold pursuant to this List in accordance with the following procedure: (Recommendation #5)

- a. Letters are sent to those on the Interest List pursuant to the above recommendation.
- b. Anyone from the List who did not respond when the time period expires will be allowed to be added back on the List on a first-come, first-serve basis.
- c. This recommendation does not apply to burial sites privately owned prior to the date the City adopts this recommendation, unless the city subsequently acquires any such sites.

The revisions to the Greenwood Cemetery Rules and Regulations and the fee schedule must be approved by the Commission prior to any newly plotted graves being sold. In light of this, the Board may wish to amend the GCAC recommendation. Instead of sending letters to those on the Interest List to confirm the intent to remain on the list, letters would be sent to those on the Interest List as soon as grave space is available.

Recommendation #11 states that "The Committee recommends that any sales occurring as the result of the reclamation process initially be offered to those currently on the Interest List according to the date their name was added to the List and thereafter offered to the general public." Since a large number of graves will soon be available, it is anticipated the individuals on the Interest List will have the opportunity to purchase graves prior to the reclamation process.

Currently, there are 145 names on the Interest List. The Board may wish to open the opportunity for individuals currently on the Interest List, as of May 31, 2015, to schedule their appointment to purchase graves prior to the appointments being opened to the public.

The letters to individuals on the Interest List would have to be sent after City Commission approval of the Greenwood Cemetery Rules and Regulations. Letters would be sent by first class mail to the first twenty individuals on the Interest List. The City and Contractor would then schedule appointments with interested individuals. Letters would then be sent to the next twenty individuals on the Interest List and so on. Limiting the number of letters sent to twenty



at a time will prevent a mass flood of individuals scheduling appointments and allow those who have been on the Interest List longer the ability to choose first. Thirty days after the last set of letters are sent, the remaining graves would be offered to individuals not on the list.

The following schedule is offered below to clarify the process.

1	GCAB recommendation to the City Commission	June 5, 2015
2	Staff to present the GCAB recommendation to the City Commission	June 29, 2015
3	If approved by City Commission, begin sending letters sent to the individuals on the Interest List to schedule appointments to purchase graves.	July 1, 2015
4	Appointments scheduled with individuals on the Interest List, as of May 31, 2015, who are interested in purchasing graves.	July 1, 2015 – September 30, 2015
5	Appointments open to the general public (not on the Interest List) who are interested in purchasing graves.	October 1, 2015 (tentative)

The Contractor has offered to pay for the Ground Penetrating Radar services for the green space in Sections B, C, K, L and O which will be completed prior to selling the graves.

At the April 10<sup>th</sup> meeting, Board members expressed concern that there may be situations where a family may own graves in the Lots across the green space where the new graves will be located. Staff will work with individuals on the Interest List to offer the new graves as close to their existing family graves as possible.

The Board also questioned if there is a limitation on the number of graves a family could purchase. The proposed Rules and Regulations restricts the resale of the new graves back to the City for 50% of the purchase prices. However, there is no regulation limiting the number of graves a family could purchase. Approximately 530 graves have been identified in the green space. Staff feels that this is sufficient space to accommodate everyone on the list. Should the board wish to recommend placing a limit on the number of graves purchased, this condition could be incorporated within the suggested resolution.

**SUGGESTED RESOLUTION:**

To recommend that the City send letters the individuals on the Interest List, as of May 31, 2015, once grave space is available and to follow the proposed schedule to sell the new graves.

- OR -

To recommend that the City send letters the individuals on the Interest List, as of May 31, 2015, once grave space is available and to follow the proposed schedule to sell the new graves, with the following conditions \_\_\_\_\_.

## GREENWOOD CEMETERY RECOMMENDATIONS CHECKLIST

	DATE COMPLETED	SECTION	RECOMMENDATIONS FROM FINAL REPORT
1	10/13/14 APPROVED BY CITY COMMISSION	4.1	Establish a Perpetual Care Fund to begin to develop the necessary funds derived from the sale of City-owned burial plots and donations to provide for the ongoing maintenance and improvements to Greenwood Cemetery.
2	10/13/14 APPROVED BY CITY COMMISSION	5.1	Establish a standing advisory board to provide recommendations to the City on rules and regulations governing the cemetery, capital improvements and on future demands for cemetery services.
			<b>ITEMS TO BE CONSIDERED IN THE FIRST SIX MONTHS</b>
3		1.2	The Committee recommends that the City of Birmingham shall promptly commence reclamation proceedings under Public Act 46 of 1931 to acquire title to burial spaces believed to be abandoned for at least 50 years. The City of Birmingham shall complete those reclamation proceedings at the earliest practical time. Thereafter, the City of Birmingham shall review the cemetery records at least every 10 years to determine whether to undertake additional reclamation proceedings.
4	IN PROGRESS	1.4	The Committee recommends that for any future plot sales by the City a restriction be placed upon such sales requiring that the owners wishing to sell these plots may only return the unused plots to the City for resale and that no private sales of those plots may occur. This recommendation does not apply to burial sites privately owned prior to the date the City adopts this recommendation, unless the City subsequently acquires any such burial site.
5	IN PROGRESS	1.8	The Committee recommends that letters be sent by first class mail to those on the Interest List to purchase burial rights to confirm that they wish to remain on the List and with the consequence that by not responding within 30 days they will be removed from the Interest List. The Committee further recommends that the sale of City owned plots be sold pursuant to this List in accordance with the following procedure: <ul style="list-style-type: none"> <li>a. Letters are sent to those on the Interest List pursuant to the above recommendation.</li> <li>b. Anyone from the List who did not respond when the time period expires will be allowed to be added back on the List on a first-come, first-serve basis.</li> <li>c. This recommendation does not apply to burial sites privately owned prior to the date the city adopts this recommendation, unless the city subsequently acquires any such sites.</li> </ul>
6		2.1	The Committee recommends that the roadway between Sections K and L be developed to accommodate an estimated 70 traditional casketed spaces and with the possibility of installing a dignified pathway to provide access.

7	IN PROGRESS	8.2	The Committee recommends that the City Commission review the Greenwood Cemetery Operational Procedures, Conditions and Regulations to ensure they are fully inclusive.
			<b>ITEMS TO BE CONSIDERED WITHIN THE FIRST TWELVE MONTHS</b>
8	GCAB approved 5/1/15	1.1	The Committee recommends the City identifies the unsold/unused burial spaces at the cemetery and offer them for sale.
9		2.2	The Committee recommends that the City of Birmingham investigate the feasibility of installing columbaria for the inurnment of cremated remains, including but not limited to, the north boundary of Greenwood Cemetery.
10		4.3	The Committee recommends the City develop a donor program for improvements specific to and appropriate to the cemetery.
			<b>ITEMS TO BE CONSIDERED AFTER THE FIRST YEAR</b>
11	IN PROGRESS	1.3	The Committee recommends that any sales occurring as the result of the reclamation process initially be offered to those currently on the Interest List according to the date their name was added to the List and thereafter offered to the general public.
12		1.6	The Committee recommends the City utilize both existing burial records and Ground Penetrating Radar (GPR) to develop a map of all known burial sites.
13		8.1	The Committee recommends that the City of Birmingham review the Greenwood Cemetery Management Agreement dated June 24, 2013 in light of the Committee's other recommendations to determine whether to modify the Agreement to be consistent with those recommendations the City Commission adopts or to terminate the Agreement.
			<b>OTHER RECOMMENDATIONS FROM THE FINAL REPORT</b>
14	In process by Elmwood.	1.5	The Committee recommends that the City digitize its burial records.
15		1.7	The Committee recommends that the City notify owners whose records reflect no burials (single spaces and within family lots) within the last 50 years to determine if they wish to sell back to the City.
16	N/A	3.1	The Committee recommends <u>against</u> expanding Greenwood Cemetery's boundaries at this time.
17	Completed, 2014	4.3	The Committee recommends the City seek a legal opinion whether the cemetery is or could be classified as a park within the meaning of MCL 129.97a(1) of Public Act 20 of 1943, such that the trust could earn market rate of return.