

**GREENWOOD CEMETERY ADVISORY BOARD
SPECIAL MEETING AGENDA
FRIDAY, JUNE 19, 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

IV. UNFINISHED BUSINESS

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

V. NEW BUSINESS

VI. CONTRACTOR REPORT

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

VIII. ADJOURN

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).



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

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/her 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.
- g. "Memorial" shall mean monuments or markers.

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/her 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 or its designated contractor.

- 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 designated Contractor shall be responsible for the maintenance and repair of the driveways, buildings, water system, drainage and fences. The City and/or its designated 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 designated 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. Further, the City and/or its designated Contractor shall not contract or agree to give special care to any section, lot or burial space except as above provided. The City shall maintain the integrity of damaged historical markers, prior to January 1, 1875, 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, or its designated contractor, 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, or its designated contractor, 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~~ are not in keeping with 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 1st. ~~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/her to act in his/her stead in matters pertaining to the cemetery.
- g. The planting of flowers on any lot, or otherwise disturbing the sod, shall release the City or its designated contractor 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, except for special groups upon notification to the City or its designated contractor.

- 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 side by side 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 or its designated contractor 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 1st 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/her to act in his/her stead, when application is made for construction of foundations. A form with the size, material and design must be submitted to the City or its designated contractor 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~~ workers engaged in setting monuments shall be under the supervision of the Superintendent or a person designated by him/her, 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.
- e. No monuments allowed in the flush sections.

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 or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st 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 or its designated contractor ~~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 or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st 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 bronze or granite material and set at lawn level.
- c. A form with the size, material and design must be submitted to the City or its designated contractor for approval and all installation fees must be paid in full prior to delivery of the memorial. Installation will not occur between November 1st and March 31st 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, or its designated contractor, 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~~ Such outside container shall be installed by the funeral director, vault company, or the City's designated contractor.

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 or its designated contractor ~~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 or its designated contractor, 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/her 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 or the City's designated contractor. 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. Such interments shall adhere to Section VIII Burial Rights Policy.

Up to two cremated remains may be placed in the same space if the owner of the grave space or his/her heirs purchase the right to such inurnments. 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 according to the Rules of Consanguinity.

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 graves.

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