

**GREENWOOD CEMETERY ADVISORY BOARD  
MEETING AGENDA  
FRIDAY, MAY 5, 2017 AT 8:30 AM  
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN**

**I. CALL TO ORDER**

Darlene Gehringer, Chairperson

**II. ROLL CALL**

Cherilynn Brown, City Clerk

**III. APPROVAL OF MINUTES**

A. Approval of minutes of March 3, 2017

**IV. NEW BUSINESS**

- A. Amendment to Rules and Regulations – Section F North
- B. Request for Proposals - Master Plan for Cemetery

**V. UNFINISHED BUSINESS**

Items under Unfinished Business will be presented as a status update to the Board and may not require action at this time.

- A. Amendment to the Cemetery Contract with Elmwood
- B. Donor Recognition Program

**VI. CONTRACTOR REPORT**

A. 1<sup>st</sup> Quarter 2017 Contractors Report

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

**VIII. BOARD COMMENTS**

**IX. ADJOURN**

**NEXT MEETING: June 2, 2017**

*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, MARCH 3, 2017 AT 8:30 AM  
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN**

**I. CALL TO ORDER**

Chairperson Darlene Gehringer called the meeting to order at 8:30 AM.

**II. ROLL CALL**

ROLL CALL: Present: Darlene Gehringer  
Linda Buchanan  
Kevin Desmond  
Linda Peterson  
Laura Schreiner  
George Stern  
Margaret Suter  
Absent: None

Administration: Cheryl Arft, Acting City Clerk

**III. APPROVAL OF MINUTES**

**A. APPROVAL OF MINUTES OF FEBRUARY 3, 2017**

Ms. Suter requested a change on page from "confirmed with" to "requested confirmation from" in Section C on page 3. The Acting Clerk will review the audio file to make the suggested changes.

Mr. Stern asked that "Public Act 251 of 1968, as amended" be added to the same paragraph in the reference to the Cemetery Regulation Act.

Mr. Stern asked that the word "is" be removed in Item D. RFP for Master Plan of the Cemetery-Update on page 3. Ms. Gehringer asked that the apostrophe in RFPs be removed in the same sentence.

**MOTION:** Motion by Suter, seconded by Buchanan:  
To approve the Minutes of February 3, 2017, as corrected.

VOTE: Yeas, 7  
Nays, 0  
Absent, None

The Acting Clerk suggested moving Ms. Buchanan's update of the National Historic Designation of Cemetery prior to the first item of New Business.

**MOTION:** Motion by Stern, seconded by Buchanan:  
To move Item A. National Historic Designation of Cemetery update on the agenda before New Business.

VOTE: Yeas, 7  
Nays, 0

Absent, None

**A. UNFINISHED BUSINESS – NATIONAL HISTORIC DESIGNATION OF CEMETERY – UPDATE**

Ms. Buchanan distributed a copy of the email she received from Robert Christiansen of the State Historic Preservation Office. She explained that Mr. Christiansen notified her that after his physical visit to Greenwood Cemetery, he believes that the cemetery does not have a clear case for national register eligibility.

The Board members thanked Ms. Buchanan for her efforts in pursuing the national designation on behalf of Greenwood Cemetery.

**IV. NEW BUSINESS**

**A. PONTEM PRESENTATION/WEBINAR**

Due to technical difficulties, the presentation will have to be re-scheduled to a future meeting.

**V. UNFINISHED BUSINESS**

Items under Pending will be presented as a verbal status update to the Board and may not require action at this time.

**A. DIGITIZATION OF CEMETERY RECORDS**

There was no update for this meeting.

**B. REQUEST FOR RFP FOR GPR SERVICES IN THE CEMETERY**

The request for an RFP will be discussed by the City Commission during the Budget Hearing on Saturday, April 22, 2017 at 8:30 AM in the Municipal Building.

**C. REQUEST FOR RFP FOR MASTER PLAN OF THE CEMETERY**

The request for an RFP will be discussed by the City Commission during the Budget Hearing on Saturday, April 22, 2017 at 8:30 AM in the Municipal Building.

**D. AMENDMENT TO THE CEMETERY CONTRACT WITH ELMWOOD**

There was no update for this item.

Mr. Stern asked what the expectation is for the unfinished business items. He asked will they come back to us at some point, or does the Board have to do something to bring any of the items to be brought back to the Board.

Ms. Gehringer suggested each Board member prepare by reading the contract, and make notes on questions they may have. The contract can then be addressed by the Board in a systematic manner by section.

Ms. Gehringer suggested that the Board finalize the digitization project, and that perhaps in June, the Board can begin to address the cemetery contract.

Mr. Stern asked when the City Commission budget hearing is. Ms. Arft said it is in April. He confirmed that by the May meeting, the Board will know whether the RFPs are included in the budget for the upcoming year, and we could begin to work on the RFPs in May.

**VI. CONTRACTOR REPORT**

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

## **VIII. BOARD COMMENTS**

### **A. CEMETERY MAINTENANCE**

Ms. Gehringer said she took pictures recently of the cemetery, and provided those to the Clerk's Office. Those are included with the agenda today. She expressed concern about the large tire tracks she saw there which were over some of the graves. She said it appeared that there had also been some dumping of tree debris into the ravine.

Acting Clerk Arft said she contacted the Contractor after Ms. Gehringer contacted her, who indicated that their crews use large boards when accessing a grave for burial. DPS was also contacted, and said DPS does not go into the cemetery with trucks of that size. They both confirmed that no dumping of debris is done.

Discussion followed about methods to prevent this from happening in the future, such as gate control, cameras, neighborhood watches, and/or more frequent police patrols.

Ms. Buchanan noted that DPS plans to place stakes soon for new trees in the cemetery.

### **B. DISCUSSION OF JANUARY 28, 2017 CITY COMMISSION LONG RANGE PLANNING MEETING**

Mr. Stern expressed his disappointment that the City Commission did not discuss the cemetery at the meeting. He said he had a conversation with the City Manager that the Clerk's Office had spoken with someone who is a master planner about creating more space in the cemetery and the need for additional cemeteries. Ms. Arft clarified that the office has contacted a few companies who do master plans for cemeteries to obtain a cost estimate for a master plan of the cemetery. She said no specifics have been discussed with any company, and no RFP has been drafted at this point. She said the request for funds to move forward with the RFP for a master plan has been submitted and will be discussed at the Budget meeting in April.

Mr. Stern said he thinks it is extremely important for the citizens to find additional cemetery space. He noted that we have not included in the discussion for the Commission to adopt P.A. 480 to allow us to reclaim abandoned spaces. We should continue to pursue how we can find additional space in the cemetery for the citizens. He said it is incumbent upon the Board to find additional space. He expressed his pleasure that the item of additional cemeteries and additional cemetery space is going to be listed as one item to be looked at in the master plan, and even if the city decides not to move forward with it, we should look at it.

Ms. Gehringer said she is confused, and asked if the Master plan has become part of the long range plan. Mr. Stern said we were precluded from speaking at the long range planning meeting about having cemetery space included in the long range plan where Mr. Stern believes it should be. He said he has since learned that even though it was not discussed at the long range planning meeting itself, that the item has been mentioned for inclusion in the master plan RFP. Ms. Arft clarified that no one has written an RFP so there has been no inclusion of anything. Once the City Commission agrees that an RFP should be issued, then the RFP will be developed, and then those items can be included if that is the direction given.

Mr. Stern asked if that discussion will be open to the public. Ms. Arft confirmed that it will be open to the public.

## **IX. ADJOURN**

The meeting was adjourned at 9:15 AM.

## MEMORANDUM

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**DATE:** May 3, 2017

**TO:** Greenwood Cemetery Advisory Board

**FROM:** J. Cherilynn Brown, City Clerk

**SUBJECT:** Amendment to Rules and Regulations-Section F North

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The Birmingham City Commission, at their March 27, 2017 meeting, took the following action:

**MOTION:** Motion by Bordman, seconded by Boutros:  
To direct the Greenwood Cemetery Advisory Board to revise the Greenwood Cemetery Rules and Regulations to permit upright monuments in Section F North of Greenwood Cemetery. All conditions as to the erection of monuments in Section VI, Monuments, Grave Markers, and Foundations shall continue to apply.

**VOTE:** Yeas, 6  
Nays, None  
Absent, 1 (Harris)

The excerpt from the minutes detailing the discussion is attached for your review.

Also attached is a red-lined version of the current *GREENWOOD CEMETERY OPERATIONAL PROCEDURES, CONDITIONS AND REGULATIONS* showing the proposed revision.

**SUGGESTED RESOLUTION:**

To amend the Greenwood Cemetery Rules and Regulations to permit upright monuments in Section F North of Greenwood Cemetery by deleting the sub-section titled *FLUSH MEMORIAL SECTION – F-NORTH ONLY* under section *VI. MONUMENTS, GRAVE MARKERS AND FOUNDATIONS*. All other conditions as to the erection of monuments in section VI shall continue to apply.

*EXCERPT*  
**BIRMINGHAM CITY COMMISSION MINUTES**  
**MARCH 27, 2017**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**03-82-17                      REVISION OF GREENWOOD CEMETERY RULES AND REGULATIONS-SECTION F NORTH MONUMENTS**

Acting City Clerk Arft explained in December of 2016, Mr. Paul Robertson asked the City Commission for an exemption to the flat marker only regulations in Section F North. He had purchased graves with his wife in a private transaction with a previous owner several years earlier and after his wife passed, Mr. Robertson discovered the grave they purchased allowed only flush markers. The restriction has been in the cemetery Rules and Regulations since 1971. He came to the Greenwood Cemetery Advisory Board and asked for an exemption to the rule. The GCAB denied it, and he came to the City Commission to ask for that exemption. The City Commission tabled that request in December to allow time for staff to research and answer the questions the Commission had. A physical visit at the cemetery revealed that there is an upright monument just inside the boundary of Section F North. Records indicate it has been there since May 1986. The photos in the report show how closely the monument is to Section F. It does not appear from our records that there was any Commission approval of that request.

Another question was whether there were other requests of this kind. Records indicate one written request from the Stenger family in September 1990 along with the Hulbert request discussed above which was in 1986. For the Stenger request the City chose not to take any action and those records are in the report.

The Commission also asked what the regulations are for raised headstones in sections other than F North, excluding the historic areas of A, B and C. The Rules and Regulations allow monuments only on two adjoining side by side graves that are under one ownership. Markers not exceeding 1½ feet in height are also permitted. On the new graves plotted after January 1, 2015, in Sections B, C, D, K, L and O, only flush or lawn level markers are permitted.

The first burial record in Section F North was February 21, 1969. The Clerk's office conducted a survey of Section F North owners to determine their interest in erecting an upright monument on their grave. Letters were sent to 34 owners at their last address of record. Eight responses have been received, with six in favor of upright monuments and two not. Ms. Arft added that Section F North consists of 36 lots, 253 spaces and 71 owners of record.

Commissioner Hoff asked if we have 71 owners of record, why were letters only sent to 34 owners. Ms. Arft responded that many people have passed. So we only contacted people that we could determine were still alive.

Commissioner Hoff wanted to know if we had any next of kin information. Ms. Arft said that information is not collected. Commissioner Hoff commented that the letter of 1990 from the City Clerk to Tom Marcus states that an employee of the Department of Public Services said that to his knowledge there are no upright markers in F North. Yet we have a letter in 1986 where the employee indicated he has no objection to putting in an upright marker and allowed the Hulbert family on upright marker in Section F North.

Commissioner Bordman visited the cemetery today and said the Hulbert monument is in a position where it looks like it is actually part of a different section. It is so close to the other markers that are there that you would not know it was part of F North. F North is actually down a bit of a slope and the Hulbert marker is at the top of the slope right next to the other section. There is a slope with no graves because of the slope, and then there is a very large area that has all flush markers. It goes all along the back right up to the point where the ground drops off into the river. For this reason, she expressed concern about agreeing to have a monument that will stand out among all of these flush markers. She understands Mr. Robertson wants to have an upright marker, but she likes to see continuity in the cemetery, and is concerned that having a marker in the middle of all the flush areas will destroy the continuity.

Commissioner Sherman said he also went to the cemetery today and agrees with Commissioner Bordman. He wondered why or how they have these rules for flush markers in that particular area so he went out there. He noticed that there are sculptures out there on a number of the

graves such as angles, cherubs and flower pots. He does not understand the purpose of the restriction when the sculptures are permitted there. Apparently, at that time of suggested flush markers there for easier lawn maintenance. He feels that no longer applies once this work is done by a contractor now. He was concerned originally with setting a precedent, but having been out there he saw the sculptures placed on or next to marker. He suggested we can restrict the height but does not understand restriction for only flush markers now.

Commissioner Boutros commented that he does not believe having a raised stone will affect how he grass is cut. He added that the location of Section F North has no impact on the cemetery.

Commissioner DeWeese said he is absolutely firm that we should have flat markers for any new graves in the historic sections, and that there is a reason for that. He does not see any engineering or practical reason why we restrict this to flat markers in Section F North. In fact, since it slopes down, even if there is a higher marker, it will not stand out that much. If there is a problem with the ground being more unsettled, then the City will require a better foundation on the graves if they are putting up a marker. He stated his support of this.

Commissioner Hoff explained that one of the concerns the last time was that people like the Stenger family have requested monuments and were denied. Now that this letter has been sent out and people have responded and the majority of people who did respond said they would prefer an upright marker. It does not sound like anyone is upset about it. Secondly, she wanted to ask about the designs for monuments and the rules state they 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. We have specific requirements.

City Manager Valentine said as a practical matter, the Commission can tell me how you would like me to handle it, but all these matters that have that language with regard to the superintendent need to go to his attention as the City Manager. His position would be that in terms of continuity of managing this, we would have our contractor facilitate the installation of these stones, like they are managing all other operations of the cemetery. The direction and requests would come from the City Manager's office.

Mr. Paul Robertson agreed that they have come to the same conclusion that he came to, that Section F North was for some reason in the 60's and 70's granted second class citizenship and he hopes in the vote to give the section first class citizenship.

**MOTION:** Motion by Bordman, seconded by Boutros:

To direct the Greenwood Cemetery Advisory Board to revise the Greenwood Cemetery Rules and Regulations to permit upright monuments in Section F North of Greenwood Cemetery. All conditions as to the erection of monuments in Section VI, Monuments, Grave Markers, and Foundations shall continue to apply.

VOTE:           Yeas,   6  
                  Nays,   None  
                  Absent, 1 (Harris)

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

**I. DEFINITIONS:**

The following words and phrases, 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, unless in compliance with applicable leash law.
- f. Bring or discharge any firearm on the cemetery grounds, except in the conduct of military funerals.
- g. Carry intoxicants into the cemetery grounds, or consume such while in the cemetery.
- h. Advertise on cemetery grounds unless permitted by the City.
- 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, 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 are not in keeping with the appearance of the cemetery.
- d. Ironwork, seats, vases, and 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. 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>. 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, 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, 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 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 shall be subject to the following conditions:

- a. Each monument shall be supported on a concrete foundation not smaller than the base of the monument it supports. Such foundation shall be constructed only by the City or its designated contractor after payment therefore has been made. Foundations will be 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. Designs for monuments 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. No monument of artificial stone, sandstone, limestone, or soapstone will be permitted.
- d. All contractors and 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 shall be started that cannot be completed by the end of the day following the start of such work.
- e. No monuments shall be allowed in the flush sections.

### **MARKERS**

- a. 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 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 or its designated contractor 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 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, D, 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 1<sup>st</sup> and March 31<sup>st</sup> unless weather permits.

## **VII. FUNERALS, 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.

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 vaults or caskets. 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. 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 City, its designated contractor, 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. No burials are to be made on Sunday or legal holidays, except by permission of the Superintendent. Overtime charges will apply.

The 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. 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 burial shall be facilitated by a Michigan licensed funeral director. Said funeral director shall obtain a permit for such removal from the local health officer of Oakland County. Said funeral director shall complete the removal form as required by the City or its designated contractor. Disinterment shall not commence until after issuance of the Oakland County permit is presented to the City or its designated contractor, approval for removal is granted by the City or its designated contractor, and

all applicable fees are paid. Such disinterments shall only be scheduled between June 15<sup>th</sup> and October 15<sup>th</sup> each year unless approved by the City. The grave space where the disinterment occurred shall immediately be returned to a safe condition.

## **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 each additional right of burial in the grave. Up to two cremated remains.)

- or -

One cremated remains (To add a burial right for cremated remains, must purchase each additional right of burial in the grave. Up to two 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 family according to the Rules of Consanguinity with supporting genealogical documentation.

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.

(For the purpose this policy, immediate family shall mean the immediate family of the purchaser(s) – spouse, children, grandchildren, parents, siblings, nieces/nephews, grandparents, aunts/uncles, step-children.)

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

Fees and other charges are as set forth in the 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.

- October 18, 1971 Resolution No. 1434-71
- February 13, 1984 Resolution No. 02-97-84
- February 23, 2009 Resolution No. 02-52-09
- December 17, 2012 Resolution No. 12-356-12
- August 10, 2015 Resolution No. 08-174-15
- March 27, 2017 Resolution No. 03-82-17

## MEMORANDUM

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**DATE:** May 3, 2017

**TO:** Greenwood Cemetery Advisory Board

**FROM:** J. Cherilynn Brown, City Clerk

**SUBJECT:** Request for Proposals – Master Plan for Cemetery

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The Birmingham City Commission, at their March 27, 2017 meeting, considered the action list adopted by the Greenwood Cemetery Advisory Board (GCAB) on September 2, 2016. The Commission felt that GCAB's recommendation to create a master plan for the cemetery was the key component to accomplishing the other items on the list. To that end, the Commission took the following action:

**MOTION:** Motion by Bordman, seconded by DeWeese:  
To accept the proposed Greenwood Cemetery Advisory Board's Action List, with the following revisions:

1. Develop a Master Plan for the Cemetery including a map;
2. Revise the Rules and Regulations to remove the restriction of upright monuments in Section F. North

**VOTE:** Yeas, 6  
Nays, None  
Absent, 1 (Harris)

An excerpt from the Commission meeting minutes detailing the discussion is attached for your review.

Funding in the amount of \$20,000 for development of a master plan is included in the City of Birmingham's proposed fiscal year 2017-2018 budget. If the budget is adopted as proposed, funding will be available as of July 1, 2017 for the GCAB to proceed.

At the GCAB's June 2, 2017 meeting City staff will provide a Request for Proposal template to the Board for review and comment.



*EXCERPT*  
**BIRMINGHAM CITY COMMISSION MINUTES**  
**MARCH 27, 2017**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**03-83-17                    GREENWOOD CEMETERY ADVISORY BOARD-ACTION LIST**

City Clerk Arft stated that last July during the presentation of the Greenwood Cemetery Advisory Board Annual Report to City Commission, one of the requests from the Commission was for the Board to develop an action list and put it in their priority order and bring it back to the Commission for its review and determination of priorities. The Cemetery Board approved them and asked for them to be brought forward to you.

Commissioner Sherman said looking at the list, it seems to him that nine of the ten actually come from one, and that is a Master Plan for the Cemetery. Without a Master Plan he is not sure how any of the others can move forward in any fashion. Anytime the City has a project, we try to have a plan in place before we decide what the elements are that have to be accomplished in order to achieve our plan. It would seem to him that there should be one item on the list, and that is a Master Plan. So now it is going to be the Master Plan, but before you get to that he believes that we need to revise the regulations that the Commission sent back to them tonight. Once the Master Plan is done, we can look at what other goals need to be accomplished in order to implement the Master Plan.

Commissioner DeWeese agrees that is the way the City gets things done. Once we have a Master Plan, we follow it. The Parks Board is now going through a Master Plan. Most of the elements listed would seem naturally to fit into a Master Plan, but as separate elements, each battle has to be fought separately if they are not integrated. We make it clear in the Master Plan what is the vision for the Cemetery. We agree to a vision and direction and that will make it easy to go through those items. For example, Number 1 is to recommend an RFP for ground penetrating radar services. Part of the plan might be because we need to identify how many graves, and what we would do with the information once we identified them. The key here is a Master Plan has to be number one. He is comfortable with it being the only one or it can be number one and the others can follow. In talking to the City Manager this afternoon, money is already being set aside to do a Master Plan. He supports the Master Plan for the City and believes it is right to get a Master Plan here.

Commissioner Hoff thinks a Master Plan is a good idea, but not only does the Master Plan need financing, so do many of these items on that list. There is manpower involved in so many. Who will create the Master Plan. She said that the cemetery needs a little focus, and asked if there is money set aside, will there be a budget.

City Manager said there will be a budget, and this request had come to him as part of the budget process along with some other items which did not make the cut. But from a strategic standpoint, it was clear that the Master Plan was the way to go from the standpoint of where to you start. He believes as Commissioner DeWeese indicated, everything fits into that. There will be money in the upcoming budget for next year to address the Master Plan element of this and then determine what elements should receive the focus. The intention with the Cemetery is that it would be effectively an enterprise type fund where once the Perpetual Care Fund is established, all operational expenses associated with the Cemetery would come out of the Perpetual Care Fund. It was set up a couple years ago and once graves are sold, that generates the revenue for the Perpetual Care Fund. So going forward, that is the big picture model of how this is going to operate. In the meantime, we may have to put some additional funds in there to address some of the kick start items to get this going. But in the long term, this would be effectively funded over the long term for the perpetual care of the Cemetery through that Perpetual Care Fund. First year, we are looking at some dollars just to get this started. We want to build that reserve so we have that endowment kind of approach coming back annually to make these ongoing improvements.

Commissioner Hoff asked who would create the Master Plan. City Manager Valentine confirmed we would have a consultant come in and facilitate the creation of the Master Plan, just like we do with other Master Plans. Commissioner Hoff commented that when we had a consultant come in for the Cemetery to draw up a plan/contract on what we were going to do and who was going to manage the cemetery, we did not get any responses except for the person who

wrote the proposal. She expressed concern about that. She asked if people create Master Plans for cemeteries.

City Manager said there are firms out there who do them and he believes we have spoken to a firm already to get an estimate for this work. There are companies that can facilitate this process to get you where you want to be.

Commissioner DeWeese commented that the current persons operating the Cemetery can have some input into the plan but they should not be the ones creating the plan due to a conflict of interest. We want an independent voice, and independent perspective. We need clarification with an independent view. There is an ethical issue that he wants to avoid for the future.

Commissioner Bordman suggested that we move this forward by directing the Cemetery Board to, when possible, go forward with a Master Plan and not move on the remaining items.

Mayor Nickita said it could be looked at as an action item as our second point, resolution accepting proposed advisory board action list with the following revisions and the revisions could do a Master Plan.

Commissioner Bordman if you prefer it that way she is happy to make the motion that the Mayor outlined.

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

To accept the proposed Greenwood Cemetery Advisory Board's Action List, with the following revisions:

1. Develop a Master Plan for the Cemetery including a map;
2. Revise the Rules and Regulations to remove the restriction of upright monuments in Section F. North

Commissioner Sherman said we did just send something to them regarding revising the rules and regulations. That should be on there also, we would like to see that back sooner than later.

Commissioner Bordman said she was not sure we could do this without a budget in place. City Manager Valentine said that July 1, funds will be allocated to fund that project and the Board can proceed at that time. In the meantime, staff can work on drafting the documents necessary to facilitate that time line, and have everything ready to go July 1, pending approval of budget.

Commissioner Bordman agreed to the revision.

Commissioner DeWeese said he hoped the Cemetery Board does not see that this as a stall. He believes we can facilitate things in the future and the Board can spend some time thinking through the elements. These are all elements that have the notion of some vision so the Board should clarify the vision, and it will facilitate that process. By having a Master Plan, the City can then establish funding. The Cemetery Board can have more say in making recommendations to us, and we can proceed forward.

Mayor Nickita added that the Master Plan would add clarity to the other items in a priority list as to which ones would be most important, and then fund those accordingly.

Ms. Darlene Gehringer, Cemetery Board Chairperson said we have been working on the action list, but not as a part of a Master Plan. She asked to clarify that the Commission is directing the Board to prepare a Master Plan Request for Proposal.

City Manager Valentine said the Board is required to meet quarterly, and meetings are set monthly. From a priority standpoint, the Commission stated the priority is the Master Plan.

Mayor Nickita suggested that they have to prepare for the Master Plan and the details as to what you would want the plan to be. The clearer and more defined that is, the better the Master Plan will be. The Board can work to prepare or assist in developing the RFP and the clarity that should be in there to allow for a consultant to be better prepared to give us what we need.

Commissioner Valentine confirmed for Commissioner Hoff that staff will write the RFP. It will be reviewed by the Board, and recommended to the Commission. Staff will generate that process.

GCAB member George Stern asked if the Commission's direction relative to the development of a Master Plan means the Board cannot continue to look at operational issues. City Manager Valentine responded in terms of trying to identify specific areas because there is going to be a period of time in which the focus will be re-shifted to the RFP process

Commissioner DeWeese said if there is an immediate operational concern, then that has to be brought to the attention of the City Manager.

Mr. Stern appreciates that the Commission is supporting the Master Plan. He hopes that it is integrated with the Master Plan for the City, so that the City can do their Master Plan and look at the total demand for cemetery space in the future.

VOTE:           Yeas, 6  
                  Nays, None  
                  Absent, 1 (Harris)

## MEMORANDUM

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**DATE:** May 3, 2017

**TO:** Greenwood Cemetery Advisory Board

**FROM:** J. Cherilynn Brown, City Clerk

**SUBJECT:** Donor Recognition Program

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The Birmingham City Commission, at their March 27, 2017 meeting, considered the Board's goal to create a Friends of Greenwood Cemetery 501(c)(3). The Commission's discussion yielded a general consensus that the donor program should be included in the Master Plan for the Cemetery. The Commission took no action on the item.

An excerpt from the Commission meeting minutes detailing the discussion is attached for your review.

*EXCERPT*  
**BIRMINGHAM CITY COMMISSION MINUTES**  
**MARCH 27, 2017**  
**MUNICIPAL BUILDING, 151 MARTIN**  
**7:30 P.M.**

**03-80-17                    GREENWOOD CEMETERY DONOR RECOGNITION PROGRAM**

Acting City Clerk Arft said one of the Cemetery Board goals was to develop a Donor Recognition Program for improvements specific to the cemetery. The Board used the Parks and Recreations donor policy as a guideline. In April of last year, the Board made some revisions specific to the cemetery that are noted. They completed the development of the policy, and the Board recommended the City Manager and the City Attorney review the proposed program. Both have reviewed it along with the Finance Director. There were no objections. There were some changes that were made. The Advisory Board looked again at the program at its December meeting and approved it with just one small change. They are submitting bringing it tonight for your consideration.

Commissioner Boutros would like to move the suggested resolution. It is very clear on what we are trying to achieve and how it has been reviewed.

Commissioner Bordman believes that we are heading into a Master Plan that a donor program would be an item within the Master Plan, so she is not sure this is the right time to address it. If the Commission decides it is, she had some changes to suggest. She believes this is something that should be tabled for inclusion in the Master Plan.

Commissioner Sherman concurs with Commissioner Bordman's statement. This is one of the items that was on the list provided in Item A, and if we want the Cemetery Board to look towards a Master Plan, this is definitely part of what should be in that Master Plan. He is not saying anything wrong with what was done, but it just should be done as part of a whole as opposed to doing this piecemeal at this point. He said it is a great start, but should be incorporated in discussion with Master Plan.

Commissioner DeWeese said he would note the sentence the donation guideline section states that the donations will be reviewed for appropriateness and compatibility with the Greenwood Cemetery Master Plan. The notion and concept are good; he does not like delays but he thinks they need to tie them together.

Commissioner Hoff also thinks there is room for improvement. She believes there are things that have not been addressed that should be included, and she does not think this is ready for approval. She asked about the consideration of designating Greenwood a national historic cemetery.

City Clerk Arft responded to Commissioner Hoff that the Board was notified at the last Board meeting that the State Historic Office did not believe that Greenwood would be a candidate for national designation.

Mayor Nickita believes we are moving toward having some level of clarity on donations and opportunities for elements of our City overall, where opportunities for donations are continuing to be directed, uncovered and clarified. He is very pleased in the direction they are moving, but it needs to be driven by the Master Plan.

The Commission took no action on this item.

**HISTORIC GREENWOOD CEMETERY 2017  
FIRST QUARTER REPORT**

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**MONTHLY BURIAL SERVICES**

<b>MONTH</b>	<b>CREMATION BURIAL</b>	<b>FULL CASKETED BURIAL</b>	<b>DISINTERMENT</b>
JANUARY	0	3	0
FEBRUARY	0	0	0
MARCH	0	1	0

**CEMETERY MAINTENANCE**

Mike Shukwit, Director of Operations and his team completed all burials. The clean-up from the winter was completed by March 31<sup>st</sup>. All work orders were completed as of March 31<sup>st</sup>.

Services for the burial of cremated remains have been scheduled in April up to July currently.

**CUSTOMER SERVICE, RECORD KEEPING AND LONG TERM CARE**

At the end of the quarter all of the records are up to date. No lot owner requests are outstanding and no transfers are pending.

**GRAVE SALES**

14 lot sales in the quarter.

<b>2017</b>	<b>Purchased one grave</b>	<b>Purchased two graves</b>	<b>Purchased three or more graves</b>	<b>TOTAL SOLD</b>	<b>75% of sale paid to the City</b>	<b>25% of sale paid to the Contractor</b>
Resident	0	1	0	2	\$4,500.00	\$1,500.00
Non-Resident	1	1	2	12	\$27,000.00	\$9,000.00
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>14</b>	<b>\$31,500.00</b>	<b>\$10,500</b>

**NEWLY IDENTIFIED GRAVE SPACES\*\*  
TOTAL NUMBER OF GRAVES SOLD PER SECTION**

Section	2015 Total	2016 Total	First Quarter 2017	Second Quarter 2017	Third Quarter 2017	TOTAL Number of Graves Sold To Date	Number of Graves Remaining
B	33	60	14			107*	301
C	11	24	0			35*	37
D	6	0	0			6	6
K	14	5	0			18	0
L	8	4	0			12	4
O	6	0	0			6	4
<b>TOTAL</b>	<b>78</b>	<b>93</b>	<b>0</b>			<b>184</b>	<b>346</b>

\*Per City Commission request, once 200 graves are sold in Sections B & C, the GCAB must review those Sections prior to additional graves being sold. No more than 240 graves can be sold in those two sections prior to GCAB review.

\*\*Only flush memorials are allowed in the newly identified grave spaces.

Section	2015 Total	2016 Total	First Quarter 2017	Second Quarter 2017	Third Quarter 2017	TOTAL Number of Graves Sold To Date	Number of Graves Remaining
G	14	1	0			14	
E	11	0	0			11	
<b>TOTAL</b>	<b>25</b>	<b>1</b>	<b>0</b>			<b>25</b>	

**AREAS ALONG THE ROAD  
TOTAL NUMBER OF GRAVES SOLD PER SECTION**

This concluded the thirtieth quarter (40 months) as the operator of Historic Greenwood Cemetery.