

**GREENWOOD CEMETERY ADVISORY BOARD
MEETING MINUTES
MONDAY, AUGUST 3, 2015 AT 10:30 AM
MUNICIPAL BUILDING, ROOM 205, 151 MARTIN**

I. CALL TO ORDER

George Stern, Chairperson, called the meeting to order at 10:30 AM

II. ROLL CALL

Present: Kevin Desmond (arrived 10:33 AM)
Linda Peterson
Laura Schreiner
George Stern
Barbara Thurber

Absent: Pamela DeWeese
Darlene Gehringer

Administration: City Manager Valentine, City Clerk Pierce, Deputy City Clerk Arft

Guests: Cheri Arcome of Elmwood Cemetery

III. APPROVAL OF MINUTES

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. Discussion on City Commission Request

- 1. Number of graves per inquiry**
- 2. Arrangement of graves to be sold in sections B & C**
- 3. Resident v non-resident rate schedule**

Chairperson Stern provided a brief synopsis of the July 27, 2015 City Commission meeting and cemetery tour which was prior to the meeting. He explained that the cemetery tour was conducted to give the City Commission an opportunity to visualize the current green space proposed to be made available for sale as grave space.

Mr. Stern stated that what the City has is the problem of allocation of a limited supply of available grave space. There are three things to look at: supply, demand and allocation. The Board's concern thus far has been about allocation. He said Commissioner Hoff questioned supply, and how big ~~supply~~ it can be expanded.

Mr. Stern noted that the new cemetery reclamation law was questioned, and that City Attorney Currier stated that he would have to study the law to confirm whether it applied to municipal cemeteries in order to inform the Commission and the Board what supply would be within a time frame so that the Commission could make better decisions on allocation. Mr. Stern believes that while the Board is ready to proceed with allocation, the City Commission is not ready to allocate.

Ms. Pierce explained that the City Commission made a motion that was postponed. They did limit the number of graves in Sections B & C to be sold initially from 480 to 240, and that the Commission would revisit selling the remaining 240 after the initial supply of graves are sold.

Item #1. Ms. Pierce explained that the Commission requested the Board recommend a number of grave sites per inquiry to be used as a guideline when selling the gravesites. She asked the Board to consider defining "per inquiry". She also asked for the Board to discuss how soon and how frequently after purchasing graves an individual could add their name to the interest list.

Ms. Peterson asked how many graves are available for sale. Mr. Stern responded that was Commissioner Hoff's point, who felt the number was actually 800, including reclamation. Mr. Stern pointed out that Ms. Gehringer has been in favor of ~~doing~~ discussing reclamation first.

City Manager Valentine responded that the objective of this Board is to identify a number that could accommodate those on the interest list and the potential for demand going forward. Ms. Pierce noted that there are 151 entries on the interest list. Ms. Peterson asked where the 82 graves came from. Mr. Stern responded that the contractor identified through the city records those spaces as being plotted and never sold. 26 were full graves and the remainders— were cremation graves. Mr. Valentine added that the process was at the conclusion of the prior committee's work. Initially, Elmwood identified 40 spaces, and as they continued that process, they identified a total of 82 gravesites. Mr. Valentine said 82 and 530 are definitive numbers. The numbers on reclamation are still speculative and unknown. He said Ms. Pierce has a sheet with all of the numbers on it which will be made available to everyone.

Ms. Schreiner reminded that no matter what we decide here and what the numbers actually are, eventually we will have a supply/demand issue again. We are setting down a process for how we want to sell the current inventory.

Ms. Pierce described the table which she will provide everyone by email. She stated there are 530 graves, give or take a few due to existing trees or shrub, which are located in the green space. Ms. Pierce noted that of the 82 newly identified graves, 17 have already been sold for burials.

Mr. Stern asked if the Board wishes to confirm if people on interest list can purchase more graves than what they initially signed up to purchase. Ms. Pierce pointed out that each grave can hold one full burial and two cremains, or three cremains. She explained that with the City Commission's action to reduce the number of green space graves to be sold in Sections B & C, the Commissioners requested the Board to recommend a number of graves each individual can purchase. Ms. Pierce asked that the Board define the term "inquiry". For example, would a married couple be counted individually, or as one couple.

Mr. Stern asked if the Board wished to restrict the number of graves to the number they originally put on the interest list, or the number they now desire. Ms. Peterson thinks if we satisfy the original inquiry on the interest list and they are added back on the interest list, a problem could be created when a family wants to be in the original section purchased and it may no longer be available.

Ms. Schreiner believes that facts and circumstances may have changed in a family from the time a family signed up to be on the interest list. She believes that economics will govern what people can buy.

Ms. Pierce noted that of the 27 communities surveyed, only one community limits the number of graves someone can purchase.

Mr. Desmond stated that we have eliminated the problem of private sales to others for exorbitant amounts. He does not want to penalize big families. Ms. Thurber agreed that the lot resale restrictions proposed for lots purchased after October 1, 2014 will be effective.

MOTION: Motion by Mr. Desmond, seconded by Ms. Schreiner:

To recommend the number of graves allowed to be sold per inquiry not be limited.

VOTE: Ayes: 5
Nays: None
Absent: 2 (DeWeese, Gehringer)

Mr. Stern thinks it is important to contact everyone on the interest list to determine how many graves they wish to purchase.

Item #2: Ms. Pierce stated that at the City Commission meeting a suggestion was made by a resident to stagger the arrangement of graves in Sections B & C and sell only half of the graves within a row to reduce the visual impact of the markers. The Commission suggested that the Board consider this suggestion, and she presented scenarios for the Board to discuss.

Ms. Pierce confirmed for Ms. Peterson that the new lots will be flush markers. Potential purchasers will be advised of that fact and that restriction will be included on the deed.

Ms. Arcome stated a letter will be sent to funeral directors and major monument companies that serve Greenwood about the flush marker restriction so they are aware and will not sell a family a monument in this section. A layout of the marker/monument must also be provided for approval by the City before installation. She stated that the restriction is intended to be strictly enforced by the City.

Mr. Stern said the basic assumption was the way it was laid out it looked like a path and in order to break up the look of the path, staggering a pattern would avoid that. It was also assumed that there would not be as much demand for space in the old sections so we could lay out the framework over time. It was further assumed that many people would want one or three graves at a time, and not many would want two graves at a time, or parallel graves. He noted that Commissioner McDaniel asked how we could do this without knowing what the demand for graves is, and how can we design patterns without knowing if there are people who want single spaces.

Ms. Schreiner commented that there is a disconnect between the time of sale and when the markers are placed. She said there are graves in Greenwood that were sold many, many years ago without markers on them. She said we are talking about the order of sale, not the order of interment. Mr. Stern agreed.

Mr. Desmond said this does not sound practical in terms of management and being able to serve people. Ms. Schreiner said we should not stagger and sell them all. Mr. Desmond asked Mr. Stern to clarify the assumption that most people would not purchase two graves. He thinks trying to get to that goal of preserving the look will upset purchasers who will not understand. He added he believes a pair of graves will be most common. Ms. Schreiner stressed that we are talking about a non-emergency sale which is different from when the markers go in. Ms. Thurber says the decision should be at the discretion of the Clerk.

Ms. Arcome said if the intent is to sell these spaces, a pattern means nothing because all the spaces will be sold eventually. She continued that the staggering pattern will happen naturally over time. She said selling a grave today does not mean there is going to be an interment and a marker to follow. Marker installations are the final piece, with many installed years later. She thinks a situation could develop when families are split in location. Also, the City may run into unhappy people who were told they could not purchase in a certain row because no graves or not enough graves to satisfy their request were available at that time, and then six months later, the City opens up the remaining graves for sale.

MOTION: Moved by Mr. Desmond, seconded by Ms. Schreiner:
To recommend to not stagger the graves in Sections B & C.

VOTE: Ayes: 5
Nays: None
Absent: 2 (DeWeese, Gehringer)

Mr. Stern opened the discussion of selling only half of a row first, does the Board wish to restrict what is being sold in any manner, or do we wish to leave it to people to choose and purchase as many as they wish.

Mr. Desmond stated that people will want to buy pairs together and not one after the other down a row. He believes that all of the restrictions we are discussing are creating unintended consequences and will cause more issues. Ms. Arcome agreed.

Mr. Stern stated his understanding of the Board's consensus is that the 240 graves to be offered initially in Sections B & C should not be restricted in any way.

Item #3: Mr. Valentine noted that the City Attorney confirmed that restrictions cannot be placed on who may purchase gravesites. The Board's discussion should be about a two-tier fee structure for residents and non-residents.

Ms. Pierce stated we currently have a flat rate fee schedule. Staff surveyed 27 communities, and found that 16 communities have a two-tier schedule for residents and non-residents. Those rates ranged from 20%-70% more for non-residents. She suggested the Board discuss the definition of residency, length of residency and property owner versus resident status. One of the definitions of a resident staff found during its survey was "any person who pays real or personal property taxes to the city and any person who is a qualified elector of the city". She noted that if a separate fee schedule is agreed on, that it only be on the sale of grave, not burials, transfers, or foundations as the cost to perform those services are the same whether or not you are a resident.

Ms. Thurber believes that the attachment is to the area, not just the City, and she does not think it is fair to restrict purchases.

Ms. Schreiner favors making the resident definition reasonably broad. If a non-resident wants to be buried in the cemetery, they must have some connection to Birmingham. She suggested a non-resident fee should not be exorbitant. Mr. Desmond stated that the cost of a grave in Greenwood is high compare to the communities surveyed.

Mr. Stern does not know how we consider this question without knowing demand. Ms. Schreiner said we will sell everything we have, and we need to move forward. Mr. Stern said

we could find out quickly what demand is before we start selling. Ms. Schreiner stated we already know there is a good demand. Mr. Desmond asked what value there is to that analysis. Ms. Pierce pointed out that regardless of demand, we need to focus the discussion on the fees and whether to have a tiered schedule. Ms. Schreiner said we are making fees for the surrounding area and this space, not because we want to price them so high that individuals are eliminated by virtue of the cost.

Ms. Pierce confirmed for Ms. Peterson that many on the interest list are outside of Birmingham.

Mr. Stern noted that private sales are in the range of \$10,000. It makes sense that non-residents fees should be at least double that for residents, and that we should double all of the other fees for non-residents in order to take care of our Birmingham residents first and not worry about the greater world.

Mr. Desmond believes \$6,000 for one grave is exorbitant. Mr. Stern said if people are paying \$10,000, then \$6,000 is a bargain.

Mr. Desmond believes Service fees should remain the same regardless of their residency. Mr. Stern said you never penalize someone by charging what the market will bear. Mr. Desmond asked if we are trying to squeeze every single dollar possible, or are we trying to operate a historic cemetery. Ms. Schreiner said we are trying to set fees to cover the city's costs and become self-funding.

Ms. Arcome said she has received many calls and heard comments that the City is only concerned about money. Many Birmingham residents she has heard from are concerned about the city's image over this. Operationally, enforcement would be a problem.

Mr. Valentine noted it is helpful to know that implementation of a two-tier fee schedule would be challenging. He asked then is the Board comfortable recommending a second tier and if so, what should that be.

Ms. Schreiner stated she sees pros/cons to both sides. We have the economics of getting more, the image problem and the problem of defining a resident for the efficient administration of the cemetery. Based on what she has heard, she is unsure it is in our best interests to have a two-tier fee schedule.

Ms. Peterson does like a two-tier system, but not necessarily doubling the fees for non-residents.

MOTION: Moved by Peterson, seconded by Stern:
To recommend a two-tier system for residents and non-residents.

VOTE: Ayes: 2 (Peterson, Stern)
Nays: 3 (Desmond, Schreiner, Thurber)
Absent: 2 (DeWeese, Gehringer)

Motion fails.

Mr. Valentine suggested that the Board try to reach some affirmative recommendation for feedback to the Commission.

MOTION: Moved by Desmond, seconded by Ms. Thurber:

To recommend the fee schedule remain the same for residents and non-residents.

VOTE: Ayes: 3 (Desmond, Schreiner, Thurber)
Nays: 2 (Peterson, Stern)
Absent: 2 (DeWeese, Gehringer)

Motion fails.

Mr. Valentine asked that the Board set a date for the next meeting, and if there is a lack of agenda items, the meeting can be cancelled. Mr. Stern would like to discuss the additional items at a future meeting.

Ms. Pierce noted that September 4 falls on Labor Day weekend. It was agreed to meet instead on September 11 at 8:30 AM.

Mr. Desmond suggested that we discuss again the fee schedule for residents and non-residents at the September 11 meeting, contingent upon what action the City Commission takes at their next meeting.

VI. CONTRACTOR REPORT

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

VIII. ADJOURN

The meeting was adjourned at 11:43 AM.

Cheryl Arft
Deputy City Clerk