

**GREENWOOD CEMETERY ADVISORY BOARD
MEETING MINUTES
FRIDAY, SEPTEMBER 11, 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
Linda Peterson
Laura Schreiner
George Stern
Barbara Thurber
Absent: Darlene Gehringer

Administration: Clerk Pierce and Deputy Clerk Arft

Guests: Cheri Arcome of Elmwood Cemetery

III. APPROVAL OF MINUTES

A moment of silence was observed in memory of the lives lost on September 11, 2001.

A. APPROVAL OF MEETING MINUTES OF JUNE 5, 2015

Mr. Stern suggested the word "installed" be added to the last sentence on page 1 before the word "prior". He also suggested adding "ing" to the word "add" on page 2 in the last sentence of the third paragraph from the bottom.

MOTION: Motion by DeWeese, seconded by Peterson:
To approve the Greenwood Cemetery Advisory Board minutes of June 5, 2015, as amended.

VOTE: Ayes: 6
Nays: None
Absent: Gehringer

B. APPROVAL OF SPECIAL MEETING MINUTES OF JUNE 19, 2015

Ms. Pierce suggested changing "Pierce" to "Valentine" after City Manager on page 1.

Mr. Stern suggested adding "it" after the word "that" on page 2 in the third paragraph.

MOTION: Motion by Thurber, seconded by DeWeese:
To approve the Greenwood Cemetery Advisory Board special meeting minutes of June 19, 2015, as amended.

VOTE: Ayes: 6
Nays: None
Absent: Gehringer

C. APPROVAL OF MEETING MINUTES OF AUGUST 3, 2015

Mr. Stern suggested changing the word "supply" to "it" in the second paragraph under New Business. He suggested changing the word "doing" to "discussion" on page 2 in the third paragraph. He asked that the letter "s" be removed from the word "remainders" on page 2 in the fourth paragraph.

MOTION: Motion by Schreiner, seconded by Thurber:

To approve the Greenwood Cemetery Advisory Board meeting minutes of August 3, 2015, as amended.

VOTE: Ayes: 6
Nays: None
Absent: Gehringer

IV. UNFINISHED BUSINESS

V. NEW BUSINESS

A. City Clerk's Office Update

Ms. Pierce summarized the City Commission's actions. The sale of the graves in sections B & C were approved limited to 240 as opposed to the 480 that are there. Once 200 graves are sold, the Board will revisit the discussion of the remaining graves and a recommendation will go back to the City Commission for consideration.

Approximately 25 graves have been sold to date, with 12 sales pending. Ms. Arcome meets with families several times at the cemetery before decisions are made. She is contacting everyone on the interest list in order.

The Rules and Regulations were approved. She noted that she and the City Attorney discussed the Rules of Consanguinity and clarified the language about to whom the graves may be transferred. Also, purchasers will be required to complete and sign an Acknowledgement of Lot Resale policy. Ms. Pierce confirmed for Ms. Peterson that the flush marker requirement on all the new graves is being included on the deed, as well as being verbally advised of the restriction by Ms. Arcome. Ms. Pierce will confirm with Ms. Arcome whether a restriction is placed on the deed about the transfer and sale limitations.

Mr. Stern asked if we advise purchasers of the right to authorize anyone to be buried in a plot that they own. Mr. Stern said authorities to bury are not covered in the policy. Ms. Pierce said graves cannot be sold on Craig's list. Mr. Stern disagreed.

Ms. Pierce noted that the Commission approved a single fee for residents and non-residents. It is the opinion of the City Attorney that in order to implement a two-tiered fee system, there has to be city taxpayer funds expended for cemetery operations. Since Elmwood Cemetery pays for the maintenance of the cemetery, no taxpayer funds are used, and therefore the City cannot charge a different fee for non-residents.

Mr. Stern raised the question of the golf courses and the two-tiered fee system charged there. Ms. Pierce explained that there are taxpayer funds expended for operations of the golf courses, and therefore, the City may impose a two-tiered fee system.

Ms. Pierce noted that the recommendations checklist has been updated with the accomplishments of the Board to date. She suggested that the Board set a priority list today of the remaining items on the checklist. Additionally, she suggested that the next meeting of the

Board be scheduled for Friday, December 4, 2015 to give staff ample time to conduct any research, study the priority list, and draft the Annual Report required by the ordinance. She noted that the contractor report distributed today is a revised report from what was provided in the agenda.

Mr. Stern requested that the clause "natural or adopted" be added to the definition of children. Ms. Schreiner noted that legally the term "children" covers adopted children as well as natural children. She suggested we consider step-children when considering transfers as well as burial rights. Ms. Arcome confirmed that step-children are considered children in the Rules of Consanguinity. Ms. Schreiner added that in the probate arena, step-children are not included unless they are specifically included, unlike adopted children.

It was the opinion of the board that step-children should be included in transfer transactions.

Ms. Pierce explained that the City is publicizing the opportunity to register on the interest list by doing so on the website.

Ms. Arcome explained the process she is following since the graves were permitted to be sold. She has been spending a great deal of time educating people rather than actually being able to meet with them. She reported that everyone she has spoken with is excited and relieved knowing they can move forward with their plans. She generally spends Monday, Wednesday and Friday at the cemetery. She has not had anyone remove themselves from the list. She has had people who purchased more spaces than originally requested. She has contacted over 60 on the list. Her initial goal was to meet with 20 people a week, but has been unable to do so. She said many are Birmingham residents, but also from Bloomfield. Many are residents of two states.

She noted that most of the graves in sections D, K, L and O have been purchased now. The 240 graves are in sections B and C. Ms. Arcome confirmed for Ms. Schreiner that she believes the Board is going to have to make a decision on the remainder of the graves relatively soon.

Ms. Arcome explains the orientation of the graves to the purchasers and also measures the area, so that they have a very good idea of the area they are considering.

Ms. Arcome confirmed for Ms. Peterson that deeds are not issued for 30 days after the funds are received and cleared.

Mr. Stern distributed a memo regarding reclamation. The City Attorney provided a letter with direction for reclamation. Mr. Stern said he thinks we should begin to think about reclamation in light of the information provided by Ms. Arcome. He further stated that the law in Public Act 251 gives the city the authority to pass ordinances to regulate Greenwood Cemetery, and that authority was used to establish the trust fund.

The City Attorney recommended the Board follow Public Act 46. The criteria for neglect is a plot that has been uncared for for a period of 7 years. The action to take after establishment of neglect is to reclaim the space. There is a legal process for reclamation, which affords an owner a two year period to reclaim.

Mr. Stern noted that legislation was added to Public Act 251 which defined abandonment and also added a section on the way of reclaiming spaces in a shorter period of time.

His conclusion is that the Board has been charged by the City Commission to consider reclamation, and we have confirmation that within the foreseeable future additional spaces would be helpful to have. He stated that it is clear in Public Act 251 the City Commission can pass laws to allow for reclamation more quickly, as they did in the case of the Perpetual Trust fund. Of the three alternatives, he finds the one that specifically treats abandonment to be the clearest and cleanest process to follow.

Ms. Thurber asked how people know that if they do not act, the grave can be reclaimed by the City. Ms. Pierce and Ms. Arcome stated that many calls have been received that expressed concern, anger and fear over reclamation. They confirmed for Ms. Schreiner that people are told that when they contact the City or contractor, the period of time starts over from that date.

Ms. Schreiner noted we have a legal opinion as to where we currently fit, and she thinks we should discuss modification with the attorneys. She does not want to act on anything without reviewing the law. She suggested the Board look at the difference between true reclamation, which cuts off the prior owner's rights, and certification, which doesn't seem to cut it all off. There are two different procedures which end up with two different results. The Board would want the City Attorney to explain both and the ramifications of each before we can ever make a knowledgeable discussion and decision. In response to a question from Mr. Stern about an attorney general's opinion, Ms. Schreiner said the City Attorney is a very good law firm and will not steer the city wrong and will not put the city in a position of liability. Ms. Arcome noted that reclamation can be a minefield, and Ms. Schreiner added that a taking of real property is always difficult.

Ms. Arcome suggested that the City consider reclamation only after the other spaces are gone. The public sentiment is that if grave spaces are available for sale, the City should not proceed with reclamation.

Mr. Stern noted Ms. Gehringer's strong support of proceeding with reclamation. Mr. Stern is concerned that we may suddenly find we haven't done anything in preparation in using up the lots we have. He thinks we should proceed to begin developing a procedure to prepare for the time the City Commission asks the Board for the process of reclamation.

Ms. Schreiner believes the law dictates the procedure. She is not sure we can legally opt out of one act and into the other. Our discussion in the future should be do we want to do that. She reminded the Board that we did attempt to do something else with the trust fund and were advised that we could not.

Mr. Desmond questioned the priority of discussing this issue in light of the severe public backlash experienced over the mention of possible reclamation which sent a clear message to the Board and City Commission. He added that the Mayor stated that reclamation is off the table.

Ms. Schreiner suggested we educate the public about reclamation and how to avoid it by contacting the City. Ms. Arcome agreed that education of the Board and the City Commission be undertaken when discussing reclamation to avoid public panic.

Ms. DeWeese stated she feels reclamation is not our first priority, since we have new graves available. She suggested a resolution to request a legal opinion on the process but not prioritize reclamation until we have no graves left to sell. Ms. Arcome said the sale of all the graves would support making the case for reclamation.

Ms. Schreiner asked if there have been any questions or concerns about columbarium from the public. Ms. Arcome has received suggestions for placement on several occasions and the public seems generally supportive. It has been suggested the City tear down the garage and put it there, and also clean up the north area for use. She received questions about the possibility of purchasing a space and then transferring to a columbarium.

Mr. Stern summarized the discussion as requesting the City Attorney advise the Board of a reclamation procedure. Thereafter, the Board would consider the timing of a public discussion of reclamation. Mr. Desmond agrees with Ms. DeWeese about proceeding with a columbarium discussion. Ms. Arcome suggested the Board discuss the exchange of a purchased space for a columbarium space in terms of the current resale policy.

MOTION: Motion by Thurber, seconded by DeWeese:

To return to attorney for an opinion as to the direction we should go when considering reclamation, and to monitor sales with the contractor to keep abreast of when it will be important for the Board to initiate reclamation.

VOTE: Ayes: 6
Nays: None
Absent: Gehringer

Mr. Stern said Ms. Gehringer did some research on electronic record-keeping. A company she contacted advised her of a webinar they conduct often. It was suggested that the members view the webinar and at the next meeting be prepared to discuss the issue. Ms. Arcome suggested the Board discuss the reasons for electronic record-keeping. Ms. Schreiner suggested that part of a database be made public for genealogical purposes. Mr. Stern added general benchmark data on the cemetery would be helpful. Ms. Arcome said most people who call for information are not on-line so a database would not be helpful for them. She thinks the cost, manpower, timing, and software are some of the important issues to research.

Ms. Pierce advised that prioritizing a list of tasks is important to establish in order for staff to proceed in a logical way with obtaining information for the Board. Some of the items remaining on the checklist include columbaria, donor program, and record digitizing. She asked for an order of importance. Ms. Schreiner suggested that the columbaria discussion and donor program are a higher priority than removing the road, for example.

Mr. Desmond agreed that we would serve the community best by focusing on the items Ms. Schreiner suggested.

Ms. Arcome said that the donor program could include donations for the improvement of the northern area of the cemetery as well as benches, etc. The Board could include a number of suggestions for donations that would benefit the cemetery.

It was agreed that at the next meeting, the Board will discuss columbaria and thereafter a donor program.

It was agreed to meet again on December 4, 2015 at 8:30 AM.

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

VII. ADJOURN

The meeting was adjourned at 9:50 AM.

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