

**GREENWOOD CEMETERY ADVISORY BOARD
MEETING MINUTES
FRIDAY, DECEMBER 4, 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
Darlene Gehringer
Linda Peterson
Laura Schreiner
George Stern

Absent: Barbara Thurber

Administration: Clerk Pierce and Deputy Clerk Arft

Guests: Russ Dixon, Museum Board member and Cheri Arcome, Elmwood Cemetery

III. APPROVAL OF MINUTES

A. Approval of meeting minutes of September 11, 2015

Mr. Stern asked that the minutes be amended in Section V. New Business, Item A. City Clerk's Office Update to add the word "the" to read "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."

He asked that the minutes be amended in the same section, on page 5 by omitting the word "be" in the last sentence to read "The Board could include a number of suggestions for donations that would benefit the cemetery."

MOTION: Motion by Schreiner, seconded by Peterson:
To approve the minutes of September 11, 2015, as amended.

VOTE: Yeas: 5
Nays: None
Absent: 1, Thurber

Mr. Stern asked that the board permit a change to the agenda to allow Russ Dixon, Chairman of the Museum Board, to make a presentation at this time as a member of the public. The board members agreed to the change.

Mr. Dixon stated that there are three residents who have been appointed to the Historic District Study Committee. Since the committee normally has seven members, the three members are not able to meet currently. The individuals are interested in doing historic research. He hoped they could possibly be appointed to a sub-committee of the Museum Board to do so. More importantly, they could prepare a history and perhaps a publication of the history of Greenwood Cemetery. It might include a history of burial customs, the evolution of cemeteries in a small

town, the design of the cemetery, individuals who are buried there, as well as the artwork located in the cemetery. He believes there is a great deal of potential content.

He continued by saying the sub-committee would include the three residents, perhaps a member of this board, as well as a member from the Historic District Commission. He is here just to get the members' opinions and concurrence in this project.

Ms. Gehringer stated it would create more support and interest in the cemetery.

Mr. Stern asked if he is looking for funds. Mr. Dixon stated he would leave that to the sub-committee to decide the path to pursue funds. Mr. Stern thinks it is a fabulous idea, and asked what other kind of support he is looking for from the board members.

Mr. Dixon will review this proposal with the Mayor and asked if the advisory board would be interested in putting a member on the sub-committee. Mr. Stern stated he would certainly get participation from the board.

IV. UNFINISHED BUSINESS

Mr. Stern noted that there are two items in the minutes that need some follow-up. The first was that a two-tier system was not permitted where city-taxpayer funds were expended, such as a state law or a legal opinion or something other than hearsay. He asked where that stands.

Ms. Pierce stated that the City Commission approved the single tier fee schedule.

Mr. Stern asked that a citation or legal opinion on which the single tier decision was made be available to the board for its records if it is going to be brought up repeatedly. He re-stated his request for a citation that prevents the city from instituting a two-tier fee schedule for the cemetery.

Ms. Schreiner clarified her understanding that Mr. Stern is requesting a Michigan codified law (MCL statute) that states that if there is a two-tier system, it can only be where taxpayer funds are used. If no taxpayer funds are used, then only a single tier system is permitted.

Mr. Stern noted that at the last meeting it was determined that step-children should be included in transfer transactions. He is curious whether or not we have to send a formal recommendation to the City Commission. Ms. Pierce stated that since it is a minor change to the rules, it is not necessary for the City Commission to act. She noted that the Rules and Regulations were updated to reflect the change. Ms. Schreiner added that it really was a definitional explanation rather than a rule change.

Mr. Stern stated that consanguinity is a very difficult concept. He thinks it is confusing the situation when we continue to have Rules and Regulations that confuse the public or could possibly mislead the public. He stated his opinion that the board has asked the Commission to obviously approve something that was not workable. He expressed that he finds himself remiss for having misled the Commission on that and the Commission taking action is misleading.

V. NEW BUSINESS

A. Columbarium Discussion

Ms. Pierce summarized her report to the board and asked for the board to discuss whether to go forward with a columbarium, suggested locations, and size. She reminded the board that it

has no authority to expend funds, so any recommendation would go before the City Commission and also be placed in the budget.

Mr. Stern noted that the first item to discuss is whether or not to allow private columbaria or only permit a city-provided columbarium. He brought some literature on private columbaria. He added that many cemeteries do not allow private columbarium.

Ms. Pierce noted that our Rules and Regulations currently do not allow private columbaria based on the size and location of monuments. Ms. Schreiner agreed, and in keeping with the historical nature of Greenwood, she said she is not comfortable proceeding with the discussion unless there is a huge public outcry.

Mr. Desmond thinks permitting private columbaria makes management of the cemetery more difficult. Mr. Stern said the size of a private columbarium is similar in size to a monument and we allow monuments. Ms. Gehringer noted that monuments are only permitted in certain areas. She would rather have one columbarium for all. Mr. Stern said they are permitted on lots that have been sold everywhere but in the new area.

Mr. Desmond asked what Ms. Arcome thinks the demand would be for a personal family columbarium compared to a conventional columbarium. She stated if we look at private columbariums, a decision has to be made as to location. People who are required to use flush markers will be upset over a private columbarium.

Ms. Gehringer agreed that a private columbarium creates more difficult management issues for the city, and does not think it makes sense to have both public and private columbaria.

Ms. Arcome noted that there is not a great deal of space to work with, and maybe there would be restrictions on size and appearance. She said it is much easier to manage and maintain a public columbarium because individuals purchase the right to be buried there. The problem arises with maintenance issues surrounding private columbaria. Private columbaria might not be the right place for a municipal cemetery and especially with the size and restrictions on flush markers.

Mr. Stern stated that the general consensus is that a public columbarium is favored, but not a private columbarium. He asked how high we want a columbarium.

Mr. Desmond suggested we may want to request proposals to see designs.

Ms. Schreiner agreed, and said we need to design something to Birmingham standards, and to fit with Greenwood's nature. She noted that at one point we discussed having the columbarium in conjunction with a pavilion to accommodate a service or a place for reflection.

Ms. Gehringer noted that the design would depend upon the location and whether we want to limit it to one location. She likes the pavilion idea. She believes the demand will be high. We would want Elmwood to contribute to the discussion of maintenance issues of a columbarium.

Ms. Peterson asked about the area near the ravine for a columbarium. Ms. Schreiner recalled there would be some engineering challenges for that location according to the City Engineer.

Mr. Stern thought there might be some room in the northwest section. Ms. Peterson said there might be some controversy for the shed location. Ms. Arcome noted that the neighbors are

upset by the noise of the gathering and maintenance noise. Mr. Stern said there are noise levels at boundaries and measurements can be taken to comply with the ordinance.

Ms. Schreiner asked if a wall or benches would be easier to maintain. Ms. Arcome thinks for Greenwood and the demand, the city would want a wall columbarium. She said when Elmwood plans a columbarium for one of its cemeteries, it hires someone to study this for their location. It is an engineer's area of expertise, and an engineer can guide the city to a design and location that works for Birmingham. Most of us do not understand all the options and what the best course of action is.

Mr. Stern summarized the discussion to issue an RFP for a columbarium company to study the cemetery profile, suggest a location and possible design.

Ms. Arcome suggested not looking at a columbarium company, but instead a landscape architect or engineer or planner. Mr. Stern said a landscape company would want to be paid. A columbarium company would be quite willing to do the preliminary work in order to sell the city something. Mr. Desmond thinks that perhaps a landscaping company would look at Greenwood as Greenwood, provide options and try to do something that matches the nature of the cemetery.

Mr. Stern said we could request a RFP to both types of companies.

Ms. Schreiner clarified that landscape architect companies have soil engineers on staff who submit proposals in order to obtain a job.

Ms. Gehringer proposed that the RFP be included in next year's budget for either a soil engineer or landscape architect who has knowledge about flood levels, soil, erosion, location perhaps on the hill, etc. She does not think a columbarium company is knowledgeable about those issues. She wants to be certain that companies that respond are knowledgeable about the issues. Ms. Arcome added that what the board wants to request is a master plan for columbarium to provide options and present the obstacles to construction for a columbarium.

MOTION: Motion by Gehringer, seconded by Schreiner:

To request the City Commission authorize a Request for Proposal to guide the cemetery board in the development of a master plan for columbarium options.

VOTE: Yeas: 5
Nays: None
Absent: 1, Thurber

Mr. Stern asked for opinions of the board as to demand. Ms. Gehringer thinks we may not be able to meet it. Ms. Schreiner suggested that the site may be the limiting factor as to the number available. Ms. Gehringer does not think the demand should limit the design. Mr. Stern suggested we may be able to build more than one over time.

Mr. Stern thinks that the board should discuss in executive session, the possibility of purchasing the property next to the cemetery if it becomes economically viable. Ms. Gehringer reminded that the city has previously investigated this. Ms. Schreiner suggested that the RFP could be requested with the property and one without the property. Mr. Stern does not want to restrict the City Manager. Ms. Gehringer said the board did not think it was appropriate to expand the cemetery. Ms. Pierce said the City Commission is allowed to discuss purchasing property in executive session.

Ms. Arcome stated that in the future that might be something to look at, but keep in mind the options today. She noted that Oak is extremely busy already, and the traffic flow in the cemetery is a problem now. All of those things would need to be studied at the appropriate time in the future.

B. Review of Annual Report

Ms. Pierce summarized the annual report with the 2015 accomplishments, including the sale of the graves and a map of the sold graves, along with a breakdown of funds collected.

Ms. Gehringer suggested a change to the report relative to Ground Penetrating Radar on page 3 of the report in Section 2 in the second paragraph to read "Soil and surface conditions ~~will~~ can or might limit the effectiveness of GPR." She still thinks the entire cemetery should be done. Mr. Stern recalled the board's original request was for the entire cemetery to be done. He does not think the City Commission realized they were authorizing only the green space to be done.

Ms. Pierce stated the contractor offered to pay for the green space to be done in anticipation of being able to sell graves there. The City Manager's office gave authorization to do so.

Ms. Gehringer said her motion was to do the cemetery and also only those sections, and still thinks the entire cemetery should be done as well. Ms. Gehringer would like to get one comprehensive report of the entire cemetery. She reminded that the board already asked that it be done and suggested that be included in next year's budget.

In response to a request by Ms. Gehringer to receive a copy of the comprehensive GPR Report already completed, Ms. Pierce stated that the report contains very sensitive information, which should not be included in a public document. Certain information would need to be redacted.

Mr. Stern stated all we need to know is whether a space is occupied or not occupied.

MOTION: Motion by Gehringer, seconded by Peterson:

To request a RFP for Ground Penetrating Radar services for the entire cemetery, except for those areas already performed by Elmwood, with any sensitive information redacted before public release.

VOTE: Yeas: 4

Nays: 1, Desmond

Absent: 1, Thurber

Mr. Stern suggested a change on page 2, in Section 1. Background, to read "The members were initially appointed to the GCAB in November, 2014. Also he suggested on page 3, in Section 2. 2015 Accomplishments, the sentence should read "Once 200 grave spaces are sold in Section B & C, the CGAB will review ~~that~~ those sections once again"

Mr. Stern noted that on page 6, he suggested adding a section on earnings to the contractor. Ms. Schreiner suggested it should also include the contractor's expenses. Mr. Stern commented on the contractor's funds earned in sales commission and burials, plus what they received for foundations and vaults. Ms. Arcome said Elmwood does not sell vaults. Ms. Schreiner suggested their expenses also be shown in the report.

Ms. Gehringer asked who is in charge of the investment of the perpetual care fund. Ms. Pierce stated the city's Finance Department is in charge. Ms. Gehringer asked for the amount earned

on the investments and to let the board know. Ms. Schreiner noted that it is very conservatively invested as required by law. Ms. Arcome stated there is a 1% or 2% rate on investment. Mr. Stern stated his opinion that the City Commission restricted the investment under Public Act 20, but there are other acts that the fund could be invested under, and he thinks this will come before us sometime next year.

MOTION: Motion by Desmond, seconded by Schreiner:
To accept the 2015 Annual Report, as amended.

VOTE: Yeas: 5
Nays: None
Absent: 1, Thurber

C. Prioritization of Remaining Items on Recommendations Check List

Ms. Pierce noted that based on previous discussions, she listed the columbarium and donor program as the first two items on the list. She asked for the order of priority of the remaining items.

Mr. Stern requested the addition of the management agreement review. He stated that with a new commission, the board owes the commission a duty to review it. Ms. Pierce noted that the recommendation is for the City Commission to review the agreement, rather than the board. Ms. Schreiner suggested that time to review the contract is when it is time to renew it.

Ms. Schreiner agreed with the priority of the recommendations check list as presented, possibly moving up item #15: "The Committee recommends that the City notify owners whose records reflect no burials (single spaces and within family lots) within the last 50 years to determine if they wish to sell back to the City." She suggested that the City Commission could decide to review the management contract on its own.

Ms. Peterson said her priorities would be #1 the RFP for Ground Penetrating Radar as discussed, #2 to contact owners with no burials in the last 50 years, and then the remaining items as listed.

Mr. Desmond said his #1 priority is the columbarium, and dropping reclamation as a lower priority due to the public pushback received when it was discussed earlier this year, and the commission's position to preserve the rights of the current owners. He agrees with the top 2 priorities as listed. He stated that a review of the contract is not a priority for him.

Ms. Gehringer listed the RFP for Ground Penetrating Radar as her #1 priority, the columbarium as #2, the donor program as #3, digitizing records as #4, contacting owners #5, a review of the contract as #6, regulations as #7, and reclamation as #8.

Mr. Stern agrees with the columbarium and donor program order. As to reclamation, he said his concern is receiving an answer from City Manager Valentine as to whether we can ask the City Commission to adopt a provision of Public Act 251. He stated he thinks sometime within the next year, we will proceed with reclamation. He also said digitizing the records and having access to the records here is a top priority in order to do reclamation.

Ms. Pierce noted that the digitized records are in the city. She added that the contractor has enabled the city to move forward with the sale of the graves and the green space, and from the city's perspective, the contractor has been beneficial.

Mr. Desmond agreed that the city is making progress with the cemetery, and the contractor seems to be working out well.

Ms. Schreiner noted Elmwood is operating Greenwood Cemetery in the negative at this point, and if we pull this work back in to the city, then the city will be absorbing that cost, and will lose the efficiency the contractor has been able to bring with respect to the sale of graves and the cemetery maintenance.

Ms. Gehringer recalled that the City Commission did not want to pursue reclamation at this time, due to the public outcry and legalities involved.

Ms. Schreiner suggested we should confirm with the other communities that have adopted the certification of abandonment that Mr. Stern referred to. She believes certification of abandonment is very different from reclamation, with different procedures and legal impact. She added she is not sure the city can opt in.

Mr. Stern stated that he is uncertain of that, since the city adopted something outside of Public Act 46 in a certain situation, but said the city could not act outside of PA 46 in another situation. He is asking for clarification of it.

Ms. Gehringer said we need to prioritize the list for the Clerk. Mr. Stern suggested that we group the items into three groups: Ground Penetrating Radar RFP, columbaria and donor program in the first group. The second group is digitizing records and contacting owners of graves where there has been no activity for last 50 years. The third group is regulations and the contract review.

Ms. Pierce agreed that is helpful, and will bring back an updated list at next meeting.

D. 2016 Meeting Schedule

In response to a question from Ms. Gehringer, Ms. Pierce said the city has three elections next year, including the November presidential election, and that is why there are four months with no meetings scheduled.

MOTION: Motion by Gehringer, seconded by Peterson:
To approve the proposed schedule of Greenwood Cemetery Advisory Board meetings for 2016.

VOTE: Yeas: 5
Nays: None
Absent: 1, Thurber

VI. CONTRACTOR REPORT

A. Third Quarter Report

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

Ms. Arcome asked for clarification on the goal for digitizing cemetery records.

Mr. Stern clarified that we need to be able to contact the owners of the graves. Ms. Arcome said that the City Clerk has the digital record now. He would like to see the records at the next meeting. He clarified he wants to see what kind of data we do have, not the data itself.

VIII. ADJOURN

The meeting was adjourned at 9:49 AM.

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