

Wylie Cemetery Advisory Board

April 07, 2022 – 6:00 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098



CALL TO ORDER

COMMENTS ON NON-AGENDA ITEMS

Any member of the public may address Board regarding an item that is not listed on the Agenda. Members of the public must fill out a form prior to the meeting in order to speak. Board requests that comments be limited to three minutes for an individual, six minutes for a group. In addition, Board is not allowed to converse, deliberate or take action on any matter presented during citizen participation.

REGULAR AGENDA

1. Consider, and act upon, approval of the March 3, 2022 Regular Cemetery Advisory Board minutes.
2. Consider and act upon the cemetery rules and regulations, Chapter 78-Parks and Recreation, Article IX Cemeteries.

WORK SESSION

WS1. Board updates.

RECONVENE INTO OPEN SESSION

Take any action as a result from Executive Session.

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on April 1, 2022 at 5:00 p.m. on the outside bulletin board at Wylie City Hall, 300 Country Club Road, Building 100, Wylie, Texas, a place convenient and readily accessible to the public at all times.

Stephanie Storm, City Secretary

Date Notice Removed

The Wylie Municipal Complex is wheelchair accessible. Sign interpretation or other special assistance for disabled attendees must be requested 48 hours in advance by contacting the City Secretary's Office at 972.516.6020. Hearing impaired devices are available from the City Secretary prior to each meeting.

If during the course of the meeting covered by this notice, the Board should determine that a closed or executive meeting or session of the Board or a consultation with the attorney for the City should be held or is required, then such closed or executive meeting or session or consultation with attorney as authorized by the Texas Open Meetings

Act, Texas Government Code § 551.001 et. seq., will be held by the Board at the date, hour and place given in this notice as the Board may conveniently meet in such closed or executive meeting or session or consult with the attorney for the City concerning any and all subjects and for any and all purposes permitted by the Act, including, but not limited to, the following sanctions and purposes:

Texas Government Code Section:

§ 551.071 – Private consultation with an attorney for the City.

§ 551.072 – Discussing purchase, exchange, lease or value of real property.

§ 551.073 – Discussing prospective gift or donation to the City.



Wylie Cemetery Advisory Board Minutes

March 3, 2022 – 6:00 PM

Council Chambers - 300 Country Club Road, Building #100, Wylie, Texas 75098

CALL TO ORDER

Board Vice-Chair Stephens called the regular meeting to order at 6:00 p.m. The following Cemetery Advisory Board members were present: Board Member Gloria Suarez, Board Member Juan Azcarate, Board Member Allison Stowe, and Board Alternate Jami Lindquist. Board Chair Sandra Stone, Board Member Kimberly Summers, Board Member Sandra Mondy, and Board Alternate Erin Williams were absent.

Staff present included: Assistant City Manager Renae' Ollie, Parks and Recreation Director Robert Diaz, and Parks and Recreation Administrative Assistant II Janet Hawkes.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

No Citizens came forward.

REGULAR AGENDA

A. Consider, and act upon, approval of the January 6, 2022 Regular Cemetery Advisory Board minutes.

Board Action

A motion was made by Board Member Suarez, seconded by Board Member Azcarate, to approve the January 6, 2022 Cemetery Advisory Board minutes. A vote was taken and motion passed 4-0 with Board Chair Sandra Stone, Board Member Kimberly Summers, and Board Member Sandra Mondy absent.

WORK SESSION

WS1. Discuss the draft of the Cemetery Rules and Regulations.

Director Diaz advised the Cemetery Advisory Board that the January 6, 2022 meeting minutes include the board's comments on proposed changes to the draft Rules and Regulations, and requested their confirmation of these comments and suggestions. The Cemetery Advisory Board confirmed their suggestions made during the January 6, 2022 meeting as shown in the minutes, specifically mentioning the prohibition of benches on burial plots and to instead install City benches in specified areas. Assistant City Manager Ollie added that several items listed in the draft Rules and Regulations, such as plot sizes and the prohibition of stacked burials, will also be confirmed with the Wylie Cemetery Association.

WS1. Board Updates.

Director Diaz advised that the City Attorney continues to review the following transition documents: 1) the transfer of the cemetery property from the Wylie Cemetery Association to the City of Wylie, 2) the transfer of funds from the Wylie Cemetery Association to the City of Wylie, and 3) an agreement with Allen Funeral Home on their continuance to manage the sale of cemetery plots until a specified date. These documents will be presented to the Cemetery Advisory Board for their review at a future meeting, and then to the City Council for final approval.

WS2. Future Updates.

Assistant City Manager Ollie stated that she recently attended the Texas Historical Commission conference in Austin where she met several staff members from other municipalities that own and operate cemeteries. She noted there were several cemetery related sessions offered at the conference wherein she obtained good information in order to assist the City's upcoming cemetery acquisitions. Session information included pursuing grants, the formation of sub-committees, available resources for record keeping, fundraising ideas, and no cost assistance opportunities from the Texas Historical Commission. Assistant City Manager Ollie advised that the Wylie Cemetery Association currently participates in fundraising efforts by way of donation letters, of which she would like to pursue the continuance of after the City takes ownership.

Board Member Suarez expressed the concern of vandalism taking place in the City cemeteries. Director Diaz advised that the City currently implements the use of security cameras in various parks which have proved beneficial in preventing vandalism. He stated that staff will look into the placement of security cameras in the newly acquired cemeteries as well, after the City takes ownership.

ADJOURNMENT

A motion was made by Board Member Stowe, seconded by Board Member Suarez, to adjourn the meeting at 6:15 p.m. A vote was taken and motion passed 4-0 with Board Chair Sandra Stone, Board Member Kimberly Summers, and Board Member Sandra Mondy absent.

Keith Stephens, Board Vice-Chair

ATTEST:

Janet Hawkes, Administrative Assistant II



Cemetery Advisory Board

AGENDA REPORT

Department: Parks and Recreation
 Prepared By: Robert Diaz

Account Code: _____

Subject

Consider and act upon the cemetery rules and regulations, Chapter 78-Parks and Recreation, Article IX Cemeteries.

Recommendation

Recommend approval as presented.

Discussion

Following the January 6 and March 3, 2022 meetings, staff has incorporated the Board's comments and recommended changes to the final rules and regulations draft. Following the approval of the rules and regulations by the Board, the recommended rules and regulations will be forwarded to the City Council for review and consideration.

Financial Summary/Strategic Goals

Community Focused Government
 Planning Management



Chapter 78 - PARKS AND RECREATION

ARTICLE IX CEMETERIES

DIVISION 3. - CEMETERY OPERATIONS

Sec. 78-370. General.

- (a) The City of Wylie Cemetery ("cemetery") is set apart for the burial of human remains subject to the rules established in this chapter, the Code of the City of Wylie and any applicable ordinances, state or federal laws.
- (b) Burial spaces in the cemetery shall be conveyed to a purchaser by a certificate of ownership for the purpose of burial only. The rights of the purchaser are subject to such rules and ordinances as may be enacted or amended from time to time by the city council.
- (c) The rules and regulations contained herein are designed to protect the rights of all cemetery space owners. The rules as adopted have been determined to be reasonably necessary and incidental to achieve the objectives.
- (d) The four cemeteries under ownership and maintenance of the city consists of approximately 9 acres:
 - (1) Kreymer Cemetery COL-C145, located within a designated park property on the west side of Kings Ct., Avalon Addition Phase II, Blk J, Lot 7, 1.996 acres;
 - (2) Hughes Cemetery COL-C034, ABS A0688 F De La Pina Survey, Sheet 4, Tract 109, 2.0 Acres;
 - (3) Wylie Cemetery #99 COL-C011 Railroad, Blk 24, Lot Blk 24 2-6 Blk 25 1-4 Blk 26 1-4 Blk 27 1-5 & 13, 3.00 Acres;
 - (4) Wylie Cemetery#99 COL-C011ABS A0688 F De La Pina Survey, Sheet 4, Tract 101, 2.2985 Acres.
- (e) Sale by the city of cemetery spaces shall be limited to the new addition as spaces in the original section of the cemetery have been previously sold.

Sec. 78-371. Cemetery care.

- (a) The city shall provide for the continuing care, maintenance, operation, and improvements to the cemetery. In general, this shall include: road maintenance, mowing, edging, pruning, landscape construction or removal of plant material, policing of the grounds, pest control, and such other maintenance as may be necessary to keep the cemetery presentable at all times.
- (b) Cemetery care does not include the purchase, erection, repair, leveling, or replacement of monuments, headstones, markers, or any other item on a space.

Sec. 78-372. Hours of operation.

The cemetery shall be open every day from sunrise to sunset.

Sec. 78-373. Purchase options.

- (a)
- Standard cemetery space:*

*Wylie Cemetery:**Old section (Lot of 12)-30'x20'**First new section-4'x10'**Newest section-6'x12'**Kreymer Cemetery:**Old section (Lot of 6)-12'x24'**New section-4'x12'*

- (b) A Baby Land Cemetery space is three feet by five feet (3' x 5').
- (c) *Cremate-only space:* there are no cremate-only spaces available in the cemetery.
- (d) *Purchase price:* the price of all cemetery spaces shall be established by ordinance and amended as necessary.
- (e) *Interment limitations per space:* purchasers are limited to two (2) interments per each standard space, except that no more than four (4) cremates shall be allowed in a single space. Combinations of one (1) casket burial and one (1) cremate shall be allowed in a single space.

Sec. 78-374. Resale options.

The sale, transfer, or assignment of any cemetery space by any owner or purchaser shall not be binding upon the city until it has been approved by the city manager or their designee. Resale pricing of burial spaces shall not exceed the current sale price of a city burial space. Upon said approval, burial rights to the cemetery space shall be conveyed by the city through the issuance of a new certificate to the new owner or purchaser upon payment of all fees, as established by ordinance and amended as necessary.

Sec. 78-375. Cemetery records.

Records giving full data on all interments shall be kept in the Wylie Parks and Recreation Department files, and shall be made available to the public. The data is to include the section, lot, and space along with the name, age, and date of interment for each grave space occupant.

Sec. 78-376. Cemetery sexton.

- (a) The city manager or their designee shall serve as the cemetery sexton, who has the necessary authority to execute orders and to put into effect the rules and regulations prescribed by this chapter.
- (b) The cemetery sexton shall have the same powers, duties, and immunities granted by law to a police officer for the city. He/she shall maintain order and enforce the cemetery rules and regulations, federal law, state law, and municipal ordinances in the cemetery, and as near to the cemetery as necessary to protect cemetery property.
- (c) The cemetery sexton shall have such other duties and responsibilities as may be assigned by the city manager.

Sec. 78-377. Copies of chapter furnished to interested persons.

The cemetery sexton shall furnish a copy of this chapter to each person proposing to purchase a space in the cemetery. Each funeral director having charge of burials in the cemetery, and each person selling monuments, markers, or other improvements for spaces or lots in the cemetery, shall advise interested persons of the provisions of this chapter and shall see that they receive copies of this chapter.

Sec. 78-378. Requirements for grave markers and monuments.

- (a) All monuments are subject to the provisions of this chapter and specifications prepared by and kept for record in the Wylie Parks and Recreation Department. However, all monuments in the new section of the cemetery will be flush to the ground except for the family lot upright markers.
- (b) Monument dealers must notify the cemetery sexton of their intention of erecting a monument, and obtain a permit upon payment of all fees as established by ordinance and amended as necessary, before proceeding with the work. The site and excavation must be approved by the cemetery sexton so that it will not interfere with the placement of a monument on an adjoining lot. Also, allowance must be made for the future filling-in of the space to the prescribed level of cemetery spaces already established.
- (c) The cemetery sexton shall have the right to inspect all memorials before the same are placed on the foundations thereof. He/she may refuse the placing of any memorial on such a foundation if he/she finds that such memorial is not in compliance with any of the provisions of this chapter, or that the workmanship has not been done in a skillful, workmanlike manner, or that the foundation is not adequate to sustain the weight of the memorial.
- (d) The cemetery sexton reserves the right to prohibit the erection of any vault, monument, or marker that may be considered inappropriate.
- (e) No monument will be allowed on any cemetery space until the burial right for the space is paid in full.
- (f) All monuments must be fabricated of bronze, granite, marble or stone of approved quality.
- (g) All foot markers shall be placed at or below ground level.
- (h) All grave mounds shall be low, oval shaped, not exceeding twelve (12) inches in height in the center, and sloping to the edges so as to permit a mowing machine to easily pass over.
- (i) Permanent bronze, granite, or marble vases and/or urns may be placed on the monument base or die, but not on the ground. Chairs, benches, or settees are prohibited.
- (j) Permanent bronze, granite or marble vases and/or urns may be placed upon cemetery spaces provided they are attached to the sides and/or tops of permanent markers.

(k) Funds will be allocated for grave leveling, and a provision of a small semi-permanent grave marker that notes the name, birth date, and death date on which for any plots whose family has chosen or is unable to purchase a permanent grave marker.

Sec. 78-379. Burial rights.

The cemetery sexton is authorized to execute, on behalf of the city, documents transferring burial rights in the cemetery, conveying to purchasers the right of sepulcher with the restrictions and covenants established by the Wylie City Council. Burial rights are issued for the use of the family of the purchaser and not for resale or speculation. The cemetery sexton may sell the rights only to individuals and not businesses or business entities. The intent of this restriction is to prevent the reselling of burial rights as a business. Transfer of a burial right from the family of the purchaser is restricted to sales to individuals and not corporations or business entities at a price

not to exceed the current city burial space sale price. The cemetery sexton is authorized to purchase burial rights related to vacant cemetery spaces at the current price as set forth by the city for such a right.

Sec. 78-380. Cemetery responsibility.

The cemetery shall take reasonable care to protect the burial rights of cemetery space owners, but disclaims all responsibility for loss or damage caused by action of thieves, vandals, or other causes beyond its control.

Sec. 78-381. Placement of objects in the cemetery.

(a) No objects of any kind may be placed on graves or other cemetery property except as specifically provided herein. No advertising of any sort shall be permitted within the cemetery including the posting of signs advertising the proposed sale of private burial spaces.

(b) Fresh flowers, artificial flowers, or floral pieces placed at the gravesite at any time, or funeral designs placed at the gravesite at interment, will be removed when unsightly or wilted but in no event longer than fourteen (14) days after placement. Items desired to be retained by the family and/or visitors must be removed within seventy-two (72) hours after being placed on the gravesite.

No more than one individual container of fresh or artificial flowers may be placed or affixed on each space provided that:

- (1) Affixed flowers may be placed in containers approved by the cemetery sexton and consisting of bronze, granite or marble.
- (2) All flowers must be placed on or immediately next to the monument, or if there is no monument, at the head of the grave.
- (c) No planting of any kind shall be permitted within the new section of the cemetery.
- (d) All other planting must be done under the supervision and consent of the cemetery sexton.
- (e) The City of Wylie is not responsible for the loss of shrubs or plants whether planted by city crews or by direction of the owner of any space in the cemetery.
- (f) The City of Wylie is not responsible for any funeral design, floral piece, vegetation or other article or thing placed on any space or grave in the cemetery.
- (g) The City of Wylie reserves the right to trim, prune or remove any shrub and/or plant whenever necessary or advisable.
- (h) The City of Wylie may plant trees or shrubs on lot boundary lines.
- (i) The City of Wylie is exempt from the requirements of this section.

Sec. 78-382. Construction prohibited.

No construction of any nature or kind, such as curbing, fencing, coping, trellises, or enclosure of any kind, whether of vegetation or construction, around any cemetery space or lot, shall be permitted.

Sec. 78-383. Payment prerequisite to use.

No interment shall be permitted in any cemetery space until the purchase price of such space, and any other charges or fees associated with the cemetery space, have been paid in full.

Sec. 78-384. Interment.

An application for burial designating the location for burial, establishing ownership, or right to use the designated space, and establishing the authority of the person to control the burial on behalf of the deceased must be filed with the cemetery sexton, and a written permit issued prior to any interment upon payment of all fees as established by ordinance and amended as necessary.

Sec. 78-385. - 78-434. Reserved**DIVISION 4. - PERPETUAL CARE FUND****Sec. 78-435. Establishment of Trust Fund**

The City of Wylie Perpetual Care Trust Fund is established in accordance with Chapter 713 (Local Regulation of Cemeteries) of the Texas Health and Safety Code to:

- (a) assure the perpetual maintenance of the cemetery lots and graves in the City of Wylie cemeteries;
- (b) invest and reinvest money in trust accounts in the Trust Fund; and
- (c) apply the income earned by the Trust Fund that is in excess of the amount necessary to maintain the individual cemetery lots or graves to the beautification of the city cemeteries generally.

Sec. 78-436. Administration of Fund

- (a) The City Secretary may accept funds in trust for the Trust Fund.
- (b) The City Secretary and the cemetery administrator may prescribe rules to administer this article and to protect the Trust Fund and the city.
- (c) After consultation with the administrator, the City Secretary shall determine the amount of money necessary for the permanent care and upkeep of individual graves or family lots.

To be continued

WYLIE-KREYMER (HUGHES) CEMETERY ASSOCIATION

The following is a summary of rules and regulations adopted by the Board of Directors of the Wylie-Kreymer (Hughes) Cemetery Association.

Only markers of the flat or ground level type are to be placed in the new section of the cemetery. No marker shall be placed without first notifying a representative of the Cemetery Association at Allen Funeral Home, Wylie, Texas.

No grave shall be opened without first obtaining a permit from Allen Funeral Home, Inc. A steel box or better is required for all interments in all of the Wylie-Kreymer (Hughes) Cemetery.

No curbs, formed or loose rock, stone, gravel, marble, concrete or other materials shall be placed on or near the grave sites.

In order to properly maintain lawns, it is necessary that all grave decorations be limited to placement of arrangements in approved subsurface level cemetery vases at places of interment. Only one arrangement per grave is permitted during mowing season (March 1-November 1). If a ground level vase has not been yet placed at the interment location, information on approved designs may be obtained at Allen Funeral Home, Inc., Wylie, Texas.

Placement of items at the grave site is prohibited. This includes but is not limited to ANY glass object, potted plants, benches, statues, shepherd crooks, stuffed animals, toys, etc. Digging holes in the ground or placing rods or brackets to support top-heavy pots and containers at places of interment is not permitted at any time. Placement of flower arrangements, wreaths, pot plants and baskets are permitted only on Valentine's Day, Easter, Mother's Day, Father's Day, Memorial Day, Thanksgiving, Christmas and Birthdays. Placement may be made during the week before and may be removed and disposed of by the cemetery on the eighth day following the occasion.

There may be times when dirt will be placed on adjoining lots when opening another grave you are reminded that when you need a grave opened, the dirt from your grave will be placed on someone else's lot. The dirt will be moved at the earliest possible time. If there has been rain, dirt may not be moved until it has dried sufficiently as not to cause damage to lots in the area.

It is the Cemetery Associations obligation for year round maintenance of the lawns and the trimming of the grass. Planting of trees, shrubs, bushes, flowers or ground cover is prohibited inside cemetery grounds.

The Wylie-Kreymer (Hughes) Cemetery Association is not responsible for personal property, acts of vandalism, or containers placed at any interment location.

The Wylie-Kreymer (Hughes) Cemetery Association assumes the care of the cemetery through income produced from donations and the sale of lots. The above rules and restrictions are adopted in order to provide uniform care for all lots at the most reasonable expense. In order for this arrangement to be a workable one, the Association must have the cooperation and support of all concerned.



Cemetery Advisory Board

AGENDA REPORT

Department: Parks and Recreation
 Prepared By: Robert Diaz

Account Code: _____

Subject

Board updates.

Recommendation

N/A

Discussion

Status of acquiring the cemetery properties.
 Discuss subcommittees.

Financial Summary/Strategic Goals

Community Focused Government
 Planning Management