

Wylie Cemetery Advisory Board Regular Meeting

January 06, 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 meeting minutes from the October 7, 2021 meeting.

WORK SESSION

WS1. Discuss draft of the cemetery rules and regulations.

WS2. Future agenda items.

RECONVENE INTO REGULAR SESSION

ADJOURNMENT

CERTIFICATION

I certify that this Notice of Meeting was posted on December 30, 2021 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.



Cemetery Advisory Board Minutes

Tour: October 7, 2021 - 4:00 PM

Meeting: October 7, 2021 - 6:00 PM

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

TOUR

The Cemetery Advisory Board met at the Wylie City Hall parking lot, 300 Country Club Rd., Building 100, Wylie, TX 75098 at 4:00 p.m., to tour the following cemeteries: 1) Wylie Cemetery located adjacent to the Allen Funeral Home off of Masters St., 2) Hughes Cemetery located off of Oak St., 3) Kreymer Cemetery located in Avalon Park off of Kings Ct., 4) Hardt Cemetery located in Bozman Farms Subdivision on Crescent Oak St. and Wildflower Ln., and 5) Groves Cemetery located in Dominion of Pleasant Valley Subdivision off of Crepe Myrtle Dr. All Cemetery Advisor Board Members were in attendance, including the two Board Alternates.

CALL TO ORDER

Board Chair Sandra Stone called the regular meeting to order at 6:09 p.m. The following Cemetery Board members were present: Board Co-Chair Keith Stephens, Board Member Gloria Suarez, Board Member Juan Azcarate, Board Member Allison Stowe, Board Member Sandra Mondy, and Board Member Kimberly Summers. Board Alternates Jami Lindquist and Erin Williams were also present.

Staff present included: Parks and Recreation Director Robert Diaz; Parks and Recreation Administrative Assistant II Janet Hawkes. Assistant City Manager Renae' Ollie was absent from the meeting.

CITIZEN COMMENTS ON NON-AGENDA ITEMS

Sachse High School student and Eagle Scout member, James Ali, gave a presentation on his project to honor veterans who are buried in Wylie cemeteries. His project consists of him identifying military veterans buried in Wylie cemeteries and to have their graves identified for honors and ceremonies such as Memorial Day, Veterans' Day, and Wreaths Across America. Once identified, Mr. Ali intends to mark the graves with metal stakes and flags.

REGULAR AGENDA

A. Consider, and act upon, approval of the September 2, 2021 Regular Cemetery Advisory Board minutes.

Board Action

A motion was made by Board Member Stephens, seconded by Board Member Azcarate, to approve the September 2, 2021 Regular Cemetery Advisory Board minutes. A vote was taken and motion passed 7-0.

WORK SESSIONS

WS1. Cemetery Advisory Board update.

Director Diaz advised that Wylie Cemetery and Hughes Cemetery will likely be taken over by the City of Wylie in early 2022. Funding of approximately \$50,000 has been designated for cemetery maintenance in the 2021/2022 budget, which will primarily go toward mowing and turf maintenance.

Director Diaz explained that staff will begin drafting cemetery rules and regulations which will be brought to the Cemetery Advisory Board for review and recommendation for approval by City Council. Staff intends to look at the City of Mesquite and City of Allen's rules and guidelines as a basis in drafting the City of Wylie's rules and guidelines.

Director Diaz stated that it is likely the City will set up a perpetual fund for the cemeteries after the fund balance is received from the current cemetery board.

WS2. Future agenda items.

Board Chair Stone recommended future discussion on the consideration of setting up cemetery related committees, as well as the setup of cemetery hours and a schedule of fees.

Director Diaz reiterated that routine maintenance on the cemeteries will be City directed without Board input, but the Cemetery Advisory Board will oversee capital project items. He stated that a schedule of fees and hours of operation will be brought before the Cemetery Advisory Board for review and recommendation for approval by City Council.

ADJOURNMENT

A motion was made by Board Member Stephens, seconded by Board Member Suarez, to adjourn the meeting at 6:29 p.m. A vote was taken and motion passed 7-0.

Sandra Stone, Board Chair

ATTEST:

Janet Hawkes, Administrative Assistant II



Cemetery Advisory Board

AGENDA REPORT

Department: PARD
 Prepared By: Robert Diaz

Account Code: _____

Subject

Discuss the draft of the cemetery rules and regulations.

Recommendation

N/A

Discussion

Staff is seeking input on the draft rules and regulations for the operations of the proposed cemeteries. Once the draft is approved by the Board, it will be forwarded for review and final approval by the City Council.

This draft is based on the City of Mesquite and the City of Allen Rules and Regulations.

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 8:00 a.m. to sundown.

Sec. 78-373. Purchase options.

- (a) *Standard cemetery space:* A standard cemetery space is four feet, two inches by twelve feet (4'-2" x 12'-0"); and in this chapter shall be referred to as a space. A Baby Land Cemetery space is four feet, two inches by six feet (4'-2" x 6'-0").
- (b) *Cremate-only space:* There are no cremate-only spaces available in the cemetery.
- (c) *Purchase price:* The price of all cemetery spaces shall be established by ordinance and amended as necessary.
- (d) *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 his 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 parks and recreation department files and shall be 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 his 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 shall maintain order and enforce the cemetery regulations and rules, 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 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. A family lot is composed of six (6) configured burial spaces acquired in a single purchase within the section designated for family lots.
- (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 may refuse the placing of any memorial on such foundation if he 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.

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 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.

Double stacked burials shall be permitted so long as a minimum twenty-four (24) inches of cover is maintained.

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.

Up to two (2) individual containers 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 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 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 reserves the right to trim, prune or remove any shrub and/or plant whenever necessary or advisable.
- (h) The city may plant trees or shrubs on lot boundary lines.
- (i) The city 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 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 clerk may accept funds in trust for the Trust Fund.
- (b) The clerk 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 clerk shall determine the amount of money necessary for the permanent care and upkeep of individual graves or family lots.

To be continued



Cemetery Advisory Board

AGENDA REPORT

Department: PARD
 Prepared By: Robert Diaz

Account Code: _____

Subject

Future agenda items.

Recommendation

N/A

Discussion

Future agenda items:
 Status of acquiring of the cemetery properties.
 Begin list of future capital projects for the cemeteries.

Financial Summary/Strategic Goals

Community Focused Government
 Planning Management