

Wylie Cemetery Advisory Board

March 03, 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 approving the meeting minutes from the January 6, 2022 meeting.

WORK SESSION

WS1. Discuss the draft of the cemetery rules and regulations.

WS2. 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 February 25, 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

January 6, 2022 – 6:00 PM

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

CALL TO ORDER

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

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 October 7, 2021 Regular Cemetery Advisory Board minutes.

Board Action

A motion was made by Board Vice-Chair Stephens, seconded by Board Member Stowe, to approve the October 7, 2021 Cemetery Advisory Board minutes. A vote was taken and motion passed 6-0 with Board Member Mondy absent.

WORK SESSION

WS1. Discuss draft of the cemetery rules and regulations.

Assistant City Manager Ollie presented the Board with the first draft of the cemetery rules and regulations, which includes Hughes Cemetery, Kreymer Cemetery, and Wylie Cemetery. Assistant City Manager Ollie confirmed that the existing cemetery names will remain the same after ownership is transferred from the current cemetery board to the City of Wylie. She advised that staff used the City of Allen and City of Mesquite rules and regulations as guidelines when putting together the initial draft of rules and regulations for the City of Wylie. Assistant City Manager Ollie explained that the initial draft of rules and regulations includes several specific details that staff will need to confirm with the current cemetery board, as well as Allen Funeral Home.

Board Vice-Chair Stephens pointed out Sec. 78-371 (b) “Cemetery care”, expressing his concern over neglected grave markers and monuments not being maintained by the City, explaining that often the responsible family members of a plot cannot be located in order to assume the responsibility thereof. Board Vice-Chair Stephens also noted Sec.78-378 (a) “Requirements for grave markers and monuments”, where it lists the requirement of all monuments in the cemetery’s new section to be flush to the ground with the exception of family lot upright markers; he questioned whether the transitioned cemeteries would adhere to this requirement. Assistant City Manager Ollie responded that staff had already made note of certain requirements listed in both sections and ensured that staff plans to verify and likely adhere to the requirements currently set in place by the current cemetery board and the Allen Funeral Home.

Board Member Suarez asked for clarification on Sec. 78-381 (a) “Placement of objects in the cemetery”. Board Chair Stone explained that typically a 72 hour removal of objects requirement refers to post-funeral personal items or potted plants of which the family members intend to retrieve; and typically the fourteen day removal of objects requirement refers to post-funeral flowers and similar. Board Chair Stone recommended that no more than one arrangement per plot be permitted during the mowing season, as to not obstruct the areas and thus create difficulty for needed maintenance. Assistant City Manager Ollie stated that staff would consider flexibility in regards to the placement of objects in the cemetery as recommended. Board Member Suarez also inquired on irrigation in the cemeteries, to which Director Diaz advised there wasn’t any irrigation, nor would irrigation installation likely be considered at any of the City owned cemeteries.

Board Chair Stone inquired on the allowance of double stacked burials in these cemeteries as noted in Sec. 78-379 “Burial rights”. Assistant City Manager Ollie advised that staff would verify this allowance with the existing cemetery board and Allen Funeral Home. She also stated that plots already purchased would be grandfathered in as it pertains to the requirements for grave markers, monuments and benches. Board Chair Stone recommended that volunteers be sought out to help with minor maintenance of the grave markers. She also recommended funds be allocated for grave leveling as well as the provision of small semi-permanent grave markers that note 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. In reference to Sec. 78-378 (h) Board Chair Stone recommended the allowance of a durable bench (made of granite, stone, or similar) to be placed within the perimeters of a plot if so desired. Board Vice-Chair Stephens and Board Member Stowe felt benches placed on plots could impede a contractor’s ability to maneuver lawn equipment within the cemetery. They also preferred the idea of the City installing quality uniform benches in specific areas of the cemeteries, to which Board Chair Stone and staff agreed would be a good alternative. In regards to maintenance, Board Chair Stone recommended that the grave digging in the cemeteries be done by City staff instead of an outside contractor, primarily due to the large equipment used for digging and potential damages that could result if not done properly and carefully. Assistant City Manager Ollie stated that plots already purchased would be grandfathered in as it pertains to the requirements for grave markers, monuments and benches.

Board Chair Stone inquired on the transition of plot deeds and records. Assistant City Manager Ollie advised that Allen Funeral Home has been maintaining the records for Wylie Cemetery and Kreymer Cemetery; however the organization of these records would prove to be a challenge for staff because many of the records consist of hand written notes, unfiled deeds, and little to no current information on next of kin for many of the cemetery internments. She added that a City employee would be appointed to assume the role as Cemetery Sexton, and would be responsible for the management and delegation of the various responsibilities that will encompass plot sales, record keeping, cemetery maintenance, etc.

Board Member Suarez questioned detail accuracy for standard cemetery space found in Sec 78-373 (a) “Purchase options”. Assistant City Manager Ollie responded that staff intends to check with the current cemetery board and Allen Funeral home to gather a further definition thereof, with the plan to keep in line with the standards that are currently set in place. Board Member Suarez requested an explanation for Sec 78-374 “Resale options”; it was explained by Board Chair Stone and Board Vice-Chair Stephens that the sale, transfer or assignment of a plot should not exceed the current market value of the City’s burial space, and that the City must receive a notice of the transaction. They also recommended that the City specifies their right for refusal of a plot sale when deemed

necessary. It was also noted by Board Vice-Chair Stephens that the ownership of a plot is for the right of interment, not actual right to the specific property; therefore an owner cannot plant trees, install fencing, etc., on the plot(s) and must adhere to the rules and regulations and ordinances set in place.

In regards to Sec 78-378 (h), “Requirements for grave markers and monuments” Board Chair Stone and Board Vice-Chair Stephens explained that many years ago high grave mounds were common in cemeteries, but this is no longer a typical practice. They explained that the grave mounds were made high and the growth of grass on them was restricted in order to discourage people from walking on top of the gravesites; however, high grave mounds often create maintenance difficulties. City Manager Ollie advised that the City would keep in line with the current guidelines set.

Pertaining to Sec 78-372 “Hours of operation”, Board Vice-chair Stephens recommended the City not lock the cemetery gates as it could impede first responders from entering the cemetery. Assistant City Manager Ollie advised that the existing cemetery gates in Wylie are automated, and that it is state law for cemeteries to remain unlocked at all times; however, cemetery hours of operation may be installed and gates may be shut to coincide with those set hours. The Board consensus was to set the operational hours from sunrise to sunset.

Regarding Sec 78-383 “Payment prerequisite to use” Board Member Suarez asked how this would coincide with burial insurance policies. Board Chair Stone responded that typically the plot must be paid in full prior to interment, and that burial insurance policies are turned over to the Cemetery Sexton.

Assistant City Manager Ollie reviewed Division 4.-“Perpetual Care Fund” with the Board Members explaining that the City will designate a trust fund for any and all new plot sales, of which a percentage will be turned into the City’s Finance Department for deposit into the Perpetual Care account. She explained that any excess of funds received such as donations and fundraiser money, would remain in a separate account in order to maintain and manage the cemeteries. Assistant City Manager Ollie stated that the Perpetual Care Fund is subject to audits and local health codes, and the Texas Funeral Commission regulates and monitors these accounts.

Board Chair Stone recommended that the City set up a Facebook page for the Wylie Cemeteries, to which Board Vice-Chair Stephens agreed and added can be a great source to aid in locating interment’s next of kin when there is the absence of grave markers or written verification records.

Board Chair Stone recommended that the City look into the current plot size(s) and consider offering the standard plot size of 4’ by 10’ for new plots, in order to save space and allow more availability of plots. Assistant City Manager Ollie agreed staff should look into the sizes currently being offered in the cemetery’s new areas and decide accordingly.

Board Alternate Lindquist recommended the placement of flags and/or wreaths on Veteran graves during specific patriotic holidays, and volunteered to take on the responsibility in doing so. Board Member Suarez asked staff to contact the Eagle Scout, James Ali, who presented at the October 7, 2021 Cemetery Advisory Board meeting, and check the status of his project to place flags or similar patriotic memorial markers on Veteran gravesites. Assistant City Manager Ollie agreed that Veteran graves should receive placement of memorial flags or markers as suggested by Board Alternate Lindquist, and advised that staff will pursue James Ali for an update on his Eagle Scout project.

WS2. Future agenda items.

Assistant City Manager Ollie recommended for the Board to reach out to Administrative Assistant II Janet Hawkes with any ideas on capital projects that staff could look into in order to build a list for future fund allocation.

Assistant City Manager Ollie advised that any committees set up for cemetery related work or projects is permitted in the City Charter, but must all go before City Council for prior approval.

ADJOURNMENT

A motion was made by Board Vice-Chair Stephens, seconded by Board Member Azcarate, to adjourn the meeting at 6:59 p.m. A vote was taken and motion passed 6-0 with Board Member Mondy absent.

Sandra Stone, Board Chair

ATTEST:

Janet Hawkes, Administrative Assistant II



Cemetery Advisory Board

AGENDA REPORT

Department: Parks and Recreation
Prepared By: Robert Diaz

Account Code: _____

Subject

Discuss the draft of the cemetery rules and regulations.

Recommendation

N/A

Discussion

Following the January 6, 2022 meeting, staff has incorporated into the meeting minutes, the Board's comments and recommended changes to the rules and regulations. Staff included this item again in the March 3, 2022 meeting in order for the Board to have an opportunity to make any further comments or suggestions.

The final rules and regulations will be reviewed and approved at a future meeting.

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: 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