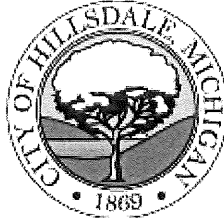


Agenda



City of Hillsdale Cemetery Board Meeting

August 23, 2017 at 4:00 P.M.

- I. **Call to Order**
- II. **Roll Call**
- III. **Approval of Minutes**
 - A. May 3, 2017
- IV. **Public Comments**
- V. **Old Business**
 - A. City Ordinance 2017-01 and Cemetery Rules
- VI. **New Business**
 - A. Discussion of Cemetery Fee Schedule
- VII. **ADJOURNMENT**

The next meeting is scheduled for October 11, 2017 at 4:00 p.m. in the Conference Room on the second floor of City Hall.

DRAFT



**Cemetery Board
Minutes**

**2nd Floor Conference Room
City Hall**

May 3, 2017

Call to Order:

The meeting was called to order by Mr. Hammel at 4:00 P.M.

Board members present:

Mr. Jacob Hammel, City Department of Public Services Director
Mr. John Barrett
Mr. Carl "Bud" Heinowski
Ms. Vicki Ladd
Ms. Carol Lackey

Board members absent:

None

Also present were:

Mr. David Mackie, City Manager
Ms. Bonnie Tew, Finance Director
Chief Scott Hephner, HCPD & HCFD
Mr. Frank Engle, City Sexton
Mr. Stephen M. French, City Clerk

Approval of Minutes

Mr. Barrett, seconded by Mr. Heinowski, moved to approve the minutes of February 1, 2017 meeting as submitted. By a voice vote, the motion passed unanimously.

Public Comments

No comments were offered.

OLD BUSINESS

There was no Old Business on the agenda.

DRAFT

NEW BUSINESS

A. Use of Cemetery Perpetual Care Funds

City Manager Mackie stated city staff had recommended an inter-departmental loan between the cemetery perpetual care funds and the city's General Fund for the purchase of a new fire truck. City Manager Mackie reported the staff recommendation was similar to the loan that was approved between the perpetual care funds and the Hillsdale Municipal Library, which had since been repaid. City Manager noted the staff request had been thorough reviewed by the City Attorney, who had provided a legal opinion that stated the city could borrow funds from the perpetual care funds for the purchase of the fire truck.

Finance Director Tew reported the perpetual care funds had a balance of approximately \$676,000 and approximately \$20,000 of that would be transferred to the city's General Fund by the end of the fiscal year. DPS Director Hammel stated the city's annual cost to maintain the cemeteries was approximately \$120,000.

Mr. Heinowski questioned if the Cemetery Board members would be personally liable, if the loan was not repaid by the city. City Manager Mackie stated the loan would be a written, legally binding contract that mandated the city to repay the funds. Finance Director Tew assured the board that the city had obtained all necessary legal reviews and additionally, the city had insurance coverage for all board & commission members, in the unlikely case any legal action was brought against them.

Finance Director Tew also noted the city's General Fund had a fund balance of nearly \$900,000; however, city staff wished to utilize the cemetery funds for this inter-departmental loan and purchase to allow the General Fund dollars to be more easily accessible for the city's operational expenses.

City Manager Mackie noted city staff had recommended a 2.8% percentage rate and 10-year loan repayment schedule, after reviewing the perpetual care funds investment options, as well as the loan options for the fire engine that had been provided to the city from outside financing institutions. City Manager Mackie stated the inter-departmental loan would benefit both the cemetery and the city's General Fund, as the cemetery perpetual care fund would receive a higher rate of return on its investments than if the funds were invested in other approved locations; the General Fund and city would benefit as the fire engine would replace an unreliable piece of equipment and was very much necessary for public safety reasons.

Chief Hephner stated the fire truck that would be replaced was a 1989 model that had little or no value. Chief Hephner stated the fire truck may be sold for scrap or donated to a neighboring fire department.

Mr. Barrett, seconded by Ms. Lackey, moved to support the staff recommendation to allow a \$450,000 interdepartmental loan between the cemetery perpetual care funds and the city's General Fund for the purchase of a new fire engine, at a 2.8% percentage rate and 10-year loan repayment schedule.

DRAFT

Roll call:	Mr. Hammel	Aye
	Mr. Barrett	Aye
	Mr. Heinowski	Aye
	Ms. Ladd	Aye
	Ms. Lackey	Aye

Motion passed 5-0.

B. Discussion of Cemetery Rules regarding pets

DPS Director Hammel reported city staff and visitors to the cemetery had experienced an increase in problems with people allowing their pets to roam free and owners of pets not cleaning up after their pets. Director Hammel reviewed the existing cemetery rules that required pets to be leashed and “confined to designated roads, avenues, and walkways.” DPS Director Hammel noted, however, there was no enforcement mechanism of the rules, as the rules had not been incorporated into the city’s Code of Ordinances and therefore, the city’s Police Department could not ticket violators.

City Clerk French stated the existing cemetery rules could be added to the Code of Ordinances, which would allow the city to enforce the rules and ticket any violators of the section.

Mr. Heinowski, seconded by Ms. Ladd, moved to request to the City Council that the Code of Ordinances be amended by adding the existing cemetery rules into the “Cemetery” section of the code. By a voice vote, the motion passed unanimously.

C. Ladies of Oak Grove Cemetery Monument Dedication

Ms. Lackey reminded everyone of the dedication ceremony and ghost walk scheduled for May 5, 2017 at 7:00 p.m. Ms. Lackey distributed an informational flyer and noted the dedication would be held in memory of Mr. James O. Taylor, a long-time volunteer in the community.

Adjournment

Ms. Lackey, seconded by Mr. Barrett, moved to adjourn the meeting. By a voice vote, the motion passed unanimously.

The meeting adjourned at 4:45 p.m.

Respectfully submitted,

Stephen M. French, MMC
City Clerk

ORDINANCE NO. 2017-01

AN ORDINANCE TO ADOPT SPECIFIC RULES REGARDING CONDUCT WITHIN, AND THE USE OF THE GROUNDS OF, CEMETERIES OWNED OR CONTROLLED BY THE CITY OF HILLSDALE, AND TO ESTABLISH THAT THE VIOLATION OF SUCH RULES SHALL CONSTITUTE A MUNICIPAL CIVIL INFRACTION.

THE CITY OF HILLSDALE ORDAINS THAT:

Section 10-10 shall be added to Chapter 10 of the Hillsdale City Code, and shall provide as follows:

Sec. 10-10. – Conduct on cemetery grounds.

The following rules shall apply to all individuals present on the grounds of any cemetery owned or controlled by the City of Hillsdale:

1. **Hours of Operation** – All cemeteries will be open to the general public from sun up until sun down, Sunday through Saturday. No person shall be allowed in any cemetery outside of these hours without first securing permission from the Department of Public Service.
2. **Vehicles** – All motorized and non-motorized modes of transportation shall travel on designated roads, except those vehicles which are being used in the maintenance of the cemeteries, are present for attendance at a funeral, or are engaged in authorized cemetery business.
3. **Speed Limits** – All vehicles shall obey the posted speed limit at all times.
4. **Advertisement** – The placing of signs, notices, or advertisements of any kind is prohibited.
5. **Peddling and Soliciting** – Peddling or soliciting, as defined in Section 8-381 of the Hillsdale City Code, and/or the sale of any commodity within the cemetery grounds, is prohibited.
6. **Business Activities** – Except as otherwise expressly permitted by this Ordinance, no person may conduct any business or commercial activities in any cemetery, nor engage in any conduct or activity that is unrelated to a burial, burial ceremony, or the care, beautification, adornment, and improvement of a burial lot or place of actual interment, except and unless authorized in advance by the City Council.
7. **Pets** – All domestic animals shall be confined at all times to designated roads, avenues, and walkways and must at all times be on a leash with a maximum length of six (6) feet. At no time shall a domestic animal be allowed to roam free within the cemetery grounds. All individuals accompanying domestic animals on cemetery grounds shall be subject to the requirements of Section 4-34 of the Hillsdale City Code.
8. **Consumption of Alcohol** – Alcoholic beverages are prohibited within the cemetery grounds. No person shall consume any alcoholic beverage while on cemetery grounds.

9. **Use of Cemetery Grounds** – Cemetery grounds shall be used solely for the burial of deceased humans in burial lots, and related burial and memorial services, for the care, beautification, adornment, and improvement of a burial lot or place of actual interment, or to express affection and respect for the dead, and for no other purposes, subject to the rules set forth herein and such additional rules and regulations as are adopted by the Cemetery Board of Trustees and approved by the City Council. Notwithstanding the prohibitions and restrictions otherwise set forth in these rules, members of the general public may enter a cemetery at any time during the cemetery’s hours of operation to conduct historical or other research or to engage in non-competitive recreational activities such as walking, jogging, or the general enjoyment of the cemetery’s landscaping, serenity, and peaceful environment.

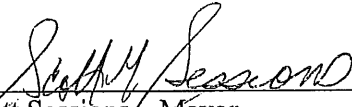
A person who violates any of the rules set forth in this Section shall be responsible for a municipal civil infraction under Article II of Chapter 20 of the Hillsdale City Code.

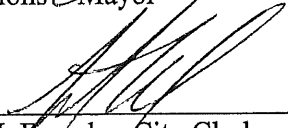
This ordinance and/or a summary of its regulatory effect and its effective date shall be published within fifteen (15) days from the date of its passage as required by law.

Subject to said publication having occurred as above provided, this ordinance shall become effective fifteen (15) days from the date of its passage.

Passed at a regular meeting of the Council of the City of Hillsdale held on the 19th day of June, 2017.

CITY OF HILLSDALE

By: 
Scott Sessions – Mayor

By: 
Stephen M. French – City Clerk

Date Passed: 6/19/2017
Date Published as Passed: 6/23/2017
Effective Date: 7/4/2017

CITY OF HILLSDALE CEMETERY RULES AND REGULATIONS

These Cemetery Rules and Regulations apply to all cemeteries that are owned or controlled by the City of Hillsdale, Michigan, and are in addition to those rules and regulations adopted by the Hillsdale City Council as provided in Section 10-10 of the Hillsdale City Code, or as otherwise provided in Article 10 of the Hillsdale City Code or any other applicable provision of City Charter or Ordinance.

CEMETERY LOTS AND CREMATION NICHES

1. **Definition and Use** – Cemetery lots and cremation niches are sold for the purpose of burial of human dead. The following is a list of definitions for terms that are used throughout this set of rules and regulations.
 - a. "Lot Owner," "Grave Owner," or "Niche Owner," means the owner of **burial rights** for a specific grave, niche, or group of graves or niches. Such burial rights **do not** confer title or ownership of land.
 - b. "Single Grave" means one (1) grave.
 - c. "Cemetery Lot" means an identified group of graves that are adjacent to one another.
 - d. "Cemetery Section" means an identified area of the cemetery that consists of one (1) or more cemetery lots.
 - e. "Cremation Niche" means a number of single or double niche spaces located on an identified site.
 - f. "Infant Graves" means grave spaces set aside for a burial in a vault which is not more than four (4) feet in length.
 - g. "Interment" means the act of opening a grave or niche, installing a vault, where required, burying a casket, urn, or other container holding the remains or ashes of a human body, and closing a grave or niche.
 - h. "Marker" means a monument, plaque, or headstone that is used to identify the person who is buried in a specific grave.
 - i. "Foundation" means a concrete pad on which a marker is installed.
2. **Cemetery Charges** – All cemetery charges are set by the Cemetery Board and approved by the Hillsdale City Council. These charges, which include the cost per grave as well as opening and closing prices, are changed from time to time. A copy of the current charges is available at the Department of Public Services or City Clerk's Office.
3. **Certificate of Right of Burial** – Upon payment in full for a grave or niche, a Certificate of Right of Burial will be issued by the City of Hillsdale.
4. **Payment Policy** – Graves or niches can be paid in full or reserved by making monthly installment payments over a twelve (12) month period. If opting to make monthly installment payments, then a **non refundable** reservation fee of \$75.00 per grave or niche that is to be reserved shall be required at the time the grave or niche is reserved. If payment in full is not received within the twelve (12) month period, then the Cemetery Board of Trustees may rescind the reservation and return the deposit payments minus the non-refundable reservation fee and interest.
5. **Unpaid Balance** – In the event a burial is to be made on a grave or niche that is being purchased by making installment payments, then the grave or niche upon which the burial is to take place shall be paid in full before the burial may take place.
6. **Exclusions** – The grave owner or niche owner or the owner's legal representative may at any time designate in writing, to the Department of Public Services, who the owner does or does not wish to be buried in the owner's grave(s) or niche(s). All such notices shall be notarized by a notary public. Requests that are not submitted in writing and notarized will not be recognized by the City of Hillsdale as a valid request.
7. **Transfer of Burial Rights** – The owner of any grave or niche may, at any time, transfer the burial right associated with the grave or niche to another person. All applications for transfer must be made on forms provided by the City of Hillsdale or on a document form acceptable to

the Department of Public Services. All applications for transfer must state the reason(s) for the transfer. All transfer documents shall be notarized by a Notary Public.

8. **Power of Attorney** – In order for a person to act for the owner, a notarized Power of Attorney must be filed and recorded at the Department of Public Services.
9. **Owner Dies In testate** – Should all owners of certain burial rights die without having designated the person(s) to be buried on all or any part of the lot, then the City of Hillsdale will permit the burial of such person or persons designated by order of a court of competent jurisdiction upon presentation of that order at the Department of Public Services. Possession of a Certificate of Right of Burial is not, in itself, sufficient evidence on which to record the transfer of ownership of a grave or niche.
10. **Correction of Errors** – The City of Hillsdale shall have the right to correct any error that may be made while making interments, disinterments, removals, or in the description, transfer, or conveyance of any interment rights either by canceling the conveyance and substituting and conveying in lieu thereof other interment rights of equal value and similar location or by refunding the amount of money paid on account by the purchaser. In the event the error involves the interment of the remains of any person, the City of Hillsdale shall have the right to remove and transfer the remains so interred to other property of equal value and similar location in the same cemetery.
11. **Rights of Burial** – Persons who have purchased or otherwise acquired, or who hereafter purchase or otherwise acquire, a burial lot in a cemetery shall, by reason of said purchase or acquisition, have rights of burial with respect to each such lot.
12. **Rights of Entry** – Persons who have purchased or otherwise acquired, or who hereafter purchase or otherwise acquire, a burial lot in a cemetery, their immediate family members, and members of the public, may enter a cemetery to attend and participate in a burial ceremony and burial, or to express their affection and respect for the dead.
13. **Rights of Care and Adornment** – Persons who have purchased or otherwise acquired, or who hereafter purchase or otherwise acquire, a burial lot in a cemetery, their immediate family members, and a person authorized by them or any of them in writing, may enter a cemetery to care for, beautify, adorn, and improve a burial lot or place of actual interment, provided that such care, beautification, adornment, and improvement shall conform to the general plan and style now existing for caring, beautifying, adorning, and improving the cemetery and the manner of performing such actions.

MAINTENANCE OF CEMETERY LOTS

The purchaser or his assignee shall not acquire the right to change the surface of the ground by planting or by any other means without the written consent of the board and unless such consent is presented to the sexton and such changes shall be carried out under the direction of the sexton. Hillsdale City Code Section 10-8.

1. **General Maintenance** – All cemetery maintenance, except plant maintenance, shall be accomplished by City of Hillsdale Department of Public Service personnel or individuals or entities that are contracted by the City of Hillsdale to perform specific cemetery maintenance tasks.
2. **Columbarium Maintenance** – To protect the beauty of the columbarium, no vases, urns, candles, cards or messages are to be attached to the niche shutters. Acids in some floral decorations as well as tape adhesives may strain the granite. The use of wire is prohibited as it can scratch the granite.
3. **Plant Maintenance** - The grave owner shall be responsible to maintain all plants which are placed or planted on their grave. This maintenance shall consist at a minimum of trimming and removing the plant if it dies or becomes unattractive in appearance. If the plant dies or is unattractive in appearance and the grave owner does not remove said plant, then the City of Hillsdale reserves the right to remove said plant and invoice the current grave owner for all costs necessary to remove said plant.
4. **Trees and Shrubs** – Due to the ultimate size which trees and shrubs attain, any tree or shrub that is **not** planted in City approved urns or containers, shall be planted in a designated area of

the cemetery. Also, the specie of tree or shrub shall be approved by the Department of Public Services or selected from a pre-approved list. A copy of this listing may be obtained from the Department of Public Services.

5. **Flowers** – In order to provide for worker safety and an attractive appearance of the cemetery grounds, all real or artificial flowers or floral plantings must be placed in approved urns or containers. These urns or containers shall be approved by the Department of Public Services.
 - a. Planting Baskets – **All planting baskets must be placed within 12 inches of the grave marker (headstone) so as not to impede mowers.**
 - b. Grave Blankets – Grave blankets are allowed from November to March. Any grave blanket that is not removed by March 15th shall be removed and disposed by the Department of Public Services.
6. **Removal of Plants** – The Department of Public Services shall have the right to remove, prune, or perform other plant maintenance activities without notice, on any plant which it deems to be undesirable in its present condition.

INTERMENTS

1. **Interment Times** – The cemeteries will be open for burials Monday through Saturday from 8:00 am until 3:00 pm except any day that is a holiday for City employees or during weather emergencies.
2. **Established Charges** – All charges that are associated with grave spaces, burials, disinterments, openings, and closing costs, or any other service or activity shall be in accordance with the most recent schedule of charges established by the Cemetery Board and approved by City Council.
3. **Burial Permits** – A burial permit from the local health office signed by the proper authorities is required before interments can be made.
4. **Opening and Closing of Graves** – all graves and niches shall be opened and closed only by City of Hillsdale cemetery personnel ***after all fees are paid in full.***
5. If an individual, couple or family has previously reserved a grave or graves, cremains will be allowed. If not, cremains will only be allowed to be placed in the columbarium.
6. **Number of Burials Permitted Per Grave** – Only one person is permitted per grave except for mother and infant or a relative who has acted as the guardian, infant twins, or cremation. The following three combinations are permitted: two cremations, one cremation and one casket/vault, or two cremations and one casket/vault.
7. **Number of Burials Permitted Per Cremation Niche** – Only one cremain is permitted per single cremation niche and two cremains for the double cremation niche.
8. **Notice of Funerals** – Notice of funerals with exact location of the grave must be given to the City of Hillsdale's Department of Public Services at least twenty-four (24) hours in advance of the burial, ***weekends and holidays excepted.***
9. **Supervisor in Charge** – All excavations, funerals, and interments within the cemetery grounds shall be under the direction of the Department of Public Services.
10. **Misrepresentations or Errors** – The City of Hillsdale will not be liable for misrepresentations or errors made by the person or persons purported to be the owners, legal representatives, employees, or agents of any individual or entity.
11. **Orders Given by Telephone** – Under no conditions will the City assume responsibility for errors in opening graves when orders are given by telephone. Orders by the funeral director for the opening of graves will be construed as orders from the lot owner.
12. **Burial Containers**
 - a. Adult Interments – In all adult interments, the minimum requirement shall be unfinished cement or alternative outside container of composition materials approved by the Director of Public Services and be able to withstand 5,000 psi crush strength. The casket shall be enclosed in a permanent outside container and shall be installed by cemetery personnel. The following are considered permanent outside containers: Reinforced

concrete boxes, concrete, copper, or steel burial vaults. The cemetery will not accept flat top grave liners.

- b. **Infant Interments** – In all infant interments, the minimum requirement shall be a water tight container which is impervious to vermin and approved by the Director of public Services.
 - c. **Cremation Interments** – The cremains have to be in an approved urns or vault.
 - d. **Columbarium niches** - The cremains have to be in an approved urns or vault no larger than 11" x 11" x 11" for single niche and 11" x 11" x 22" for doubles niche.
13. **Removal of Flowers, Flags, Etc.** – As soon as flowers, flags, or emblems used at funerals for the adornment of graves become unsightly, they will be removed and no responsibility for their return to the owners will be assumed.
 14. **Disinterments** – No disinterment or removal of a body in order to be reinterred in another location within the cemetery will be permitted without the written consent of the personal representative of the deceased unless by a duly authorized public official. No disinterment and removal of a body in order to be reinterred in another location outside the cemetery will be permitted without a permit from the County Health Department. The City of Hillsdale will not be liable for any damage resulting from the removal of any remains.

GRAVE MARKERS

1. **Quantity** – Only one (1) grave marker is permitted per grave.
2. **Composition** – All grave markers must be of a material approved by the Cemetery Board. Approvals shall be given if the material is solid and for all practical purposes, permanent and indestructible. Any grave marker that is made of wood or other easily degradable material is prohibited.
3. **Appendages** – Raised letters or appendages are not permitted on the vertical sides of raised markers.
4. **Markers** –
 - a. **Single** – The size and location of a single grave marker, whether raised or flush, shall be determined by the Cemetery Board. The foundation for these markers shall be constructed in such a way as to allow a four (4) inch border.
 - b. **Double** – One marker embracing two graves spaces may be allowed if both grave spaces are paid in full and the purchaser agrees to bear the cost of removing and resetting the dual marker when the second grave space is to be used. The size and location of a double marker, whether raised or flush, shall be determined by the cemetery board. The foundation for these markers shall be constructed in such a way as to allow a four (4) inch boarder.
 - c. **Installation** – No markers shall be allowed or installed on any unpaid graves.
5. **Foundations** – All foundations shall be installed by the Department of Public Services.
6. **Shutter Lettering** – All shutter lettering will be ordered only by the City of Hillsdale. This is to keep all lettering and date cutting uniform in size and font. Due to the size of shutter doors, only family name, given name, year of birth and year of death will be allowed.



CITY OF HILLSDALE

DEPARTMENT OF PUBLIC SERVICES
149 WATERWORKS AVE
HILLSDALE, MI 49242

(517) 437-6490 – Fax (517) 437-6496

March 18, 2011

To Whom It May Concern:

The following list of cemetery charges for Lakeview and Oakgrove Cemeteries are effective April 1, 2011.

Charge for Cemetery Lots - Including Perpetual Care

	<u>Resident</u>	<u>Non-Resident</u>
Cost per Grave	\$500.00	\$750.00

Charge for Columbarium Niches

	<u>Resident</u>	<u>Non-Resident</u>
Cost per Single Niche	\$500.00	\$750.00
Cost per Double Niche	\$750.00	\$1,000.00

**A resident is defined as a person who resides or owns residential property within the City of Hillsdale's Corporate City Limits at the time of application to purchase a grave.*

Opening & Closing Charges Cemetery Lots

Adult (65" or greater)	\$400.00
Child (36" to 64" casket length)	\$325.00
Infant	\$200.00
Cremations	\$225.00
All Saturday burials	\$450.00
All Saturday cremations	\$300.00
All Sunday burials	\$500.00

Opening & Closing Charges – Columbarium Niches

Weekdays	\$200.00
Saturdays	\$275.00
Sundays	\$500.00

NO HOLIDAY OPENINGS AND CLOSINGS

**No burials will be conducted on Memorial Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day, and New Years Day.*

Disinterment Charges

Disinterment	\$525.00
Disinterment of cremations	\$225.00
Disinterment of Columbarium Niches	\$200.00

**Disinterment charges do not include cost of vault company services. These charges are to be paid by the lot owner.*

Foundation Charges

Installation of monument foundations	\$0.35 per square inch
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Shutter Lettering Charges

Single Niches	\$275.00
Double Niches	\$325.00
Date Lettering	\$100.00 (birth and death year only)

**Lettering is to be paid in advance of the opening of the niche. Lettering orders will go through the City of Hillsdale to assure standardized front, size and style.*