

DeFuniak Springs Cemetery Board
Regular Meeting
January 21, 2020

The following members were present: Cemetery Board Members: Mayor Bob Campbell, Jack Owen, Lee Thomas. Assistant City Manager Craig Drake, City Manager Mell Smigielski, Municipal Services Supervisor Scott Simmons, and City Clerk Maryanne Schrader.

Chair Bob Campbell called the meeting to order at 5:00 p.m.

Motion by Board member Jack Owen and seconded by Board member L. Thomas. Owen: Aye; Thomas: Aye. **Motion** carried 2-0.

Greg Chrishon came forward voice concerns about the lack of clear ownership. He wanted to purchase a grave, so Linda Robinson could be buried next to her mother, Lessie Howell, but was told he could not purchase the grave next to the mother because the city would not sell the plot because the records were not updated. He said he was told that he could not purchase a grave in the older section either. In reply to his request to move the daughter next to her mother, Mayor Campbell responded he would need to pay a disinterment fee.

G. Chrishon also asked the Board to look at the restrictions on the permits, as he may not be able to get a marker ordered within a thirty-day period. He wants the restriction amended.

City Attorney Clayton Adkinson said the Council will have to address the issue. He said the problem is we will need to find out why there are no records.

Next, City Attorney Clayton Adkinson said Kermit Wright will discuss the care of the Wright family plot later. He added Mr. Wright requested the Board give him permission to maintain the plot which has been in his family over fifty years until the Council determines who owns it. He added Mr. Wright does not have paperwork showing the owner (his grandfather) gave him permission to be buried there. Mr. Wright had his heirs sign off that he may have the grave space, as the former City Clerk Laird instructed him to do.

City Attorney Clayton Adkinson replied he would like to place a moratorium on the cemetery to try to clean up the problem that exists. The Wright family did not probate the estate or show ownership of the plot, and the deeds were never recorded.

Board member L. Thomas asked Cindy Permenter to come forward to explain the situation. Cindy said G. Chrishon questioned the situation, and she told him the office was told they could not sell plots in the old section. G. Chrishon said he would like to purchase the grave, if it ever comes available.

Mayor Campbell said Lisa Gierlinski has been reviewing past notes and minutes, which show if the family did not finish paying for the graves, the family never received a deed.

Lisa Gierlinski added the new ordinance changed in 2017. The office has sent the issues to Legal and was told that the family must provide proof of ownership in the form of a deed or probate records.

Board member L. Thomas said we have inherited many problems including people being buried in the roadway. He added the Council needs to legislate how the problem will be addressed.

Discussion ensued on the lack of deeds or interment rights records by both the city and the families.

Lisa Gierlinski mentioned Levi Plank deeded the cemetery over to the city.

City Clerk, Maryanne Schrader, read several past minutes stating on February 2, 1993, the Board recommended that an ad be run in the newspaper asking people who were delinquent on lot payments to get caught up on their fees. She read that on March 12, 1993, the Board discussed the issue of people burying more in their lot than they purchased. She continued that on January 25, 1994, Charlotte Warren, the administrative assistant, stated the pre-need system was discontinued in 1983 because individuals were placing family members in their lot and then moving away without a forwarding address and the city's inability to collect the debt owed. She mentioned that Lisa Gierlinski contacted Mr. Rogers who worked at the cemetery for many years regarding index cards that are on file. Mr. Rogers said that the index cards we have were utilized as "deeds" because they did not have any other record of ownership.

In response to Board member L. Thomas, City Attorney Clayton Adkinson said they are working on a recommendation to the Council. There are problems regarding which heir shall be buried in the family plot, as well as looking at several options that may be taken to establish ownership.

Resident, G. Chrishon, mentioned he is part of the Independent Pallbearer Association and is familiar with the cemetery. If the city wants to sell, he suggested sending out a brochure to the church or organization, to ensure everything is in order.

L. Gierlinski mentioned only concrete slabs with no marker or any other identification are on many of the grave spaces.

Board member L. Thomas said we have been working on it. He stated the Board had given the previous City Clerk a request to update the database. City Clerk M. Schrader said the previous database was not updated because she was told it was too costly to pay the annual updates, and the GIS system is not enough to be used as a database.

Next, Kermit Wright address the Board and distributed a letter. He explained his family has two adjoining lots with a marker in the middle. His father, Lyman, purchased two adjoining lots 65 yrs. ago, but they do not have a deed, which was made to his grandfather, Warren. His parents, grandparents and an uncle are on one side, and the other side is empty. For 50 years, Kermit said he has maintained the plot. Two years ago, he became disabled and now has cancer. He has someone else maintaining the plot, but his friend was told he could no longer maintain it without a permit. He called City Hall but was refused a permit because the deed was not in his name. He

spoke to Clerk Laird and was told that his heirs could sign off to relinquish their rights to the plot and after a year in a half, he received all his relative replies. He asked the Board if he could place two pallets of sod in the plot. He would also like to be buried in the plot, as well as his family members. He said the plot area is 40' by 22'. He said his aunt wants to be buried next to her husband. In reply to how many more family member could be placed in the plot; Scott Simmons said a vault is about 4' x 10'. Mr. Wright added he could bury ten in the plot.

City Attorney Clayton Adkinson said the Board can give Mr. Wright permission to maintain.

Motion by Board Member L. Thomas and seconded by Board Member J. Owen to allow Kermit Wright to maintain the family plot.

L. Gierlinski added the person doing the work would need to submit insurance documentation in case someone gets hurt or damages something. She added the person cannot be paid, as they are doing it on behalf of Mr. Wright.

Public Works Director C. Drake said if it is a family member, they do not need to apply for a permit. He added family members can work on the plot without a permit, but they cannot pay anyone to do the work.

City Attorney Clayton Adkinson advised Mr. Wright to inform the city when someone is working on the family plot.

Vote on motion: All ayes. Motion carried.

Next, Bernard Smith came forward to state his father purchased a lot and his great uncle purchased another lot in 2005 which is on 5th and Main. His father died in 2017. He mentioned the plot is about 9 yards x 14 yards and only three members are buried in the plot. B. Smith said six people were buried in one plot, and his father purchased the next one. He would like proof of ownership.

Discussion ensued on a method of determining ownership.

Next, the Board reviewed the Finance report. Public Works Director, C. Drake said the loss was \$211,000 last year. He explained the cemetery runs a deficit as maintenance is not charging the fund. Board member J. Owen said the report is done on a cash flow analysis. Board member L. Thomas requested a report of actual funds and City Manager M. Smigielski replied the transfer comes from the General Fund.

On the next order of business, City Manager M. Smigielski said the cemetery coordinator position is in the budget. He said the Public Works department does a good job in taking care of the cemetery, but no one is assigned specifically to the cemetery upkeep. He explained the job description has been brought to the Council, and Council requested the Board review the coordinator position before they approve it. In reply to Board member L. Thomas question on whether the person hired will be cutting grass and doing office work, City Manager M.

Smigielski replied that it will be a five day a week with the position hours to be modified to cover the weekend.

Mayor Campbell voiced his concern that the office at City Hall is not the environment to be handling sensitive situations for the cemetery. The issues have affected the entire administration, as well as the cemetery.

In response to Public Works Director C. Drake, there is a two hour call out for the weekend. He added the permit fee is \$76.56 and would fluctuate dependent on the call out.

Board member L. Thomas said he did not like the fluctuations and preferred a flat fee.

Discussion ensued and the Board determined that a flat fee of a \$100 flat fee should cover it. Public Works Director C. Drake mentioned that the time is not being billed to the cemetery currently. City Manager suggested fees should be discussed later.

Motion by Board member L. Thomas and seconded by Board member J Owen to recommend the Cemetery Coordinator position. All ayes. Motion carried.

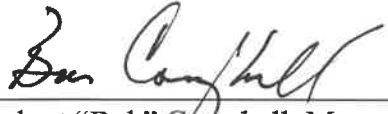
Board member L. Thomas said we need a cost on a bid on a database that connects the mapping. Board member J. Owen said the two programs need to merge the data and mapping together.

City Attorney Clayton Adkinson said he will contact the former clerk regarding where the old data is located.

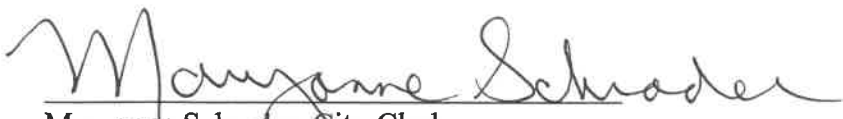
City Manager, M. Smigielski asked if there is interest in selling the cemetery. The response was negative.

Mayor Campbell adjourned the meeting at 6:56 p.m.

ADOPTED this 21st day of July, 2020.


Robert "Bob" Campbell, Mayor

ATTEST:


Maryanne Schrader, City Clerk
Proper notice having been duly given

