

# Village of Bellaire

## CEMETERY COMMITTEE

**Helen Schuckel, Chairperson**

**Terry Smith (Forest Home Twp.)     David Schulz (Village Council)**

### COMMITTEE MEETING MINUTES

July 18, 2018

1. **Call to Order:** Chairperson Schuckel called the meeting to order at 8:00 a.m.

2. **Roll Call Attendance**

**Present:** Chairperson Schuckel, President Schulz and Supervisor Smith

**Absent:** None

**Staff Present:** Lori Luckett, Clerk; Ken Stead, DPW Director and Cemetery Sexton

**Also Present:** Meri Schoof, Rob Schoof, Bonnie Richards, Steve Alger, Holly Mortensen, Gary Mortensen, Helen Richards, Stanley L. Kupka and Kent Birmingham

3. **Approval of Agenda:** The agenda was approved as written.

**Motion by President Schulz, seconded by Supervisor Smith, to approve the agenda as presented.**

**Motion carried by voice vote.**

4. **Approval of Minutes:** The minutes of the October 24, 2017 meeting were approved.

**Motion by Supervisor Smith, seconded by President Schulz, to approve the minutes of October 24, 2017 as printed. Motion carried by voice vote.**

**Public Comment on Agenda Items:** Chairperson Schuckel asked whether the members of the public had any comments. Bonnie Richards presented written comments to the committee stating that she had put her thoughts in print. She requested clarification about the layout of her family gravesites. She explained that the large stone faces south; there are little stones with individual names of those placed on the site. There are family members buried in other sites with identifying stones. In looking at the ordinance, which references the direction of the stone, what should she expect in the future for the location of plantings? Currently the "Max Richards" bench has plantings on each end of it. The Earl Richards and Norman Schoof sites have stones with plantings in the front. Some have pots or little plant in front of each stone. Mrs. Richards noted that overall the cemetery is in great condition compared to what it was a few years ago. She thought that there needed to be definitions in the rules and regulations; what is a headstone, a footstone and a marker. As the discussion has come up, there is confusion different people are referencing different things. Ms. Richards noted that Section 29-7-F. requires that all headstones must run in the same direction. She suggested that same direction was ambiguous. She recommended clarifying the required location for headstones, footstones, or markers on the gravesites. Currently there are what families call "headstones" with the family last name on them running in all different directions in the cemetery. As the committee considers any changes it is critical to grandfather in the existing stones prior to any clarification of rules. This is based on lack of definition in the rules and regulations and lack of previous enforcement of the rules for years and years. Regarding the requirement that plantings be on the east side of the headstone, there is no reference other than they be within 18" of the headstone and that gravesites prior to December 31, 2010 are exempt. There is no reference to the east side of the headstone. Ms. Richards noted that there seems to be a limited ability to attain consistency among existing gravesites given the decades and in some cases over a century of existing situations. She stated that it is important to find a solution that will optimally meet grounds keeping needs and family needs. Grounds keeping in this cemetery is a definite challenge, if 20 hours per week is not enough time to do that perhaps the council should consider extending the hours.

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Steve Alger presented proposed changes based on spending several hundreds of hours working in the cemetery as well as talking with people on a daily basis while he is out there. He recommended changing the schematic in the rules to show that plantings are to be within 18" and the width of the headstone, which has a maximum of 4'. He also recommended changing the language in Section 29-8 to read: "Headstones in the cemetery face East/West or North/South. The planting area for all East/West headstones is on the East side of the headstone. The planting area for all North/South headstones is on the South side of the headstone. The planting area for all family stones is the same as for headstones. There shall be no planting or ornaments at the footstone. Any exceptions shall be taken up with the Cemetery Sexton prior to any planting. Non-conforming items will be removed and disposed of." He thought that this would clarify the issue and eliminate a vast majority of the confusion. According to Mr. Alger, the rules cannot cover every possible situation. He cited the yellow duck 6' in the air as an example. According to Mr. Alger, the rules can cover a vast majority of the situations; the rest should be left to the discretion of the cemetery sexton.

Rob Schoof addressed the committee next. He requested an opportunity to speak with Mr. Schulz and Mr. Stead after the meeting regarding a statement at the village council meeting. He presented photographs of the family gravesites to address the cemetery complaint on the agenda. He explained that photograph #1 showed the gravestone/headstone, referred to as the "big stone", there are also three smaller stones, little or footstones. The whole lot is shown in photograph #3. Photograph #2 is a relatives' site. He stated that awhile back the plantings his mother did in front of the "big stone" were moved to the back of the stone. This stone has been there for at least 25 years. Mr. Schoof stated that his parents bought the lot in 1984. His father died eighteen years ago and was buried to the west. His mother has always placed the flowers to the west side of the stone facing his father's grave. The symbolism is important because the flowers represent life. There are not a lot of flowers. Moving them not only loses the symbolism but also puts the flowers off the plot onto public cemetery land. The requirement that flowers be placed on the east side is not clear. There is no direction indicated on the graphic. He has spoken with two village staff that have referenced the east side. Mr. Schoof would like to have the flowers moved to the west side. He does not think that the committee may demand the degree of uniformity being required. He thought that moving the flowers back to the west side was a simple thing to ask. He will accept the committee's decision. The flowers on the west side were not an obstacle to mowing; both Mr. Schulz and Mr. Alger acknowledged this. He thinks they were moved for the sake of uniformity. There are no graves to the immediate east of his father's stone. He would love to see the flowers on the other Schoof stone to stay where they are. They are beautiful. If moved to the other side they may be on others' property, not on the individual plot. He would like a determination about this as well.

Stanley Kupka representing the Jack and Alice Schoof site as well spoke next. He concurred with others who had spoken about the plantings and efficiency of the mowing. He stated that no matter where the flowers are there will always have to be trimming done. He had also looked at the existing ordinance regarding plantings and minutes from the last meeting. So long as plantings are over the vault they should be allowed to remain there based on the current ordinance. He acknowledged that rules change over time. There ought to be something that identifies existing conditions. There should be a registry and active list of custodians for each gravesite. If they neglect to maintain the gravesite then the sexton has authority to do what he needs to do. As long as there is communication between the sexton and gravesite owners. If there is no response after two weeks then the sexton can take action. People actively involved and maintaining gravesites need to be respected. Not only for the owners but also for the sites themselves.

Gary Mortensen addressed the committee and offered to assist the committee in reviewing the rules to address these issues. He has a lot of experience. He gets both sides of the issue and acknowledges that it is difficult. There is a lot of common sense involved. All need to work together. He thought that Steve was doing a great job. According to Mr. Mortensen, diplomacy is big. He also understands the problems with mowing and maintaining; it is not possible to get a hold of people every time something comes up. He tries to notify people about what may and may not be done. Mr. Mortensen also pointed out that grave space is running low. He has notified officials of the need to acquire more land. He generally gets negative feedback because of the money. He suggested that the parks cost more money to run. Money should be directed to the cemetery. It is like a park and is likely visited more often than the soccer park. Let's

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consider that this is an important park. He begged the committee to make sure that there is more space for the cemetery. He does not want to have his own cemetery. Townships need to provide this service to its residents. The Bellaire cemetery is the only one in the 38 years he has lived here, that has not purchased property for expansion.

Holly Mortensen requested clarification of family markers and footstones. Footstones have to be flush under the current rules. If someone passes but their family already has beveled footstones, are they not allowed to have a matching footstone? Are they required to have a flush footstone? Would they be grandfathered in because the family stone is already there? Family may be upset if new stones are not able to match the family stones already there.

Stanley Kupka suggested that the committee review other township cemetery ordinances before coming out with new rules and regulations. Many use definitions and specify required information. He encouraged the committee to take advantage of language that is already out there.

Bonnie Richards reiterated that the ordinance needs definitions of headstones, footstones, markers, monuments.

Steve Alger thought a simple definition; a headstone is at the head of the grave, a footstone is at the foot of the grave.

Mr. Kupka said that the footstones might have information on them that would be considered headstones.

Gary Mortensen explained that normally the head is at the west end of the grave. Not all graves are east/est. Some up on the circle go different ways. They have tried to establish a consistent way. We try to use common sense. The heads are at the west it is called a headstone. Traditionally heads were buried with head to the west and feet to the east. There is a religious significance, the rising sun of the coming Christ. Now over half of the people are cremated. The rules still need to be clarified for these issues. The other thing that needs to be addressed is the direction from which the stone needs to be read. People have turned stones around. Again, he offered his help.

Meri Schoof addressed Steve Alger directly about his definition. The headstone is at the head of the grave, the footstone at the foot of the grave. If flowers are to be planted on the east side of the headstone, why were the flowers moved to the west side of the footstone? Steve Alger thought that ordinance the footstone should not have any flowers and be flush to the ground. Mrs. Schoof again asked why flowers were moved. Mr. Alger suggested that the flowers could be moved to the other stones. He stated that he had moved the flowers to the other side in an effort to keep the flowers. Mrs. Schoof stated that her point was that this was not consistent with the rules. Mr. Alger acknowledged that he should have just removed the flowers and not replanted them.

Mr. Schoof mentioned the lack of legal definitions in the rules about headstones.

**5. Old Business:** None presented.

### **6. New Business**

**a) Cemetery Complaint – Chairperson** Schuckel suggested that much had already been heard. President Schulz addressed the committee and suggested that two things were important, diplomacy and rules. There is frustration that 20 hours a week does not simply cut it in terms of maintaining the entire cemetery at a time. In looking at rules and regulations getting to the diplomacy, Section 29-7-I provides, “Repair to an existing monument, marker, headstone, and/or footstone now in existence shall be the responsibility of the owner. In the event of failure to make repairs within one year after notice, the Village may order the said monument, marker, headstone, and/or footstone removed at the expense of the owner.” In the situations where the large family stones are in the position of the footstone and the smaller stones are the headstones if the rules and regulations were followed strictly a lot of people would be upset. The cost of moving stones . . . the village would have to bear the brunt of that we do not have the budget for this. He

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would like to think about the balance between diplomacy, clarifying the rules and regulations going forward and looking to committing additional resources and time to do the maintenance. There are items in the old section of the cemetery that are still there but according to the rules should not be. There needs to be a balance between the rules and regulations and the time required to maintain the cemetery. As rules and regulations change, how are items going to be grandfathered in?

Terry Smith agreed with the comment about the expenditure of funds. The communities will have to go further in dedicating resources. What he has heard this morning is well-meaning people on both sides trying to do the best job without stepping on anybody's toes. There are so many inconsistencies out there it is just about impossible to write the rules. Just the difference in terminology between people. Mr. Smith always thought that a footstone was at the foot of the grave and a headstone was at the head of the grave where the person's head is. Gary Mortensen explained that predominantly the head is buried at the west and the feet at the east. Another gentleman said it is the definition of the stone itself that made it a headstone or footstone. There is another opinion. Some ideas are hard to change. There needs to be diplomacy or working together. There may be two graves in the cemetery that are similar but there are not two that are alike. People do visit the cemetery. He recounted laying out the addition to the east side of the cemetery in the middle of the winter and running into people out visiting gravesites. He acknowledged that spending the funds to maintain the cemetery has been well worth it. He referenced the gentlemen working to clean the stones and removing brush. As a township official, he has no problem asking the board to dedicate more funds to maintaining the cemetery. It may take some one on one to decide on these gravesites. Hopefully specifics for each site can be identified.

Steve Alger commented that he and Ken have spent a lot of time walking through the cemetery. He expressed concern that if plantings are allowed to vary it will be difficult to enforce the rules for those families of recently buried. Families will ask why they cannot place plantings on their site like the others and the conversation starts over again. If we try to do this one on one on one, nothing will ever get done. The rules need to be set fairly strictly then followed. No one is asking for a stone to be moved. To go to the cemetery and see everything in a common consistent position based on rules is what we are after, it will make the cemetery much more efficient to maintain. Spending more time in the cemetery is not the answer.

Mr. Schoof added that he did not realize it was public commentary. Mr. Schoof continued that if one person was going to interrupt, he would too. Mr. School went on to state that he does not see uniformity as a value for a cemetery. It might make maintenance easier but it cannot be imposed. The cemetery is very old, at least 100 years. There is no way to impose one general rule for every situation. It would be easy if we were starting own cemetery from scratch. The ground is too hilly; there will never be straight rows. There is too much movement. There needs to be flexibility. The notion that things have to be consistent and uniform is one that needs to be disavowed quickly. It cannot be done that way. Everybody in this room realizes that.

Gary Mortensen spoke and said we are back to this. Either there are no plantings, with everything in a row or just go crazy planting flowers. There has to be an in between.

Mr. Schoof agreed for everything new that is going into the cemetery the rules could be enforced.

Gary Mortensen stated that as a funeral director he has heard that people like the cemeteries up north. Other cemeteries require everything to be flat so that they can mow over it. The cemeteries may be different but need to be maintained. Mr. Mortensen understands that Ken and Steve are trying to help keep things organized. Let us try to get something in between. Steve will give a little. We will give a little and make it work.

Stanley Kupka commented it is imperative to let families know what the rules are. Let them know that certain things are grandfathered and what the rules are going forward. If they are clear, there should be no issues or problems.

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Steve Alger tried to respond to Mr. Schoof. President Schulz invoked Robert's Rules of Order, stating that public comment is not permitted during business.

**b) Cemetery Rules and Regulations Enforcement** – President Schulz made a motion to recommend to village council that the cemetery committee meet again with the addition of Steve Alger, Gary Mortensen, and Ken Stead to begin the process of reviewing Lakeview Cemetery Rules and Regulations in relation to researching other cemeteries' rules and regulations. Motion was supported by Supervisor Smith.

**Motion by President Schulz, seconded by Supervisor Smith, to recommend to village council that the cemetery committee meet again with the addition of Steve Alger, Gary Mortensen, and Ken Stead to begin the process of reviewing Lakeview Cemetery Rules and Regulations in relation to researching other cemeteries' rules and regulations. Motion carried by voice vote.**

**c) Additional Maintenance** – President Schulz reported that when he was at the cemetery visiting with Mr. Schoof and Ms. Richards he noticed a dead conifer tree to the west of this site. He asked DPW Director Stead if there were plans to take it down. Director Stead reported that Trees North has the list of trees to be removed and that a stump grinder is being rented this fall. President Schulz asked that he make a note of the Schoof gravesite and other gravesites that have had items removed. Steve Alger reported that the plan is to walk every row with the stump grinder and get all the stumps.

**7. Discussion Items:** None presented.

**8. Communications/Informational:** President Schulz asked members of the public present for feedback regarding the removal of the chain link fence, noting that a caller had warned that snowmobiles would be ridden through the cemetery. Ms. Richards noted that her mom comments that wrought iron fences look nice. There is a sense that a fence protects sacred ground. Steve Alger agreed that the chain link fence looked bad. He has not heard anything about snowmobiles. Holly Mortensen said that she had gotten some calls last year. People get nervous about change. Many are used to seeing iron fences around cemeteries. There was a positive comment about the fence around the Central Lake cemetery.

**9. Member/Public Comment:** Kent Bermingham requested permission to speak about the work that he and others have been doing in the cemetery. He explained that approximately two years ago he started power washing the monuments in the older section of the cemetery. They are now up to the new section. Additionally they have cleared brush from the western edge of the cemetery that had encroached 10 to 30 feet. The owner of the adjacent property has allowed them to stack the wood on his property. Mr. Bermingham found some gravestones that were buried in this area. He has purchased, at his expense, perennial rye to seed the area. They are also marking off areas to experiment with the growth of the perennial rye. About 80% of the lawn is weeds/buckhorns. The gas line work and reseeding being done along the road is providing an opportunity to see how well the grass seed will grow. He also reported that there are graves they are working to restore. Gravestones have sunk. Graves on the hillside have been moving. Some stones have gone right off their foundations. He explained that they would be hoisting the stones with an engine lift and using Quickrete for new foundations. The goal is to complete the power washing of the entire cemetery this year. Gary Mortensen expressed his appreciation for the work that has been done. Steve Alger also commented on the removal of the trees and how much it had opened up the western edge of the cemetery.

Holly Mortensen recounted the experience of enforcing the rules in Central Lake Cemetery. The rules are explained to new site owners over and over. It did work out. People now know that these are the rules.

Meri Schoof thought the important things coming out of this meeting were diplomacy and communication. If they had known the rule regarding planting flowers she believes her mother-in-law would have complied with the rules. She thought she was in compliance. Mrs. Schoof was also in support of Mr. Mortensen's idea of purchasing more land for the cemetery.

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Rob Schoof asked about Section 29-8-B and whether it applies to his family plot. Steve Alger thought that it applied to gravesites that were completely covered. Mr. Schoof repeated his question.

President Schulz stated that according to the rules and diagram as he understands it, the big stone is in the place where a footstone should be. The small stones the family considers footstones are in the place where a headstone should be. Mr. Mortensen said they have the names on them, they are headstones. President Schulz read Section 29-8-B. "Any lot or gravesite with plantings, enclosures, or decorations in place beyond 18" of the headstone prior to December 31, 2010 shall be allowed to remain. Any such planting, enclosure, or decoration that hinders the free use of lawnmowers or other maintenance apparatus must be maintained by the lot or gravesite owner or a caretaker appointed by the owner. Any planting, enclosure, or decoration not being maintained shall be removed by cemetery personnel." According to President Schulz, stones on the west side, as long as it is on that gravesite plantings can be beyond 18" with the provision that the family is required to maintain that plot. Mr. Schoof said the 18" was never an issue. President Schulz said that there are gravesites that have trees in the middle. If we look at the rules anything beyond the 18", if a person was interned before December 31, 2010, plantings are allowed to remain with the provision that family or custodians are responsible for the maintenance. The flowers as identified are beyond 18". According to rules, items that were on site, if the person was interned before December 31, 2010, it is allowed to remain but it is the families' responsibility to maintain it. Mr. Schoof said the plantings do not impede the lawn mower.

Clerk Lockett explained that letters were sent out a couple of years ago to owners of gravesites that were not conforming. There are a lot of graves that have perennials. Could the annuals be planted within the 18"? There were many graves that had shrubs, perennials and plantings that covered the whole site. She noted that a registry would be a wonderful idea. There was a lot of work that went into notifying owners that sites were not in compliance.

Mr. Schoof asked whether the flowers moved off the plot could be moved back in. President Schulz said it is a grandfathering clause. Regardless of where stuff is planted in the gravesite if before 2010 it can remain, it is a requirement that the family or custodian maintain that. If it is not maintained the cemetery sexton has the right to clear it out in order to make it maintainable. The urn is within the box. The family must maintain the site. Chairperson Schuckel repeated that the flowers are allowed, the family must maintain it.

Mr. Schoof asked where the flowers are allowed. President Schulz said they are allowed to remain within the 9' x 4'.

Bonnie Richards asked about the multiple 9' x 4' gravesites overlapping. If beyond the 4' there will be flowers overlapping the gravesites.

Terry Smith asked Mr. Schoof if he wanted to know whether the flowers could be moved back to where they were and was he wondering if they are grandfathered in why were they moved? The flowers were moved for maintenance reasons. Mr. Schoof's mother has been planting them in that location for 18 years. Mr. Smith said in his opinion if they were there prior to 2010, and continuously planted in that location, they can go back.

DPW Director Stead and President Schulz noted that if the flowers go back the rules require the family to maintain the gravesite. If they falter the cemetery sexton can remove the flowers.

Mr. Schoof said they have maintained the flowers; the provision states as long as there is no hindrance to mowing. This has already been stated on the record. He volunteered to remove the urn from the site. It is no problem to maintain the flowers. They are not required to mow so long as flowers does not obstruct mowing.

According to Mr. Alger there would be room for the mower if the urn were moved.

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Terry Smith asked if they were willing to remove the urn whether the flowers could go back. President Schulz thought that until village council acts on rules he would be in favor of that. Due to this matter being under the comment section there is no way to make a recommendation. Village council may be having a special meeting. The cemetery committee will meet as soon as possible after the village council meeting.

Holly Mortensen offered to have her sons mow the plot until a decision can be made.

Bonnie Richards asked about the layout of the family gravesites. Is it premature to ask what to expect with plantings on the other gravesites. President Schulz nodded yes.

**10. Adjournment:** Meeting adjourned at 9:22 a.m.

Compiled by Lori Luckett, Clerk  
Minutes are subject to approval

Approved: \_\_\_\_\_  
                  Helen Schuckel, Chairperson

Date: \_\_\_\_\_