

City of Bastrop
Cemetery Advisory Board Meeting Minutes
April 20, 2016 4:00 p.m.

The Cemetery Board met in a regularly scheduled meeting on April 20, 2016 at 4:00 p.m., in the Council Chambers of the City Hall at 1311 Chestnut Street, Bastrop, Texas. Members present were Terry Sanders, Carl Spooner, Ted Schaefer and Cheryl Long. City Staff in attendance was City Manager Mike Talbot, Tracy Waldron, Zana Jones and Trey Job.

I. Call to Order

Board Chair Terry Sanders called the meeting to order at 4:05 p.m.

II. Announcements

Tracy Waldron announced that this is Zana Jones' last meeting with the Cemetery Board; she has taken a position in the City's Human Resources Department. Tracy told the Board that future scheduled meeting dates and times will be sent, when set, by email to all Board members.

III. Public Comments [Note: Persons may address the Cemetery Advisory Board on any issue not otherwise listed on this Agenda. Please observe the time limit of three (3) minutes for general public comments. In accordance with the State of Texas Open Meetings Act, the Board cannot undertake discussion or take any action on Public Comments received at the meeting, but can: (1) recite Board/City policy on the points raised and/or (2) place items on an upcoming agenda for both discussion and action at that upcoming meeting.]

There were no public comments.

IV. Consideration, discussion and/or approval of the Cemetery Advisory Board's January 20, 2016 meeting minutes.

Carl Spooner made a motion to approve the minutes as written, seconded by Ted Schaefer. Motion carried unanimously.

V. Presentation to Board by staff on financials for period ending March 30, 2016.

Tracy Waldron presented financials for the 2nd quarter of Fiscal Year 2016. She told the Board that sales are behind based on the projected revenues for the year. Fifteen lots were sold since October 1, 2015: 11 at the new "outside the City limits" rate and 4 at the "within the City limits" rate. She added that expenses are below budget relative to the fiscal year and feels David Rosas is doing a good job maintaining costs associated with maintaining the Cemetery. There was no discussion from the Board.

VI. Consideration, discussion and possible action of a recommendation that City Council either Grant or Deny a variance request to allow for the cemetery plot legally described as being Section N, Lot 8 (1 space) to have a mausoleum installed as prohibited in Ordinance No. 2009-31, "Fairview Cemetery", Section 15.15 (f) "Prohibited Activities" and Section 15.16 (f), "Monument, Memorial or Tombstones; Construction Permit Required".

Tracy Waldron explained the agenda packet includes: letters and a drawing from Henry Bell requesting a variance to the Cemetery Ordinance; handouts received by her office this morning; and "Historical Facts" of the Cemetery from the records provided by the Cemetery Association at the time the City took ownership.

Addressing the Board, Mr. Bell referenced the first letter he wrote to the City along with the drawings asking for a monument. He explained that his late mother's last request was above ground burial due to traumatic childhood experiences. However, in 1963 he didn't have enough money to fulfill her wishes. Mr. Bell explained he is requesting a variance for his mother to be buried above ground, underneath the tombstone shown in the drawing. He clarified that he considers it a monument, and not a mausoleum. In his opinion, a mausoleum is a

structure you walk into that has a casket in the middle. What he's proposing is a square box where the grave is underneath and the monument is on top. Nothing else can be in it; it's not a mausoleum.

Mr. Bell added, as indicated in his letter, that he will pay all costs for the monument, moving and digging of the grave, and anything that needs done. He has an agreement with Capital Monument who prepared the drawing and have done a lot of these (and in unique places). Mr. Bell stated he believes the height of the actual monument and the box underneath totals about 72" or 73" high, and the ordinance states monuments cannot exceed 4' feet in height. He is requesting a variance to this restriction.

Mr. Bell stated the second part of the variance request is to have his mother buried above ground. He reviewed his drawing and described the "hill", adding that it's the highest hill in Fairview Cemetery. He shared the history of the Bell family members buried in the Cemetery. He then described his drawing as a bell with a box underneath that holds the casket. This will be located on the front of the hill where there is extra concrete. He added that additional concrete will likely be needed for the additional weight and dimensions and possibly cables will need to be placed into the ground.

Mr. Bell explained that the front of the hill, facing Highway 95, is an almost 60° angle. Around 1970, the front had eroded to almost where the tombstones are now located. Approval was obtained from Carl Spooner to build a retaining wall in the front to prevent the erosion, and the area was backfilled to the existing wall. The intention was to stop the erosion and add more gravesites. He stated that he doesn't know if he needs to buy that area because it's a good location for the rest of his family. Mr. Bell showed the original drawing that he got and identified the location of Hwy 95 and the section "N" as the area where the Bell family burial plots are located. He added that they are out of burial space and need to use the space where the retaining wall is located.

Mr. Bell showed a topographic map indicating the distance from Highway 95 to the bottom of the "hill" is 580'. From the highway, height is about 390 feet to the bottom of the hill and to the top is 470 feet. He added that he believes a City drawing shows the location of the roads on the "hill" are inaccurate.

Carl Spooner asked Mr. Bell if he intends to expand the gravesites to the west and fill it in. Mr. Bell responded he will stop at the retaining wall.

Terry Sanders said he counted approximately 12 spots within the retaining wall and Mr. Bell agreed. Mr. Sanders then stated by all the rules he is aware of, that area is Mr. Bell's. Ms. Waldron restated the agenda item was to consider Mr. Bell's request for a variance to the Cemetery ordinance. Mr. Sanders indicated he was clarifying the area Mr. Bell was talking about.

Mr. Bell talked about the photos of the gravesites and specifically pointed out his mother's grave. Mr. Sanders identified the grave as being to the east side of Mr. Bell's father and Mr. Bell confirmed that was accurate.

Cheryl Long inquired whether the new grave would be towards Mr. Bell's father, or horizontal. Mr. Bell replied that it will be under the monument and in front of the retaining wall. He then identified the new grave's location on the picture. Ms. Waldron clarified that Ms. Long is asking if he plans to place the monument in the direction of the other burials, or horizontal. Mr. Spooner noted that it would be parallel to the other graves. Mr. Bell confirmed that was correct. Ms. Waldron restated the details of Mr. Bell's presentation are to place the new grave horizontal to the others. Mr. Bell confirmed that it would be horizontal and the bell on top is the same on both sides.

Mike Talbot said the grave would not be parallel to the other graves, but north/south based on the plans. Mr. Bell said he is going to go along Highway 95 and place it on the front of the retaining wall. Mr. Sanders noted that the new burial will not be in a different location than where Mr. Bell's mother is presently buried.

Ms. Long asked if he was going to move the whole grave and Mr. Bell responded affirmatively. Ms. Long then asked if this has previously occurred in the Fairview Cemetery. Mr. Bell responded that he doesn't know, but he had wandered around the Cemetery noticing the beautiful monuments in place. He feels this will be minor and smaller than existing monuments. Ms. Waldron responded that the current ordinance went into effect after the City took ownership of the Cemetery and those monuments pre-date the ordinance. Ms. Long noted that's part of the beauty of our Cemetery as one of the prettiest in Texas. Mr. Sanders concurred there is an eclectic quality to the Cemetery that makes it beautiful.

Carl Spooner asked Mr. Bell if he plans for the monument to be lengthwise north/south, or east/west? Mr. Bell said he plans on it being parallel to Highway 95. However, if the Board prefers lengthwise east/west he can do it that way. Mr. Spooner added that there are no graves that are north/south in the Cemetery; all graves are east/west, as is customary.

Ms. Waldron told the Board that the 72" or 73" height is a variance the City Manager can grant. However, the other request is not a variance, but a change to the ordinance. That's why it's been brought to the Board. She explained that the Board will need to make a recommendation as to whether or not it should be taken to Council to amend the ordinance. Mr. Sanders asked which ordinance would have to be changed. Ms. Waldron referred him to the packet where it's referenced. Mr. Talbot said that Council, in this specific case, would have to grant a variance to the ordinance. However, they have the authority and option to either grant the variance or amend the ordinance.

Mr. Sanders stated that the ordinance prohibits mausoleums and graves can't be covered in concrete. In his opinion, his request doesn't constitute a mausoleum and there are several graves that have a concrete vault around them. He added that this isn't a mausoleum because you can't walk into it. Mr. Sanders stated that he doesn't think anyone wants to make rules and regulations that will be problematic in the future, adding that granting for Mr. Bell sets a precedent. Mr. Sanders told Mr. Bell that he doesn't think his request breaks any ordinance.

Tracy Waldron asked the definition of a crypt, as the ordinance refers to a mausoleum and crypt. Ms. Long asked what was wrong with having a mausoleum or crypt. Mr. Sanders responded that would be a question for Council and questioned whether the Council can grant a variance to an ordinance. Mr. Talbot responded that Council has authority to grant a variance to an ordinance but typically wants the Board's recommendation. The Council can either grant a variance or amend the ordinance to prevent the need for future variances. Mr. Sanders asked Mr. Talbot if he has authority to grant variances in certain areas and Mr. Talbot responded Council has given him that authority.

Mr. Sanders asked those present if there were any more questions for Mr. Bell. Ms. Long noted that the height was not that tall, only about 4'. Mr. Bell responded that it is about 7'2" or 7'3". Mr. Spooner added the drawing indicates 72".

Ms. Long made a motion to grant the variance as requested by Mr. Bell. Mr. Sanders seconded the motion and opened it for discussion.

Mr. Spooner wanted clarification on the direction the monument will be placed. Mr. Bell explained that the drawing has the placement parallel to Highway 95; but if the Board wants it to be east/west then he agrees to do that. Ms. Long added she feels the placement should match that of the others in the Cemetery.

Mr. Spooner asked Mr. Bell if he had decided the exact location. Mr. Bell responded in front of the retaining wall. Mr. Spooner asked Mr. Bell if he plans to build up the ground under the retaining wall and Mr. Bell responded yes. Mr. Spooner then asked if he would consume more property and Mr. Bell responded that it would be within the retaining wall and if necessary they will install rebar cables into the ground to secure it. Mr. Sanders feels, based on his observation, the retaining wall is in very good condition. The ground is level and there are no cracks. So, if cables are added, it will only strengthen what is there and no extra land will be encompassed. He always assumed that area is the Bell Family plots. Mr. Bell said that he doesn't mind buying the area if that's what is needed. Mr. Spooner said the "hill" is not used for anything else and if Mr. Bell is willing to have this work done, let him. But, he doesn't want the crypt placed facing north/south when everything else is east/west. Mr. Bell responded that would not be a problem.

Mr. Talbot told the Board that the motion should be amended to reflect that they are considering recommending the variance with the unanimous understanding that the placement will be in the east/west fashion. Mr. Sanders asked Ms. Long if she would like to restate the motion to include the stipulations and Ms. Long responded yes. Mr. Sanders seconded the motion and approved unanimously.

Mr. Talbot informed Mr. Bell that his request will be on the May 10, 2016, City Council agenda. Mr. Bell asked Mr. Talbot what would occur at that meeting. Mr. Talbot responded that Council will conduct a public hearing since it is a variance request to an ordinance. Following the public hearing, the Council will take a similar approach as today with a motion, a second, and a yes or no vote. Mr. Bell asked if he should hold off on proceeding with his plans until after the hearing on May 10th and Mr. Talbot told him that was correct.

VII. Informational update to Board, by Staff, on potential purchase of real property

Tracy Waldron said that at the last meeting the "blue" house was in discussion. Mike Talbot told the Board that they are still unable to get a clear title due to heirship. He added this is the second attempt the City has made to buy this property and it's ended the same each time. He explained that Council could condemn the property, put the money in escrow at District Court, and the heirs can make a claim afterwards. However, he stressed it's an expensive process. He added that it's then up to the District Court to determine how the money will be distributed amongst the heirs.

Cheryl Long asked if there are other properties available as she has noticed some towns have different areas for cemeteries. Terry Sanders explained that you can only have properties that are adjacent. Carl Spooner said that's why he brought up the property across Highway 95. It's considered by the State to be adjacent. Ms. Waldron reminded the Board that based on the area in the Cemetery, there is about 17 years of plot availability.

Mr. Spooner asked if the City receives many requests for plot purchases from people outside of the city. Ms. Waldron responded, as she reported earlier, out of the 15 plots sold so far this year, 11 are from individuals residing outside the City limits. Ms. Long noted that the prices are very reasonable and still not comparable to what others charge. Ms. Waldron responded that we raised them recently and cost comparisons from other cemeteries were brought to the Board.

Mr. Talbot concluded by stating that he can recommend commendation of the property to the City Council, if that's the Board's desire in the future. Mr. Sanders asked the Board if anyone would like to make that recommendation at this time. There was no response from the Board.

VIII. Informational update to Board, by Staff, on matters related to the Fairview Cemetery operations and maintenance.

Tracy Waldron advised that David Rosas had notified her of about 15 graves needing dirt due to recent rains. He will be work on it when the rain ceases and the ground dries. Carl Spooner stated that a large tree had fallen on a fence during the last storm. He notified Jason Alfaro and his staff did a good job getting it cleared.

Terry Sanders told Trey Job that some of the cane along the fence on Cedar Street is growing back. Mr. Job said he will get it sprayed. Mr. Job also told the Board that elevation shots of the road have been taken and repairs will begin in July. Mr. Spooner told Mr. Job that he feels the ditch that was cut along the road on the south side is going to work out. Mr. Sanders asked if the road work being done along Buttonwood and Walnut is what will be done in the Cemetery. Mr. Job responded that he will be doing asphalt in the Cemetery.

IX. Discussion, consideration and possible action on setting the dates and times for next Cemetery Advisory Board meeting(s).

Terry Sanders set the next meeting for July 20, 2016 at 4:00 p.m.

X. Invitation for input from Board Members related to issues for possible inclusion on the next meeting agenda.

Cheryl Long asked what height of monument is prohibited in the cemetery. Terry Sanders responded a height of 48". Carl Spooner asked if variances must come before the Board. Tracy Waldron responded that a height variance can be approved by the City Manager. Mike Talbot added that rather than approving a variance himself, he can defer it to Council. Mr. Sanders stated that in his experience, height has been the most requested variance. The Board may want Council to review the ordinance.

Mr. Talbot assured those present that he will review variances with the Board before they are granted. He wouldn't want to make a decision that would be inconsistent with what the Board wants. Mr. Talbot suggested that the Board review the ordinance at the next meeting to see if there are items that they would like to take to Council for possible amendments.

Ms. Long asked why planting is not allowed. Ms. Waldron explained it's related to maintenance. Zana Jones added that there have been issues with plants growing over other plots or problems with the roots. Ms. Waldron added that issue could be part of the ordinance review. Mr. Sanders stated that at this point there is nothing to include in the next agenda. Ms. Waldron asked if the Board would like to include a review of the ordinance. Ms. Long responded that it's not important. Mr. Sanders responded that he doesn't want the ordinance reviewed at this time.

Mr. Spooner would like to see an inventory of the trees by the City's arborist to determine which need to be removed. Mr. Talbot added that the trees have been stressed due to the drought and suggested an inventory of the trees be done. Mr. Sanders asked Mr. Job if he could help. Mr. Job responded that his department has an inventory of all the trees and he will look into the matter. Mr. Spooner asked about the ribbons around the trees in the Cemetery. Mr. Job responded they are marked for removal.

XI. **Adjourn.**

Carl Spooner made a motion to adjourn the meeting at 5:05 p.m., seconded by Cheryl Long. Motion carried unanimously.