

TERRILL L. HILL
MAYOR - COMMISSIONER

MARY LAWSON BROWN
VICE MAYOR - COMMISSIONER

RUFUS J. BOROM
COMMISSIONER

JUSTIN R. CAMPBELL
COMMISSIONER

JAMES NORWOOD, JR.
COMMISSIONER



CITY of *Palatka* FLORIDA

Regular meeting 2nd and 4th Thursdays each month at 6:00 p.m.

TERRY K. SUGGS
CITY MANAGER

BETSY JORDAN DRIGGERS
CITY CLERK

MATTHEW D. REYNOLDS
FINANCE DIRECTOR

JAMES A. GRIFFITH
INTERIM CHIEF OF POLICE

MICHAEL LAMBERT
CHIEF FIRE DEPT

DONALD E. HOLMES
CITY ATTORNEY

MINUTES CITY OF PALATKA WORKSHOP October 14, 2015 – 3:30 p.m.

Proceedings of a Workshop meeting of the City Commission of the City of Palatka, Florida, held on the 14th day of October, 2015.

PRESENT: Mayor Terrill L. Hill
Commissioner Mary Lawson Brown
Commissioner Rufus Borom
Commissioner Justin Campbell
Commissioner James Norwood, Jr.

Also Present: City Manager Terry Suggs, City Attorney Donald E. Holmes; City Clerk Betsy Jordan Driggers; Finance Director Matt Reynolds; Interim Police Chief James Griffith; Grants Administrator Jonathan Griffith

For Funeral Homes: Jamie Watts, Watts Funeral Home; Steve Overturf, Johnson-Overturf Funeral Homes, Quincy Masters, Masters Funeral Homes; Theodore and Johnny Brown, E.W. Lawson & Sons Funeral Home; Karl N. Flagg, Flagg Serenity Chapel

CALL TO ORDER – Mayor Hill called the meeting to order at 6:00 p.m. and read the following Meeting Call, which was issued on October 8, 2015.

**TO COMMISSIONERS: MARY LAWSON BROWN, RUFUS BOROM,
JUSTIN CAMPBELL AND JAMES NORWOOD, Jr.:**

You are hereby notified that a Workshop Meeting of the Palatka City Commission is called to be held on Wednesday, October 14, 2015, at City Commission Meeting Chambers, 201 N. 2nd Street, Palatka, Florida, to commence at 3:30 p.m.

The purpose of the workshop meeting is to discuss proposed changes to Cemeteries Department burial services and vault sales.

/s/ Terrill L. Hill
Terrill L. Hill, MAYOR

The following Commissioners acknowledged receipt of the foregoing Notice of a Special Called Workshop Meeting on the 8th day of October, 2015.

/s/ Mary Lawson Brown
COMMISSIONER

/s/ Justin Campbell
COMMISSIONER

/s/ James Norwood, Jr.
COMMISSIONER

/s/ Rufus Borom
COMMISSIONER

INVOCATION – Johnny Brown

PLEDGE OF ALLEGIANCE - Jamie Watts

1. **PUBLIC COMMENTS –** There were none.
2. **DISCUSSION –** Ordinance amending Chapter 22, Municipal Code, Cemeteries, to cease city-provided burials and vault sales – Terry Suggs, City Manager, said he and Ms. Driggers met several months ago with funeral service providers regarding the City getting out of the burial business, going to a “burial permit” system, which will allow funeral homes to open and close gravesites. All in attendance were in support of the City getting out of the burial business, as well as vault sales. The ordinance before them was passed on first reading on September 10th. Between 1st and 2nd reading, a service provider took city staff and officials around to other cemeteries to show them concerns with burial services being provided. It is staff’s belief that the ordinance before them will address these concerns. They are here at the request of the Commission to look at this ordinance again and hold discussion with local funeral homes.

Mr. Suggs said per the Ordinance, City Staff will mark the gravesite. There are clear expectations for burials. City Staff will then verify that burials are made properly; if not the burier will come back and address the issue. If not addressed, that provider will not be allowed to come back into the cemetery to perform further burials. Corrective action will be taken. Commissioner Norwood said his concern came about after visiting other cemeteries and seeing the quality of burials there. He would like to put out an RFP for someone to open and close graves. That way they won’t have to chase funeral homes. There will be a uniform price to open and close gravesites. That way they can write whatever provisions that need be written into a contract with a contractor. Individuals can submit their qualifications and they can award the bid accordingly.

Mayor Hill said the major reason they are here today is because the people in the audience have a greater understanding of burial services. They are holding the workshop to hold open discussion regarding any concerns on quality and how this affects them from a business standpoint. They want to increase standards in the cemetery and stay consistent and promote fairness. Commissioner Campbell said he is concerned with the vault situation. A funeral home wants to be able to sell their own vaults.

Steve Overturf, Johnson-Overturf Funeral Homes, said he is in favor of the city exiting from selling vaults and opening & closing graves. This is something they as funeral homes do every day. The photos that were shown at the last meeting have nothing whatsoever to do with the city’s cemeteries. This type of burial is not allowed in City cemeteries. As he stated last time, he understands wanting to be cautious about what happens in the cemeteries. They are looking for problems that don’t yet exist, and if they do happen, this ordinance addresses how to remedy those concerns. The ordinance answers the concerns. They need to focus on headstones sinking. This started when they started watering the cemetery at night to discharge reclaimed water. Coupled with the wet weather, the soil is so sandy, the headstones are sinking. He gets calls every week with people concerned about their markers leaning or falling over. He had to address a marker that was 8 feet long that was within 1/2 inch of falling over. If a marker falls on a worker, that’s a problem. A man up north was killed early this year due to a headstone leaning and falling on top of him. They have some very large upright stones that are leaning over. This is a larger problem. There is also an ant problem that is undermining the headstone foundation.

Commissioner Campbell said this links back into what he is saying. They don’t know who is digging the graves, which creates this problem.

Commissioner Brown said in city cemeteries the stones are being set by tombstone providers, not funeral homes. The cemeteries they showed photos of are owned by private individuals. All of the burials in the city cemeteries are done underground now; no one sees the vaults. Once you put a vault underground, they settle due to the ground or rain. When you set a vault when it's raining, it settles. She has been a licensed funeral director for 50 years. She has gravesites that have sunk underground. Any time you put 2,000 pounds in the ground, something sinks. If the City takes up the grass when they lay out the grave, and the burier goes outside the grass, that person needs to get out of the business.

Commissioner Norwood said they are here today to talk about burials. He agrees they need to address sinking headstones. He is here to insure that quality of this work is up to the standards they want met. Mr. Overturf said he understands the focus is on burials and vaults. When they dig a grave butting up against a marker, they further undermine the foundation of the marker. It has nothing to do with consistency of digging a grave. It has to do with the foundation the marker is set on. Many times the market is already there. A foundation won't do any good if the soil is not firm. When they first opened Oak Hill West the ground was very compact due to all the years it was a drive-in theater, from the cars driving over it. Now it is the opposite. They have compounded the problem with the watering that is going on. They have a liability due to the falling and sinking headstones.

Mr. Overturf noted Sec. 22-10 of the ordinance, pages 5 and 6, state the city is not responsible for theft or damage for anything set on any interment site. He asked if that includes the headstone. Mayor Hill said that's not an indemnification clause. You can't contract away liability. This applies to items. Mr. Overturf asked who will be responsible for damages to markers caused by the City. This has happened. Stones are leaning throughout the cemetery. Mr. Holmes said the Commission is not in a position to discuss that now. The City can't say it will take care of any stone that is leaning. This is intended to address flowers, trinkets, keepsakes and things people place on gravesites. He can clarify that provision. Mr. Suggs said he believes the City Attorney is correct on the intent of the language. Post burial there are situations that occur that the City would find itself liable for, such as maintenance. Sometimes city workers damage a headstone. If a headstone has been there for many years, they can't keep that from happening from time to time. The stone setter will come back out and adjust his work. They can address the issues such as overwatering, mowing and maintenance, so they don't become a future issue.

As to opening and closing, Commissioner Brown said every funeral home here has been in business for many years. For them to stay in business, they have to serve people. They respect people in death as in life. There is more to digging a grave than just opening and closing. They have to have a proper set up. If they weren't doing their jobs properly, they wouldn't be in business. The State governs privately owned cemeteries. They shouldn't be worried about what happens in those cemeteries.

Jamie Watts, Watts Funeral Homes, said Florida Statutes govern the licensing of funeral homes. Charges have to be brought before the State's Funeral Board when they are non-compliant. They tend to wait 30 days before putting a headstone down. It has been their experience that the City's graves aren't "tamped" after closing. When the graves aren't "tamped" the stones will settle. He is not against or for this ordinance; they have been in business for more than 30 years; they open graves throughout the entire county without incident every day. He is on the City Cemetery Board in Welaka; they had an incident with a grave opening, they weren't happy with the work and the funeral home came out and addressed it. If the City wants to sub-contact the work, the City will be taking on more liability. They should let the funeral homes handle it. The City has never tamped its graves.

Mr. Holmes said he read the ordinance and it could be strengthened as to fixing problems with burial sites. Sec 22-8, opening and closing of graves, talks about settling of the soil and remedies for that. It might solve all issues to add a broader provision that if a funeral director violates any provision of the ordinance and fails to address or correct for 30 days after receiving notice of the violation, they won't be allow to perform any more burials in a City cemetery. This would address any issue.

Mr. Watts asked if people have to provide proof of insurance when digging graves. Mr. Holmes said they require a bond be posted.

Johnny Brown, E. W. Lawson & Sons Funeral Home, said no matter which funeral home buries in some of those cemeteries, some burials are substandard. Florida statute dictates how they dig graves. The City is responsible for maintaining cemeteries. Care and maintenance is separate. They can nit-pick this, but every funeral director will tell you if you blow a burial, you have lost the family for any future business.

Allegra Kitchens, 1027 S. 12th Street, said the purpose of the ordinance is for the city to get out of the cemetery business. The City has done an excellent job of opening and closing graves. They need to get out of the business or stay in it. If they stay in it they should keep city employees digging graves. If not, let the funeral homes provide the labor.

Mr. Suggs said one of the first things he was challenged with was a fiscal responsibility of setting a budget. This was an area they looked at. This change will allow the City to balance its budget by reducing the Cemeteries budget by \$50 - \$75 thousand per year. It allows them to free that up for other things, like maintenance. This is the reason for the ordinance. It was a fiscal decision. They will be taking care of cemeteries for many years to come. Commissioner Norwood asked if they charged enough to open and close graves and purchase of gravesite. Mr. Suggs said it was not sufficient. Even with this measure, they aren't revenue neutral, but they are within \$5,000 of that. Mayor Hill said the biggest problem is the care of the cemetery. Until you raise the standard of care, they can't raise prices. They are concerned about quality of work of funeral homes, when the City hasn't provided quality work. They need to make sure adequate penalties are in place for those who do the work. They need to focus on how they maintain the facilities. As long as funeral homes in the area are able to provide those services, they should be allowed to, and the City can provide maintenance.

Commissioner Campbell said his original concern is the line that is being added. They need to get out of the business, but he doesn't want to go from the funeral home to the courtroom. They need to hold orientation to let the funeral homes know what the expectation is. Discussion ensued regarding intent of the workshop and Commissioner Norwood's comments concerning quality of work being done by cemeteries.

Mr. Watts said Florida Statute states a violation of any rule carries a minimum fine of \$500. They are regulated by not only the City but the State. The last thing they want is to be drug before the State's funeral board.

Mayor Hill said they need to give Mr. Holmes specific direction on language. There was consensus to direct him to add the wording as described strengthening the penalty clause for substandard workmanship and bring the ordinance back for second reading.

Commissioner Borom thanked all the directors for coming out and sharing their concerns. Commissioner Norwood apologized to any funeral director he may have offended by voicing his concerns, noting he has an obligation to bring potential problems to the Commission. Mr. Suggs said they've had good discussion and received good feedback.

Betsy Driggers, Cemeteries Administrator, said they do have a permitting process in place for setting monuments, and they track those. Monument providers are required to warranty their work. Monuments can only be set by those licensed to do so. They don't allow "homemade" monuments that are not set by licensed monument dealers. They fight those all the time. They have cut way back on the reuse watering due to all the rain. When they can be more maintenance oriented, as opposed to burial oriented, they can concentrate on keeping the grass mowed, which will help dry out the ground. When the grass gets too high it holds the moisture in and doesn't allow it to evaporate.

3. **OTHER COMMENTS** – There were none.
4. **ADJOURN** - There being no further matters to discuss, the workshop was adjourned at 4:35 p.m. by Mayor Hill.

ANY PERSON WISHING TO APPEAL ANY DECISION MADE BY THE CITY COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING WILL NEED A RECORD OF THE PROCEEDINGS, AND FOR SUCH PURPOSE MAY NEED TO INSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. FS 286.105