

COMMISSION AGENDA REPORT

COMMISSION MEETING DATE: 07-07-2009 AGENDA ITEM: M-20

COMMISSION REPORT NO: 09-0404

PREPARED BY:

Cate McCaffrey 06-24-2009 10:20:37

DEPT: Business Enterprises

DEPARTMENT DIRECTOR'S SIGNATURE

Julius Delisio, Administrative Assistant II 954-745-2141

AUTHOR'S NAME, TITLE, AND TELEPHONE NUMBER

George Gretsas 07-02-2009 10:46:53

CITY MANAGER'S SIGNATURE

TITLE 1: PRIVATE MAUSOLEUM SITES - LAUDERDALE MEMORIAL PARK

TITLE 2:

SUBJECT:

A motion approving the location of seven private mausoleum estate sites at Lauderdale Memorial Park.

REQUESTED ACTION (STAFF RECOMMENDATION - CONTENT OF MOTION):

Motion to approve.

REGULAR AGENDA

Motion

Public Hearing

Resolution

Purchase

Consent Resolution

Motion for Discussion

Ordinance

Presentation

Citizen Presentation

CONFERENCE

Old/New Business

Exec Closed Door

Conference Reports

Advisory Boards

City Commission Reports

City Manager Reports

Public Notice Advertised:

FUNDS APPROPRIATION/TRANSFER (provide index code, subobject, and title of subobject):

no budgetary impact.

FOR PROCUREMENT ITEMS ONLY

PROCUREMENT REFERENCE NO: TRANSACTION TYPE:

BIDS SOLICITED/RECEIVED: WBE: LATE BID:

Vendor: MBE: NO BID:

Amount: Details:

Procurement Recommendation:

Description of Exhibits:

1.	Background/ Detail	2.	Location of 7 sites	3.	2 photos - existing estates
4.	1 photo- area proposed sites	5.	2-7-95 CC minutes	6.	1-4-95 CC minutes
7.	LMP plat	8.	Rules & Regulations	9.	CBOT draft minutes 3-18-2009

EXHIBITS: AVAILABLE VIA HARDCOPY: Exhibit #s: 3,4 & 7

PRIOR COMMISSION/BOARD ACTION: (attach additional file if necessary)

January 4, 1995 Motion to Approve five sites for private estates at Lauderdale
Lauderdale Memorial Park. Motion failed.

February 7, 1995 City Commission approved five sites for private estates at
Lauderdale Memorial Park.

March 18, 2009 Cemetery Advisory Board of Trustees approved seven additional sites
for private estates at Lauderdale Memorial Park.

BACKGROUND/DETAIL:

See Exhibit 1.

Attorney's Initials: dw

BACKGROUND

This is a request for City Commission approval for seven private mausoleum estate sites at Lauderdale Memorial Park (LMP).

The City of Fort Lauderdale Cemetery System consists of four cemeteries, three of which, LMP, Evergreen and Sunset Memorial Gardens offer multiple options for the final disposition and memorialization of family members. These options range from ground burial, inurnment, community mausoleum entombment and inurnment and private mausoleum estates.

Private mausoleum estate sites are situated in 20' by 20' areas. Currently, there are five approved sites at LMP; ten at Evergreen Cemetery; and five at Sunset Memorial Gardens, all of which were approved by the City Commission. A map of LMP depicting the five sites already established as well as the seven proposed additional sites is attached hereto as **Exhibit 2**. Attached hereto as **Exhibit 3** are pictures of two existing private mausoleums in LMP, and attached as **Exhibit 4** is a picture of the center isle where the seven proposed sites are located.

Private mausoleum estates have a significant impact on the marketing of the City cemeteries as premiere properties, allowing the City to provide a desired service and to remain competitive with other local cemeteries. Additionally, these estates have a significant financial impact, because nineteen percent of the sale price is deposited into the Cemetery Perpetual Care Trust Fund. Prices for the mausoleums range from \$250,000 to over \$500,000, based on the style and type of granite used for construction.

The five existing LMP sites were approved by the City Commission at a February 7, 1995 Conference Meeting, the minutes for which are attached hereto as **Exhibit 5**. At a January 4, 1995 Commission Conference Meeting, a motion to approve the five LMP sites was denied, although at the same meeting motions to approve sites at both Evergreen and Sunset Memorial Gardens were approved. The minutes for the January 4, 1995 meeting are attached hereto as **Exhibit 6**.

As noted in the minutes from the February 7, 1995 Conference Meeting, there was some concern that the five mausoleums at LMP would be permitted in "designated park land." This issue stems in part from a notation on the plat of LMP, which shows the center isle as "park." See, plat attached as **Exhibit 7**.¹ The "park" label on the LMP plat is not a zoning or land use designation. The land use and zoning designation for LMP is Community Facility (CF). Should the City Commission approve this request for seven additional private mausoleum sites at LMP, it would be consistent with the site's current land use and zoning district.

Further, the Rules and Regulations governing the City's cemetery system, which were approved by the City Commission in September 2004, provide guidelines for private family estates. According to the Rules and Regulations, "a private family estate may be

¹ The attached Exhibit 7 plat has been enhanced with bolded print and highlighting to depict where notation "park" is found. Absent the enhancement, "park" would not have been discernible.

Exhibit 1
CAR 09-0404

used as the final resting place of deceased human beings only in City Commission approved designated areas within Lauderdale Memorial Park, Sunset Memorial Gardens and Evergreen Cemetery.” Cemetery Rules and Regulations, Section 11.6, Private Family Estates. Attached hereto as **Exhibit 8** is a copy of the Cemetery Rules and Regulations.

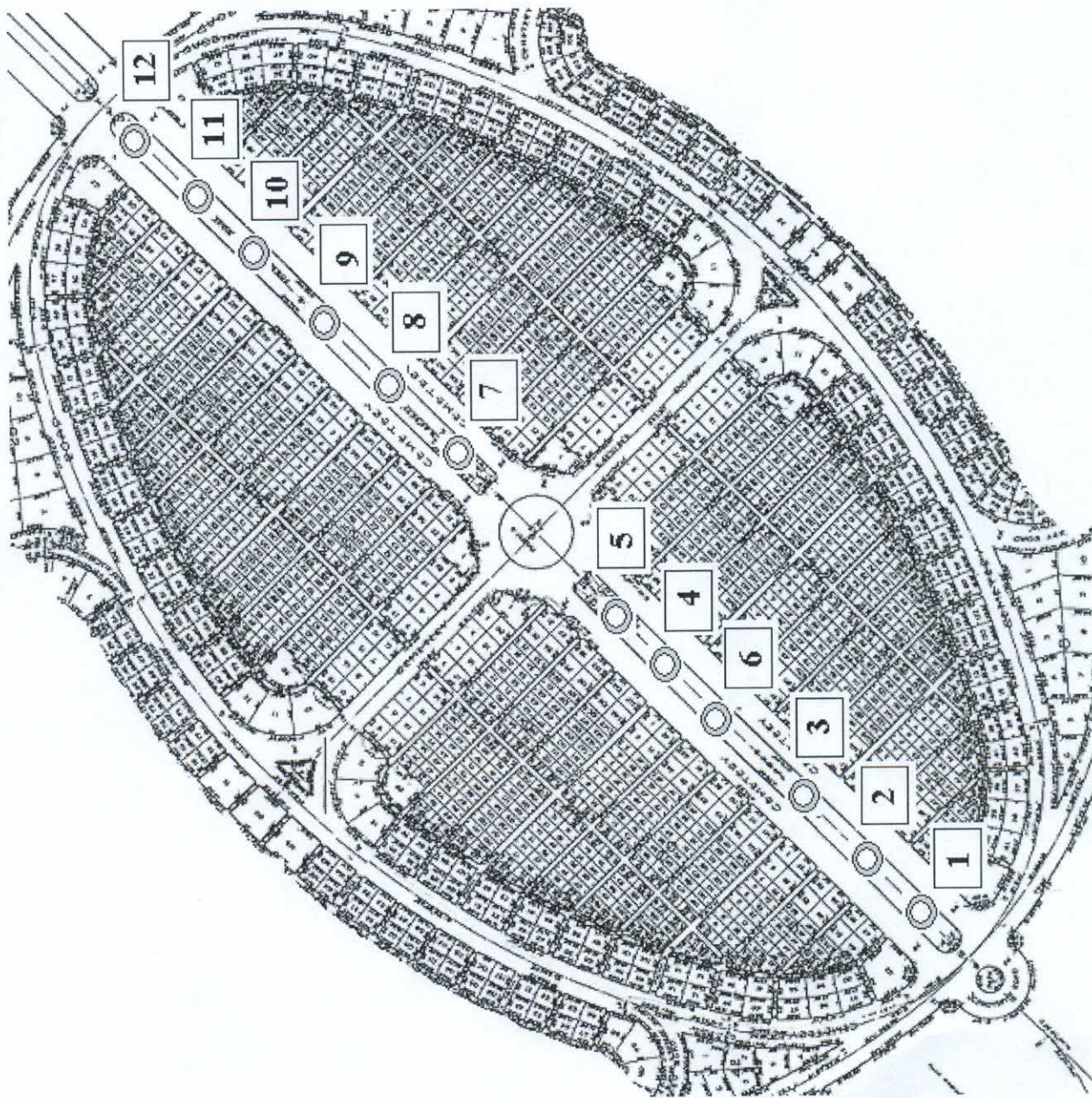
The Cemetery Advisory Board of Trustees, at their March 18, 2009 meeting, unanimously approved the location of the seven additional sites for private mausoleum estates at LMP. Attached hereto as **Exhibit 9** is a copy of the minutes of the March 18th meeting.

Staff is recommending City Commission approval of the seven additional private mausoleum estate sites at Lauderdale Memorial Park Cemetery.

Exhibit 1
CAR 09-0404

Lauderdale Memorial Park

MAIN ENTRANCE



Existing Estate Sites

- > 1. Mayhue Family
- > 2. Display
- > 3. Acker Family
- > 4. Zarysky Family
- > 5. Sitra Family

Proposed Additions

- > 6. New Site
- > 7. New Site
- > 8. New Site
- > 9. New Site
- > 10. New Site
- > 11. New Site
- > 12. New Site

Mr. Witschen encouraged the Commission to attend the meetings of the Steering Committee and said it would be very important that they attend the Assembly itself in May.

Commissioner Keno referred to participants already suggested by the Commission, and Mr. Witschen assured him those individuals would be included in the list of nominees. Mayor Naugle noted that the Assembly was being held in Dania. Mr. Witschen explained that staff had tried to find a Fort Lauderdale location, but they had been unable to locate a facility which was available and within budget.

Commissioner Moore inquired as to funding efforts. Ms. Severson reported that \$7,350 had been committed by private parties, and the Underwriting Committee was trying to raise \$11,000, so the City's cost would be limited to \$15,000. She felt they were doing well so far in reaching that goal.

At 9:52 A.M., Commissioner Keno left the meeting. At 9:53 A.M., Commissioners Keno and Latona returned to the meeting.

Action: Approved.

I-C - Family Estates - Lauderdale Memorial Cemetery

The City Manager recalled that the Commission had directed the representatives of the Loftis Corporation and staff to consider alternate locations for family estates in Lauderdale Memorial Cemetery. Locations for family estates which had previously been approved by the Cemeteries Board of Trustees, in Evergreen and Sunset Cemeteries, had been approved by the Commission on January 4, 1995.

The City Manager reported that an alternate location near the front entrance had been selected, and it had been determined that site plan renderings would be necessary to provide an adequate presentation. An appropriate site plan had been developed by City staff; the Chairman of the Cemeteries Board had offered to provide landscape architectural services for only the cost of art work; and, the Loftis Corporation had agreed to pay the cost of the art work up to \$1,000.

The City Manager advised that Mr. Mayhue preferred that his estate remain in its present location in the median because it was close to the future public mausoleum where he had purchased four other crypts.

Commissioner Aurelius said he had visited the site again after the Commission's last meeting, and he agreed with the recommendations of the Cemeteries Board as presented. He encouraged the Commission to adopt that recommendation and allow construction of the five estates as proposed. Commissioner Aurelius preferred, however, to defer a decision on the eight estates in the median until there had been some experience with the first five.

Commissioners Moore and Keno agreed with Commissioner Aurelius. Mayor Naugle summarized that five mausoleums would be permitted in the designated park land, although he felt this was a betrayal of Fort Lauderdale's forefathers and a sad day for the City.

Action: Approved as discussed.

Ex 5

CAR 09-0404

City of Fort Lauderdale Municipal Cemeteries

Rules and Regulations

**City of Fort Lauderdale
Amended and Approved
September 13, 2004**

1 of 37 pgs.

EXHIBIT 8
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11.4. SPECIFICATIONS FOR INSTALLATION OF MEMORIALS, MARKERS, MONUMENTS, FOUNDATIONS AND CURBS.

Installation specifications for memorials, markers, monuments, and curbs shall be as stipulated in the City of Fort Lauderdale Code of Ordinances.

11.5. INSTALLATION PERMITS.

Prior to the installation of any memorial, marker, monument, bench, vase or any other product in the Cemetery System, which as been provided by an outside supplier, a -Memorial Installation Permit- shall be completed and submitted at least five (5) days in advance of the anticipated installation date to the Cemetery System's administration office at Lauderdale Memorial Park. Following a review of the permit by the Cemetery Manager and tabulation of the amount due for the perpetual care charge, the total fee (perpetual care and permit fee) will be entered on the document and a copy returned to the submitting party.

When an outside supplier establishes an installation date for an item on which there is an approved permit, supplier shall call the Cemetery System administration office the Friday prior to the requested date for confirmation of the date availability. Upon arrival at the Cemetery System, supplier shall visit the office and make full payment of all charges on the products that will be installed.

Cemetery System personnel shall be responsible for plot location, layout of memorial and vase spaces and inspection of the completed installation. Outside supplier will follow all procedures outlined on the -Outside Suppliers Memorial Installation Procedures- guide and the City of Fort Lauderdale Code of Ordinances, copies of which may be obtained from the Cemetery System administration office at Lauderdale Memorial Park, 2001 S.W. 4 Avenue.

All outside suppliers performing installations on cemetery property must provide the Cemetery System with proof of liability insurance with the City of Fort Lauderdale as a certificate holder.

11.6 PRIVATE FAMILY ESTATES.

A private family estate may be used as the final resting place of deceased human beings only in City Commission approved designated areas within Lauderdale Memorial Park, Sunset Memorial Gardens and Evergreen Cemetery. Maps indicting these approved areas are available in the Cemetery Office. Private family estate design suitability must fall within the following guidelines.

- A. Size - the dimensions of a private family estate shall not exceed 15 feet in length, width and overall height (including facade).
- B. Materials - the private family estate structure must be of first quality granite or marble or equally high durability stone. Doors, windows, and other accessories shall be made of similar high quality materials such as bronze and bullet proof glass.
- C. Design - All plans, specifications and location within the designated area shall be subject to Board approval. The style of each private family estate structure and embellishments shall be in keeping with the aesthetics of that particular cemetery, i.e. Evergreen would have "classical" structures as opposed to "modern".
- D. Foundations - A private family estate shall have a concrete steel reinforced trench poured foundation. The actual width, depth, P.S.I. strength, and reinforcing requirements of each structure shall be subject to local building codes for like structures and are subject to the approval of Management.
- E. Entombments - All entombments in a family estate are to be conducted and properly sealed by Management and are subject to the current fee structure. Entombments are limited to persons or classes of persons designed by the owner on the Declaration of Reservation. In the absence of a Declaration of Reservation, the rights of entombment shall be as provided in Section 6.3 of these Rules. The provisions of Sections 6.4 and 6.5 of these Rules shall also apply to family estates.
- F. Sale - A contract for the sale of a private family estate shall include a clause that it is subject to approval by the Cemetery Board of Trustees. The Board will hold a special meeting, if necessary, to vote on the design and suitability within fifteen (15) working days of receiving notification of the signed contract.

11.7 FEATURES.

A. Application.

Any person desiring to have a Feature installed in a cemetery shall first apply for permission to the Management. The application shall be accompanied by a