

BLUE RIBBON COMMISSION ON CEMETERIES
DRAFT FINDINGS
OCTOBER 17, 2007

“Show me the manner in which a nation or a community cares for its dead. I will measure exactly the sympathies of its people, their respect for the laws of the land, and their loyalty to high ideals.”

William Gladstone (1809-1898)

1. Introduction: Why this commission?

In 2004 and 2005, the Jacksonville City Council approved Ordinances 2004-1349-A and 2005-1497 which established a nine-member Blue Ribbon Commission to study the issue of abandoned and neglected cemeteries in Duval County. The Commission was formed in order to make recommendations for Council review regarding cemetery preservation, maintenance and record keeping.

Once cemeteries are full and no longer producing revenue, they are often neglected by their owners and fall into disrepair. Over time, some are even lost or identification of the owners becomes difficult, if not impossible. When the project began, there were 123 known cemeteries appearing on the City’s Register of Resting Places issued in May, 2000, the majority of which could be described as abandoned or neglected. Over time, virtually all of them will become abandoned as family members die and visitations cease.

The objectives of the cemeteries study were to:

- Inventory existing burial sites in Duval County
- Identify concerns regarding these cemeteries, including maintenance, record-keeping, preservation of head stones and markers, and public access
- Examine current legislation policies regarding these issues, and explore alternative solutions, including best practices from other communities
- Develop a plan to address the issues identified with older and abandoned cemeteries in Jacksonville

The nine-member Cemeteries Commission appointed by then-President of the City Council Michael Corrigan included the following individuals who brought expertise in various aspects of the project:

- Jerry Spinks, Chair; Brenda Ezell; Jon Ferguson; Marion Graham; Emily Lisska; Hazel Mack; Joel McEachin; Richard Mueller; and Louise Warren.

2. Scope of the Problem:

As part of its 2010 Comprehensive Plan, the City of Jacksonville conducted a first-ever mapping and identification project of burial grounds in 1999-2000. A total of 123 sites were identified and recorded, but specific information such as numbers of grave sites was

sketchy at best. The mapping program provided a base line of information as it was known at the time, but it has not been updated since and a formal process has not been identified for adding new information as it becomes available. For example, since the Cemeteries Commission work began in August, 2007, five additional burial grounds not on the City Register have been brought to the attention of the Commission (West Lawn, Como, Spires Street, Kingsley Plantation, and St. Nicholas #3 Cemeteries).

So while the Register of Resting Places provides much valuable information, it cannot be considered a complete and accurate site inventory since there are large gaps in available data from one cemetery to the next.

The Register of Resting Places completed in 2000 is included as *Appendix 1*. It is supplemented by data compiled since the study's inception by Cemeteries Commission member Jon Ferguson that is presented as *Appendix 1A*. A map of the cemeteries listed on the Register of Resting Places is provided as *Appendix 2*.

Cemeteries are categorized in various ways, such as by state licensing, religious affiliations, family burial grounds, city maintained, etc. There are eight cemeteries in Duval County licensed by the State of Florida, which requires that they must be maintained and a trust fund set aside with the sale of each plot for perpetual care and maintenance. These cemeteries are outside the purview of this Commission.

City-maintained cemeteries are those in which the City of Jacksonville has either assumed ownership (three cemeteries) or has accepted the responsibility to provide some maintenance work (five others). The Commission has included these facilities in its deliberations since the level of maintenance varies from one to the next.

In addition, some active religious cemeteries are not licensed by the State, but they are neither abandoned nor neglected and are regularly maintained by the religious organizations who own them. These are not within the Commission's purview.

The scope of the Cemeteries Commission's work was those "unlicensed" facilities by the State of Florida which have been abandoned or neglected and for which regular maintenance is not provided. It is estimated that as many as 100 of the known cemeteries in Duval County are included in this category.

Because the scope of this study involved so many facilities, it was impossible to focus specific attention on the needs of any particular cemetery. Rather, the mission of this Commission was to create a series of recommendations that should be regarded as a general plan to be applied over time to all of the abandoned and neglected cemeteries in Duval County.

3. How the law impacts preservation of cemeteries:

Laws governing cemeteries are issued at both the state and local levels. Florida Statutes 497 and chapter 173 of the Jacksonville Ordinance Code are the applicable laws in regard

to burial grounds in Duval County. It should be noted, however, that in a number of cases, the local ordinances and Florida statutes tend to contradict each other. A summary of the principle points of disagreement is included as *Appendix 3*.

Among the important provisions of the Local Ordinance Code and/or Florida statutes are the following:

A cemetery for which there is no traceable ownership and which is not being maintained may be declared a “public nuisance” which provides the City with more rights with regard to its maintenance. Abatement liens can be applied in such cases, but it does not appear that the City is actively engaged in collecting them, even though it can recoup the costs associated with abatement from cemetery owners.

Florida statutes provide that the circuit court can appoint a receiver if it determines that receivership is advisable in cases where violations have occurred in abandoned cemeteries. Because it is extremely expensive to seek receivership, however, the State generally tries everything possible to avoid it.

Relatives of persons buried in a cemetery have the legal right to visit the cemetery at reasonable times. The cemetery owner may designate the easement for ingress and egress. The relatives can request that the owner provide reasonable maintenance, and if he refuses, the relatives have the right to maintain it themselves.

One portion of the Local Ordinance Code adopted in 2001 (Ordinance 2001-1327-E) addresses the conditions under which otherwise protected trees can be removed in cemeteries. Exemptions from the protected tree provisions can be obtained for a fee of \$25 at the request of an individual cemetery plot owner if the tree is located on his plot. Prior to the adoption of this Ordinance, it was complicated and very costly to gain the right to remove trees under such circumstances.

The law requires that any person or entity engaged in selling burial sites must establish a “perpetual care and maintenance trust fund” with a trust company or state or national bank. An amount not less than 10% of the purchase price of the burial sites sold must be placed in the fund, but the reality is that very few trust funds are substantial enough to cover the cost of perpetual maintenance.

State law provides that a county or municipality may provide (but is *not obligated* to do so) for the maintenance and security of a cemetery that has been abandoned or neglected for a period of six months or more. Public funds may be used for the maintenance of such facilities, provided proper notice is given the State.

The City of Jacksonville has an existing Cemetery Maintenance Trust Fund established in 1994 for the purpose of providing ongoing maintenance to the handful of City-maintained cemeteries. When created, the Fund had \$660,000, but it has gradually been depleted over the years and now includes just over \$131,000. The provisions of the Trust Fund

preclude it from having a balance below \$123,000, so without the infusion of a significant amount of new funding, it does not provide a viable vehicle.

4. Where we stand now:

Of the 123 cemeteries included on the Duval County Register of Resting Places, only eight are “licensed” under Florida Statute 497 and are thus outside the purview of the Cemeteries Commission’s work (Arlington Park, Beaches Memorial Gardens, Chapel Hill Memory Gardens, Edgewood, Evergreen, Greenlawn, Oak Lawn, Riverside Memorial Park).

Three cemeteries are owned by the City of Jacksonville (Old City, Mt. Herman, Hillside), and five others are not owned but do have maintenance arrangements with the City (Gravely Hill, Memorial, Pinehurst, part of Sunset Memorial, Mount Olive). Limited staffing and funding is available to maintain these facilities, so they do not all regularly receive the level of attention necessary to keep them in pristine condition.

Some of the remaining cemeteries in the City are maintained by private interests such as churches or family members, but most are “unlicensed” and abandoned/neglected. As noted previously, nearly all will eventually become abandoned/neglected as they are built out and cease to produce revenue, or as visitations cease and the owners no longer see a reason to continue maintenance.

Occasionally, volunteer organizations are formed for the purposes of conducting preservation and maintenance work in cemeteries in which they have specific interests. The largest and best organized of these in Jacksonville is ***Gravely Hill Friends, Inc.***, a non-profit organization which includes more than 90 members who have effectively adopted the Gravely Hill Cemetery which is located inside Riverside Memorial Park on the city’s Northside. Highly efficient and effective maintenance and preservation work can be provided at very little cost by such grass-roots volunteer groups.

5. What can volunteer organizations accomplish?

Gravely Hill Friends, Inc. is structured as a non-profit corporation that has a contractual relationship with the City of Jacksonville to maintain the Gravely Hill Cemetery, one of the eight in Duval County for which the City is obligated to provide maintenance. The group meets at the cemetery twice a month for cleanup and maintenance activities and has several committees that coordinate various aspects of the work (landscape maintenance, cleaning of graves, gravestone repair, etc.). Volunteers are provided instruction on how to perform their tasks, including the dos and don’ts of grave marker care.

“Friends” began as a small group of interested individuals that have increased their ranks by contacting historical, genealogical, and service organizations. Church groups, family members, scouting troops, student groups seeking community service credits, lodge

members, young professionals groups, and even inmates at corrections facilities are also excellent sources of volunteer help.

“Friends” offers the following advice to others interested in forming volunteer groups for the purpose of preserving and maintaining cemeteries:

- Establish a small base group of dedicated people with the same goals.
- Seek the proper authorization to work inside a cemetery. If it is not managed by the City, approach family members if they can be located to seek permission to include their family plots within the scope of the project.
- Research local and state cemetery ordinances and statutes to make sure the work being conducted is in compliance with the law.
- Increase the volunteer member base by contacting service organizations such as those listed above.
- Provide volunteers with adequate training on caring for burial sites to avoid unintentional damage. Uneducated volunteers, though well-intentioned, can often do more harm than good.
- Document the work done inside the cemetery. Survey the graves in writing and photographically with before and after documentation.
- Utilize the services of reputable national cemetery preservation organizations that are available to provide assistance, including on-site training of volunteers. Chicora Foundation and The Association for Gravestone Studies are two of the most prominent.
- A guide to forming a “Cemetery Friends” organization produced by The Association for Gravestone Studies is included as *Appendix 4*.

A recently created non-profit organization in Jacksonville that bears promise is ***Cemetery Recovery and Preservation Trust (CRPTjax)***, loosely modeled on the *Save Our Cemeteries* organization in New Orleans discussed below. The vision of CRPTjax, organized by Shannon Palmer, a retired mortician who lived in New Orleans and became familiar with *Save Our Cemeteries*, is to coordinate volunteer cemetery preservation projects in Duval County and to provide the necessary resources for success. If it gains a foothold, CRPTjax appears to align perfectly with the goals of the Cemeteries Commission.

CRPTjax seeks to record, preserve, maintain, and protect the historic cemeteries of Jacksonville, and to increase public appreciation and awareness of the value cemeteries provide communities. Founded in 2007, the organization is preparing to file for 501©3 status in the near future.

Services anticipated include cleanups at specific cemeteries, coordination of volunteer groups, “how to” assistance to groups looking to “adopt a cemetery”, equipment and supplies, arrange for cemetery access, and conduct events, tours and lectures.

Anticipated fund-raising methods are grants, memberships, donations and fundraisers. A small staff of three or four is envisioned after the organization gets on its feet.

While CRPTjax is a fledgling organization trying to get off the ground, it is an organization that clearly wants to find its proper niche in the community and play a prominent role in cemetery preservation and maintenance.

6. What is involved in preserving/maintaining a cemetery?

The preservation of grave yards involves a wide range of disciplines, including landscape architecture, historic research, conservation, archaeology, marker inventories and assessments, grave identification, mapping, cleaning of gravestones and monuments, etc.

Guidelines for cemetery work are available from Chicora Foundation and others, and it is important for volunteer groups to educate themselves about the proper methods of cleaning cemetery markers. Every cleaning, no matter how gentle, has the potential to cause damage to the stone, so in many cases, it is actually prudent to leave a soiled stone alone. Cleaning approaches that should never be used include the use of bleach, acid cleaning, sand blasting, high pressure water, and recarving of inscriptions.

So, while cemetery preservation and maintenance is not overly complicated, it does require a certain level of understanding in order to avoid unintentional damage. Access to such information and/or hands-on training provided by other knowledgeable volunteers is generally not difficult to locate.

7. “Best Practices” in other communities:

New Orleans, LA - *Save Our Cemeteries, Inc.*, is a 501©3 organization formed in 1974 by four individuals in response to the proposed demolition of nine blocks of wall vaults in New Orleans’s St. Louis Cemetery #2. Since then, *Save Our Cemeteries* has expanded its services to include preservation and maintenance work at cemeteries throughout the State of Louisiana, leaning heavily on volunteer groups to accomplish the majority of the work. No contractual relationship exists, however, with the City of New Orleans or Orleans Parish.

Save Our Cemeteries focuses on three principle objectives (restoration, preservation, education), and it provides a variety of services including grounds maintenance, cleanups, coordination of volunteer groups, daily tours of cemeteries, and tour guide training. Major restorative work is typically done in partnership with professional conservators and preservationists.

A small paid staff coordinates *Save Our Cemeteries* activities, and a 37-member Board of Directors oversees the organization. Efforts are made to involve as many civic leaders as possible on the Board.

Funding comes from a variety of sources including: memberships (over 1000 members pay dues from as low as \$20 per year to as much as \$1000 for a “Conservator” designation); local historical associations; state historical preservation office; national

trust; national foundations; private foundations; federal government; commercial enterprises; private donations; and fundraisers.

Volunteers are recruited through media, newsletters, the organization's web site, word-of-mouth and events/fundraisers.

Save Our Cemeteries represents a highly-efficient, professionally run volunteer organization that serves as a model umbrella non-profit that can organize fledgling volunteer groups and provide them with a direction and necessary services. Information from the *Save Our Cemeteries* web site is included as *Appendix 5*.

Charlotte, NC – *Settlers Cemetery*, located two blocks from the town square in the middle of downtown Charlotte, is a facility that dates to 1768 and, through its history, has undergone periods of long-term neglect followed by periodic attempts at beautification.

The most recent restoration efforts began in 1968, resulting in the cemetery's current pristine condition. The striking example *Settlers* now provides is how a once decrepit cemetery can be transformed into a pleasant park-like setting that is enjoyable to visit for citizens throughout the community.

The cemetery is surrounded by a five-foot embankment which has an attractive wrought-iron fence on top. Outside the fence are a series of plaques that serve as a directory of who is buried in the facility. With an innovative layout based not on the typical grid fashion but on random family groupings, beautiful landscaping, and a pleasing over-sized fountain in the middle, *Settlers* has clearly made efficient use of its assets and is a boost to downtown Charlotte.

Pensacola, FL - *St. Michael's Cemetery* is another colonial-era burial ground dating to 1778 in the heart of urban Pensacola. Originally a British cemetery, it is located in what was a blighted area as recently as seven years ago. An act of vandalism that occurred in 2000 energized a group of concerned citizens, including archaeologists at the University of West Florida. Recognizing the historic value of *St. Michael's*, they vowed to find a way to restore it.

A private non-profit foundation (SMC Foundation of Pensacola, Inc.) is the owner of record and manages the restoration and maintenance work at the cemetery with considerable help from archaeologists at UWF. The site has been transformed into a well-maintained and attractive green space that serves as a model for what can be done with dedication and a willingness to learn. Based on the successful work done at *St. Michael's*, the foundation now offers its assistance to other cemeteries in Pensacola, providing them with a resource to draw on and with which to share information.

SMC is aggressively branding Pensacola's cemeteries as "*outdoor museums*," a concept they believe the public can rally around. Initial efforts are also underway to create a "*Cemetery Trail*" in Pensacola designed to showcase each of the city's cemeteries.

The foundation has no paid staff, utilizing members of the UWF archaeology department to provide assistance. Funding is obtained primarily through grants, with a small amount coming from the city and county governments. The cemetery also qualifies for some State of Florida funding since it was designated in the 1960's as a "state park" because of its historical significance.

Pointers offered by the Pensacola Foundation to other organizations interested in cemetery preservation and maintenance include:

- Cemetery preservation should be positioned so that it is recognized as an *economic resource* for a community.
- It is critical to develop a wide array of *partnerships* throughout the community, including tapping into the resources of the military, colleges and universities, etc.
- It is impossible to try to be everything to everybody. Instead, focus on developing a handful of viable models that can hopefully be replicated over time.
- Developing public awareness and *getting the message out* is more than half the battle.

8. Barriers and issues to implementing "Best Practices" in Jacksonville: