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Late Backup

Testimony in Support of Consent Agenda Resolutions 41 and 42

I am appearing in support of Resolution Numbers 41 and 42 on today's Consent Agenda. The current cemetery regulations should not be enforced without further study and input by the community. There is no urgency, as the city already has the authority to remove any neglected or abandoned memorials without the sudden and arbitrary enforcement of overly broad and vague regulations. While I certainly agree that some reasonable regulation is necessary, the current regulations, which have not been updated, publicized, or enforced since the 1970s, need to be revisited and revised. The public and stakeholders must be involved in developing alternatives that balance the rights of families and friends to uniquely honor their loved ones and the need to maintain cemetery grounds. Existing grave site memorials should be grandfathered and any memorials that truly significantly impede or adversely affect the maintenance of the park should be addressed on a case-by-case basis.

Both my niece, Shoshana, and my father rest in the park. When we ordered my father's gravestone in August, we were told by Straussweider Memorial Company that the base of my father's stone would have to have a shorter than that of his granddaughter's because the city was now enforcing regulations regarding the size of stones. This means that many of the gravestones in the park do not comply with city regulations. The city is certainly not going to go through the cemetery with a tape measure and give 30-days notice to all the families with gravestones that are a couple of inches too high, long, or demanding that they replace the stones or the city will remove the stones. As the city is therefore already grandfathering headstones that do not comply with the regulations, it is only fair that it do so for other grave site memorials.

To give the council some background, in 2006, after Shoshana, who was just 13-years-old, died suddenly and unexpectedly from myocarditis, my sister-in-law, Tina, contacted the park at least twice regarding her plans to create a grave site memorial to her daughter. Tina's calls were never returned and, given the number of other graves with similar memorials, she rightly assumed there was no problem with a planned garden atop the grave. In addition to creating a living memorial to Shoshana, the garden would protect the grave site, which had been marked with tire tracks. Tina is a master gardener with an award-winning xeriscaped yard and is fully familiar with drought-resistant native plants. She carefully choose native plants that were not only water-wise, but also among her daughter's favorites. Tina has lovingly maintained her daughter's grave all these years. When my father died last December after losing his seven-year battle with Multiple System Atrophy, he was buried next to his adored granddaughter. I also surrounded my father grave with stones and plan, after his headstone in unveiled in November, to plant a memorial garden on his grave. Because he was a Shakespearean scholar, as well as a renowned professor at the University of Texas School of Law, I plan to plant rosemary, not only because it is cited in Shakespeare ("There's rosemary, that's for remembrance; pray, love, remember. . ."), but also because it is a hardy drought-resistant plant that needs little or no maintenance. My niece's and father's graves are only two of the many grave sites in the park with such personal memorials.

My family has bought six lots at the park and we have never received any booklet or pamphlet, much less any notice, regarding such regulations. The regulations, especially when my niece was buried in

2006, were not easily accessible by the public. Although the city had contracted out the maintenance of the park until April of this year, the city still had the ultimate authority and responsibility to publicize and enforce the regulations, and it failed to do so. Grieving families should not be forced to dismantle grave site memorials, many of which have been in place for years, simply because the city failed to fulfill its duties. For the city to retroactively enforce such regulations will arbitrarily punish those with family and friends memorialized in the park, and these citizens should not suffer because of the city's neglect and dereliction of its duties.

It also appears that claims regarding the need to retroactively enforce regulations because of maintenance and safety are mere smoke-screen, and the real reason is some people have allegedly complained that some of the grave site memorials are not appropriate for a cemetery. Considering these memorials are created by the very families who are mourning their loved ones and are tributes to the personality of the deceased, who has the right to say what is "appropriate?" If I went around the cemetery insisting that every grave include a wind chime or stone angel, I would be considered callous and presumptuous. Is it not the same for someone who deem such items inappropriate for the graves of their loved ones, and therefore declare that no one else should be allowed to have them? As long as the memorials are maintained and located on the grave of the person they are commemorating, who has a right to argue aesthetics? I can see the need for requiring items that are of a temporary nature, such as paper or cloth, be removed after a certain time before they become tattered or faded, as well as barring displays that are overtly political or obscene, otherwise it is not the place of the city to become the ultimate authority regarding what is the "tasteful" and "respectful" way to mourn.

Decorating and personalizing the grave of a loved one is an important aspect of grieving and the grave site memorials created by families and friends are not thoughtlessly thrown together, but are created to reflect the personality of the departed. Many families have invested substantial time and resources in creating and maintaining these tributes, and these grave site memorials are often beautiful and touching. These individualized grave sites make the park a unique and peaceful place and reflect the larger personality and diversity of the city. The memorials are all part of keeping Austin Memorial Park weird and wonderful. For example, in the tree over Shoshana's grave hang several small pottery and stained glass origami cranes. The origami crane, through the story of Sadako Sasaki, the Japanese girl who died of leukemia after being exposed through radiation following the atomic bombing of Hiroshima, has become an international symbol of peace. When Shoshana died, her fellow students at Kealing Middle School began folding cranes in her memory, creating 4,866 cranes, one for each day of her life. The cranes were hung in the Kealing library in her memory. The cranes softly swaying over her grave help commemorate the loss of Shoshana and the love of her classmates. The cranes hurt no one, our family checks them weekly to make sure they are not broken or tangled, and I am sure that many people do not even realize they are there, but to those who remember Shoshana they are a very special symbol of a very special girl. Removing or destroying these personal tributes will cause tremendous and unnecessary grief.

Further, many of these personal memorials significantly enhance and improve the park. Although this is a city park, the city has not provided any seating. The benches installed by families provide a place for those visiting the park to rest, contemplate, and seek solace. On early mornings or late afternoons I have sat on a bench near Shoshana's and my father's graves, listening to the mockingbirds singing, the leaves murmuring in the breeze, and, yes, even the soft tinkle of wind chimes. Many of the shrubs and trees planted by families are native, drought resistant plants. During the summer, when the grass was burnt brown, these plants provided shade, color, and greenery. The vague regulations, which bar the planting of ivy, flowers, shrubs, or bushes, would appear to favor grass over water-wise native plants. In light of the continuing severe drought, it makes no sense to favor grass, which requires substantial

water and high maintenance, over native xeriscaping. If anything, the city should be encouraging and assisting families to select and plant native, drought resistant flowers and trees. This, in the long run, will not only save the city significant resources, but will enhance the park itself.

We have been told that the rock borders could interfere with maintenance. The grave site memorial for Shoshana has been in place since 2006, and many of the other grave site tributes have been in place for as long, if not longer. There is no evidence that they significantly impeded or prevented mowing or maintenance of the park during that time. In the Jewish tradition, a visitor places a stone on the grave rather than flowers, signifying the permanence of memory and love. The stones are not to be removed and over time they become part of the decoration of the grave site. Since Shoshana's burial, she has been visited hundreds of times by her family and friends; the colorful and diverse pile of stones that now cover part of her grave demonstrate all the lives she touched and show that she is still loved and remembered. Prohibiting the placement of stones on grave sites would discriminate against this religious tradition. The park has long provided a birdbath in the Jewish section that is kept full of stones for those visiting the graves. Yet, under these long-neglected regulations, both the stones and the birdbath would be barred.

Finally, I would like to note, if the concern is really for safety, and appearance, the city can start with replacing the rusted and sagging chain link fence surrounding the park and repairing the badly rutted and worn roads through the park. These present more of a hazard to the public and far more adversely affect the appearance and dignity of the park than all the benches, wind chimes, and other personal memorials therein.

Thank you for your time and consideration.