PUBLIC COMMENTS REGARDING
PROPOSED CEMETERY RULES AND REGULATIONS

Wednesday, June 18, 2014

The above-entitled meeting was held, on the record, from 6:24 to 7:55 p.m., at Zilker Botanical Garden Auditorium, 2220 Barton Springs Road, Austin, Texas 78746, and the following proceedings were reported by RABIN' MONROE, Certified Shorthand Reporter in and for the State of Texas, Travis County.
A P P E A R A N C E S

SMITH/ASSOCIATES STAFF

TIM SUELTFENFUS, Facilitator
LEAH SOTTL, Timekeeper
SHAE FREEMAN-HICKS
AMANDA GANGAWER

CEMETERY STAFF

GILBERT HERNANDEZ
PATRICIA JACOBSON
VICTOR OLIVARES
KIM MCKNIGHT
PROCEDINGS

(Opening remarks from 6:15 to 6:24 p.m.)

(Public comment at 6:24 p.m. as follows:)

SHARON WEINTRAUB: First I'd like to point out that nowhere in the second revised rules was it ever mentioned that there will be no grandfathering of existing plots. This was mentioned at the June 5th meeting, but nothing was concluded [sic] in the Speak Out [sic] Austin survey itself. The very fact that there was no mention that existing memorials would not be grandfathered and would come under these rules throws the whole survey into question, as well as its validity. The people of Austin did not have a right or a chance to speak up on that.

Second, I will again state that I believe retroactive reinforcement of the rules is . . . illegal. These are proprietary. They are not a police power. They are not part of the City ordinances. This is similar to an -- a homeowners association having bylaws they have not enforced. If the bylaws are not enforced, and there is open and notorious violation of them, a new homeowners group cannot come in and say, "Okay, everybody. We were letting you build 8-foot fences, but . . . our bylaws say only 6-foot fences, so you gotta tear them all down." Once it's waived, it is
unenforceable.

Also, it's my understanding we pay for those plots, we own them. And considering the amount of money we pay for those plots and the size, it's probably some of the most expensive square footage in Austin. If the City's gonna come in after all this time and insist that it has a right to remove things from that property or place things on that property, I think that comes under a taking of private property for public use, and I think there might be compensation and other constitutional issues.

And while I'm going through some of the legal issues, there is a part in there where it says that if anybody feels that a religious tradition is not being allowed to be practiced in the cemetery, they have to go to I believe it's the cemetery administrator, and the cemetery administrator then makes the decision whether or not to allow that. That is unconstitutional under both the Texas Constitution, the Federal Constitution, and Federal law. A government body has to reasonably accommodate any religious beliefs. And just simply giving the cemetery administrator that power will bring you all sorts of legal issues.

And I would also like to point out that anywhere in here where it says the cemetery
administrator has the right to make a decision or approve a request, it should say that it should not be unreasonably denied. Because otherwise, it will just simply be arbitrary, it will be unfair, and every time a new cemetery administrator comes in, the way the rules are gonna be enforced are going to change.

What is my time?

TIM SUELTENFUSS: Thank you, ma'am. And certainly please do sign up for more time, if you like.

Ms. Weintraub, I just noted a few things. It sounds like one of the concerns you had were: The plots that do not conform to these rules should be grandfathered in was one thing I heard.

SHARON WEINTRAUB: Yeah.

TIM SUELTENFUSS: Concerns that these rules constituted taking. And concern about the amount of power and discretion awarded to the --

SHARON WEINTRAUB: Right.

TIM SUELTENFUSS: -- cemetery administrator.

SHARON WEINTRAUB: Yes. And -- well, the main thing is you're trying to retroactively enforce something that was not enforced. The City no longer has power --

TIM SUELTENFUSS: Okay.
SHARON WEINTRAUB: -- to do that.

TIM SUELTENFUSS: All right. Okay. And again, please do -- we have certainly all the time we need available until 8:00 p.m., I believe. So feel free to continue to sign up.

Ms. Mills, I believe you were next.

MEREDITH MILLS: I won't take much time. The primary issues that I have is that wooden benches aren't allowed. I believe last -- or two weeks ago at the last meeting the reasons stated were that it is not a sturdy material or something like that. I -- I . . . think that's false. I'm -- I'm really not understanding why wooden benches wouldn't be allowed when the City constructs things out of wood all the time that are left out to be rained on and still considered sturdy and . . . are -- are all throughout the city. So . . . I'm just not understanding that argument.

The other part that I would second . . . would be the discretion that's allowed to the cemetery administrator. As far as the approving the inscriptions and the approval of other things, it should more . . . it should read something more like, "If you meet these requirements, the City [sic] administrator shall approve this plaque or this inscription or the planting of this tree."
I understand that we're still working on the master -- the cemetery master plan, and it's gonna outline some things that the City envisions for the cemeteries to look like. But I think that putting that as a requirement that it be in compliance with that plan is enough of a requirement. That way it takes out some of the discretion that a lot of people have concern with. So....

That's it.

TIM SUELTENFUSS: Great. Thank you.

So just a couple of things that I heard Ms. Mills mention. That wooden benches should be allowed. You consider them very sturdy material, and used in other locations. Seconding the concern about too much discretion being afforded to the cemetery administrator. And I think I heard you say the -- the rules themselves should in some ways constrain that discretion on areas where subjectivity is -- is needed.

MEREDITH MILLS: Especially without the -- I mean, within the rules it talks about requirements that must be met or "you can't do this," "you can't do that." Well, if a rule already says you can't have profanity or obscene language, why does he have to approve the inscription, as long as it doesn't contain that.
TIM SUELTENFUSS: Okay.

MEREDITH MILLS: So little things like that.

TIM SUELTENFUSS: Great.

MEREDITH MILLS: Where the rules already touch base or already says that it has to be in compliance with something else, there shouldn't be discretion.

TIM SUELTENFUSS: I see.

MEREDITH MILLS: I forgot to say grandfathering in. I . . . I would like to grandfather in current benches and other --

TIM SUELTENFUSS: So seconding of the desire to grandfather in current plots, as well. Okay.

MEREDITH MILLS: Yeah. Plots or conditions that aren't hazardous --

TIM SUELTENFUSS: Exactly. I see.

MEREDITH MILLS: -- I would say.

TIM SUELTENFUSS: Thank you.

Shae, who do we have next?

SHAE FREEMAN-HICKS: Mr. Eiland.

TIM SUELTENFUSS: Mr. Eiland, floor is yours. Thank you.

STEVE EILAND: I'm gonna follow up really what Miss Weinstat [sic] was talking about. My dad was
a surveyor, land surveyor, so I'm real familiar with
survey plats; everything that goes along with 'em.
And . . . Section 12 and Section 14 were re-- -- were --
were filed in about 2007. And it says on both plats:
"Deed re-- -- or restrictions: None." No mention of
rules, of nothing.
When -- when you have rules, they should
be filed with the plat when the plat is filed. If
you're gonna have a . . . gonna change the rules of --
of existing plat, let's say Austin Memorial Park, it
really could go for any of 'em, to -- when a subdivision
is done, and they come -- a homeowner comes in and wanna
do -- they have to get the sub-- -- they have to get the
permission of the exis- -- of every existing . . .
landowner. If they do not get their permission, they
are not subject to the new rules. Only those that sign
off are subject to the new rules when you wanna change
restrictions in a subdivision.
And a cemetery is the same thing as a
subdivision. Because we buy this -- this plot is
bought. It is owned by the public. I mean by the
person, not by the public. So I don't see how you can
have new rules on existing cemeteries. Without the
permission of everyone who's ever bought a plot. And if
they don't sign off, they're not subject to the rules.
And the rules should be filed in the County Clerk's Office under "Cemetery Memorial Park: Restrictions," not in some . . . City office that says "This is a -- these are the rules." It should be -- public should be able to see these rules all the time. Whether I give you a copy or not, I should tell you, "It is filed under the --"

So I -- I'm -- I'm with you. I don't see how they can enforce rules on existing plot owners.

Then when you get into the area of where you have a cemetery like -- well, Austin Memorial Park, we have two sets of rules: One for the existing owners, and one for the new ones. That is very confusing to the operator of it, 'cause he needs to know legally what's what for each plot. And that can be very confusing.

It says in here that you can't have a gravestone over -- of 42 inches. Okay? Mayor Roy Butler's is probably about 5 foot tall. At . . . and -- and . . . so you're gonna . . . you can't get those people to remove their headstones and conform to these rules unless you do it for everybody.

Austin . . . Oak Creek -- no, what's what? Oakwood. You got monuments all over the place there. Okay? Large. And they don't conform to any of these rules right here. 'Cause I have a real hard time with
these rules being enforced . . . when the subdivision has already -- other sections at Memorial Park that are new, throw these rules on there and see if you can sell the plots. But . . . having two sets of rules is gonna be very . . . it's gonna be a problem.

TIM SUELTENFUSS: Well, sir, I can feel that there's more there, so please do sign up, 'cause I know that you have . . . really thought through this issue and been a very active part of this process, so I appreciate it.

A couple of things I noted from Mr. Eiland was that . . . you know, your comment that in Section 12 and 14 the plats show no deed restrictions. And in your opinion, that any new restrictions should apply only if the owners agree. And also that some of the existing memorials exceed the dimensions indicated in the proposed rules.

So thank you for your comment. I know you have some more to . . . to comment on.

Ms. Weintraub, we'll go to you next.
And then also if anyone would like to sign up to speak, feel free to stop by Shae's office over there, or just wave your hand in the air.

So back to you. Thank you, ma'am.

SHARON WEINTRAUB: Well, while we're
speaking about grandfathering, it's already apparent that the City is going to grandfather in all nonconforming headstones.

My niece died in 2006. When we buried my father next to her, in 2012, we were told by Stasswender that his gravestone would have to be a little smaller and a little shorter, because the City was making sure that all the headstones now conformed with their rules and regulations. But the City's not going to make us go and take out all the nonconforming headstones. So if the City's going to be willing to grand- -- to grandfather in nonconforming headstones, they should also be willing to grandfather in all other nonconforming memorials.

I also wanna mention that my brother, Steven Weintraub, and his wife, Tina Huckabee, who are actually the people who instigated this whole process, could not be here tonight because of other issues. And I find it cruelly ironic that the two people who have waited for over six months to take part in this process cannot do so now.

I'm looking at the memorial space, and frankly the whole thing looks to me like, you know, the old . . . a camel is a horse designed by committee. I mean, it might be workable for new graves, but I'm not
seeing how it's actually going to make maintenance
easier or cut back on maintenance. You're going to have
a top section with memorials, maybe a bottom section
with a bench, and then you're gonna have a swath
in-between. So the City's going to have to sod that,
they're gonna have to plant grass there, they're going
to have to mow, and somehow work between the memorial
and the bench without damaging anything?

I think would just simply be better to
give people the option of . . . blocking off the whole
grave and then taking care of it themselves. Than
trying to . . . as I say, sort of this compromise that's
not gonna please anybody.

I'd also like to mention not
grandfathering in graves. For example, my -- my
sister-in-law is a master gardener. She's a xeriscaper.
My niece's grave has beautiful, native,
drought-resistant flowers on it. Right now the cone
flower's in full bloom. It's surrounded by hand-cut
limestone bricks. Tearing those out -- they've been
there since 2006. And a lotta those memorials have been
there much earlier. Tearing those out, you're going to
force people to desecrate the graves. You're going to
damage those graves.

Is the City going to spend the time and
effort to immediately truck in dirt and truck in more sod, and are they going to be willing to water that grass in the middle of a drought when there's already water restrictions limiting them to once a week? I don't think so. I think what would happen is they're gonna make people tear up those graves, and then they're going to have to sit and watch them all summer while they crack, the dirt -- the topsoil blows away, the soil collapses.

Am I --
Okay.
TIM SUELTMENFUSS: Yes, ma'am. Thank you.
So just a couple things I noted from Ms. Weintraub's comments were that the -- if the City is -- I believe a comment of hers, if the City is grandfathering in nonconforming memorials, then they should grandfather in other items that do not conform to these proposed rules. Ms. Weintraub also mentioned that the memorialization space might work for new spaces, but would cause maintenance difficulties, as well.
And also the comment that in your opinion tearing out vegetation that does not conform to these would desecrate those graves, as well?
SHARON WEINTRAUB: And also, it -- either the City's going to have to put forth a tremendous
amount of manpower and expense to immediately correct
those, because otherwise you're just going to have the
graves sinking; you're going to have the topsoil blowing
away; you're going to have erosion.

TIM SUELTENFUSS: Okay.

SHARON WEINTRAUB: And you're going to
have people coming every week to watch a grave
deteriorating while they can't do a thing to stop it.

TIM SUELTENFUSS: I see. Okay. Thank
you, ma'am.

Mr. Amon Burton is next on our list.

And sir, I think Mr. Eiland had signed up
after you, so I might make -- ask for you to run about
three minutes, then we'll sign you back up next.

AMON BURTON: Sure, sure.

TIM SUELTENFUSS: Thank you.

AMON BURTON: I can't speak to all the
things -- I sent in over ten pages of single-spaced
comments on the proposed rules. They need serious work.
Definitions are messed up. There's no clear definition
of "lot." It refers to multiple names of -- of "lots,"
"niches," "burial space," "full space," "full-size
burial space." There are definitions that are not
included in any definition section. And some of 'em
need to get -- we need to get rid of 'em.
This has already been mentioned, memorial space, which is just a very defined area that limits where you can put items. I see no -- no reason for that definition to be in here at all.

The -- there are provisions, and you all have mentioned, about grandfathering, that involve . . . the maintenance involving the benches, to move 'em to the back. I'll tell you, for example, some of us have done this, is there was not room for a bench to go to the -- to the foot of the space, burial spaces, that we had, so we bought and paid over $5,000 to get two spaces on the -- on the side of ours so that we could have a bench. And now the proposal is that we would have to remove that. And so I've already spent over $5,000 for those lots that I bought solely for the purpose of a bench. And I'm sure other people the same thing has happened.

The . . . the -- their definition of or comments about monuments can't be wider than 18 inches. Obviously most of them are. It's because people own more than one lot. There are just technical problems in these rules.

And I'm . . . the area of Section 6, which has so many nonconforming provisions, I mentioned the provision of a young boy named -- four-year-old
Willingham in my comments, who has a little sandbox attached to their memorial. And I said: I wanna know who in the City is going to go and call those people and tell them after 13 years that has to be removed. And I've seen children playing there.

You go into the nursery area, they're -- they're . . . stuffed animals and dolls there. Expecting to remove all those? Just for the convenience of the maintenance people? For families who have infants or young children that have been buried.

But the final thing I wanted to say is that it's the process. I've asked the question last week of what is the process for this revision. And I ask: How is the public going to be involved in the actual drafting of the rules? Of the revision to the rules. And I -- and I hope Tim or someone will give me an answer to that tonight, because members of the public should be able to attend the sessions for reviewing the revisions, for participating in the revisions. If this is a public process, the public needs to participate in the drafting of the rules.

TIM SUELTFENFUSS: Great. Thank you, sir.

So Mr. Burton, just a few things that I had jotted down as you were talking, what I heard from you, were: The definition in the proposed rules are
unclear. That the memorialization space is too limited. That benches should not be limited to simply the foot of the space. You pointed out that monuments -- existing monuments are wider than the 18 inches specified here. You pointed out Section 6 has many nonconforming provisions, and asked who is going to remove those items, especially, in your opinion, that's just for the convenience of maintenance activities.

AMON BURTON: And I don't believe they should be removed.

TIM SUELTENFUSS: Exactly. Yes, sir. And -- and asking the question of how the public would be involved in the development of the rules themselves.

So thank you for your comments, sir. And -- and . . . thank you for the comments you submitted on -- via email exchanges and SpeakUpAustin, too. Those are all very helpful.

Mr. Eiland, please come on back down.

Thank you.

STEVE EILAND: My son Heath died three years ago. He was 16 years old. And I'm -- I'm really representing parents who have lost their children. If you go out and look at the cemeteries -- and I've -- I've walked every one of these cemeteries, and . . . .
Most of -- overdecorations, more flowers, are for parents who have . . . who overdecorate for their kids who are 35 and under, I'm gonna say. People who are 35 and under. Their parents still want to give to that -- their child. And they will place toys, they'll do everything.

There's one close to Heath, the mother . . . the baby was born in -- well, today was the baby's birthday. They had "Happy Birthday." Was born June 18th. It lived 9 -- 11 days. And that was 11 years ago, 2003. Now, they're still wanting to give to that child that lived 11 days 11 years ago today. They had Easter eggs sprinkled around the grave in Eastertime.

Most of the overdecoration is by the parents of children they have lost. And . . . it only goes on for about 30 years. You go into the older sections, and . . . you won't see that. Because it's -- it's -- time has passed. It's been 30/35 years. And those graves are . . . very simple. Very simple.

And I don't think Austin cemetery problem is overdecoration. I think the -- the problem with Austin cemeteries is neglect. Neglect of the headstones that have fallen down. There's 158 in -- in Austin Memorial Park, believe it or not, that are down. And
those should be picked up -- speak of hazards, you have a head -- you have a base and then you have a headstone. The problem with the cemeteries is not too many flowers or old flowers, even; the -- the problem with Oakwood is that all that concrete . . . that they have -- they have blocks. For each block, they're concreted and they're raised. Well, the concrete is broken. The City needs to go in there and do work on every one of those plots so they can maintain 'em better.

There are so many headstones down at Oakwood, it's . . . and -- and these are down old -- they're really supposed to take care of ones that are leaning too much. And there are some that are off the base, you can see 'em. They're still up, but they're not where they're supposed to be.

And they're supposed to take care of that, too. And they're not supposed to charge for that. Their job is to fix the problem, and get it done.

Now, if Heath's headstone is done in the next 30 years and it falls, I'll pay for it. No problem. I'll do it before the City does it. Okay? But the City's here to take care of people who aren't there to maintain their . . . headstones years later.

And the . . . so . . . I'm representing . . . parents who have lost their children.
Believe me, about -- I'll say 50 to 60 percent of the overdecoration is on children. When I say "children," I'm saying 35 years and younger. That's where most of it is. It's not on their grandparents or even their parents. It's on children.

TIM SUELTFENFUSS: Thank you, sir. Few things I heard from you in your comments just now, Mr. Eiland, that . . . toys, you point out, are a way that loved ones really can still give to the children that they've lost. That the overdecoration is not the problem in the cemeteries; you -- you point out that the problem is neglect, and specifically headstones that have fallen, for example at Oakwood. And you point out that the City should pay for the repair of those when . . . when family is no longer available.

Okay. Thank you for your comments.

Ms. Burton, your -- your name had been there.

CAROL BURTON: Actually, I was gonna give my time to Amon, but I think he said what he wanted to say. So if I can please come up.

TIM SUELTFENFUSS: Yes, ma'am.

Then we'll go to Gail Foster after that.

CAROL BURTON: I certainly don't have anything profound. And I thought the meeting started at
6:30 tonight, so we missed the first half of the meeting. First part. Sorry about that.

But I just wanted to sort of . . . echo what Ms. Weintraub said and -- and what Steve said, about the . . . the individual quality of -- of . . . the remembrances that people bring. We -- and also what Amon said, about our buying land for the bench. We . . . our -- our plot, our area, started with a stillborn grandchild in 2008, I believe. 2006. I can't remember. No. 2006, I think. And then he was joined by our daughter-in-law, who died of breast cancer at the age of 40, leaving a three-year-old. And we've recently added my mother-in-law's ashes.

All of ours are cremains. And so we bought . . . you know, full burial spots, and can do four cremains in each. But we ended up buying a good deal of property, because we wanted our bench to be on some of it. We . . . we planted small bushes at the corners. I tried to plant a small bush recently and was asked not to, until these rules are -- are . . . are codified. But it was only going to be a small bush.

And we've -- we've left -- we don't have any actual real markers, stone markers. We've done very eclectic, different things, and -- and I've planted native plants. And -- and it's . . . very low
maintenance. But I do the maintenance. And as long
as -- as we're alive -- and I hope it's another 30
years -- what Steve -- we will do that. And when we're
no longer there to do that, then the City can remove
those things and plant grass and mow it.

But we chose Area 6 because it was so, so
eclectic, and there was so much love, individual
personalization shown there.

Steve's son has solar lights. We met
Steve and Becky because they were sitting on their
bench, and we were coming to sit on our bench. And I so
often meet people sitting on their benches. And the
benches are eclectic. They're -- they show individual
personality. I think that that's how it should be.

Again, you know, maybe I'm just talking
Area 6, but . . . I suspect other areas have individual
character that the people who are there chose it for
that, as well.

So . . . I just . . . hate the idea that
Austin is becoming a city with one stamp, one -- one
stamp for all. I was out at Area 6 one day and there
was a filmmaker, and I said, "What are you -- what are
you doing? Are you filming this for you? Or what are
you doing?"

He said, "I was hired by a funeral home to
come and photograph this area, film this area, because
they want -- they keep hearing that they -- the funeral
homes can't get business in their lots because people
want to be in Area 6." So he says, "That's why I'm
here, trying to see what makes Area 6 special." So.

TIM SUELTFUSS: Thank you. So thank you
again, Ms. Burton. You really pull out some of
the . . . just the . . . those individual qualities of
remembrances, I think you had mentioned, and the
eclectic nature of that area which drew you to it. Just
the personality of that specific area. Obviously it was
a -- very important to you, and continues to be very
important to you.

So . . . I -- I . . . noted also that --
that you had purchased additional property to place
benches and plant small bushes and so on, and I guess a
concern about whether that would be permitted within the
proposed rules. That you'd also planted native plants,
and that you do the maintenance, and if that were ever
to stop, then you would -- you would be comfortable
with -- with those items being removed.

But thank you for -- for those comments.

Yes, sir.

MIKE POWERS: To which cemetery was she
referring?
AMON BURTON: Austin Memorial.

TIM SUELTENFUSS: Yes, sir. Thank you.

Gail Foster I believe is next.

GAIL FOSTER: I just recently lost my husband, and hope I can get through this. And have just recently purchased a space at Austin Memorial Park, next to my grandparents and . . . just catty-corner to the foot of my brother.

It's unfortunate to me that we're here tonight, because the current rules have not been enforced. And while I appreciate that there are people who like the eclectic and the "Keep Austin Weird" attitude, I am more of the opinion that things need to be a little neater and tidier.

The plot just next to my brother was purchased two weeks after my husband passed away, and they have a flush-mount . . . memorial, but they have come in and put a two-foot-tall plaster of Paris cross with Magic Marker . . . writing on it, with little tiles that have begun to fall off. There's solar lighting. There's little spinners on it. There's all sorts of things that do not appeal to me. And . . . those things will all fit in the newly designed memorial, 36-inch space. Solar lights, all -- all sorts of stuff.

But one thing that is really distressing
to me in these new rules . . . is that the permanent
memorials that have to be granite, marble, bronze, are
allowed to be 42 inches tall. The . . . memorials that
people can put in their space are allowed to be 48
inches tall. Now, who on the committee came up with
that craziness? I cannot conceive. That makes no sense
to me, that people can -- can bring in whatever kind
of . . . stuff that can be six inches taller than what
somebody pays thousands and thousands of dollars for.
There are so many things wrong with these rules. So
many things wrong.

TIM SUELTENFUSS: So Ms. Foster, thank you
for your comments. I -- I just jotted down a few items.
You pointed out that the -- the current
rules have not been enforced, and feel that things need
to be neater and tighter [sic] than you see written in
the proposed rules that you have in front of you. You
mentioned that some of the nearby ornamentation and --
and that that's not appealing to you, necessarily, but
your concern is that that would be permitted within the
memorialization space. And it sounds like a specific
concern you have about the height of that
memorialization space, simply that that should not
exceed the height of the 42-inch memorials themselves.

Thank you.
Ms. Weintraub, I believe you were -- you were next.

And again, if anyone else would like to sign up to make some additional comments, please feel free to do so.

Yes, ma'am.

SHARON WEINTRAUB: I would just like to point out I don't think anybody here has problems with limitations on the types of materials that can be placed on the memorial sites. I mean, in fact, I am the one, I admit it, I came up with the 48 inches, when back in February of last year, because I was concerned that things were not moving on -- I mean February this year, when I was concerned that things were not moving on, I just basically sat down and drafted my own very rough proposal. I'm the one that came up with no paper, no non-weather-proof, no glass. And just trying to come up with measurements. I said not higher than 48. You know. I don't -- I'm not -- I have no pride of ownership in that. But . . . you know, I just came up with it because I was trying to put something on the table to talk about, because nothing was happening.

I would like to mention about the benches here. I -- I -- people have already addressed one of my concerns, is that people bought property, they've placed
benches on it, they should be allowed to leave them there.

Under the current rules, it's -- under the proposed rules, it's my understanding that you're actually going to be placing the bench or chair within the gravesite, on top of the gravesite. And I think a lotta people are gonna have problems with that. They wanna sit by their beloved one and contemplate or commune with them; they don't want to sit on top of them. And I don't think they want strangers sitting on top of them.

I don't know why the bench can't be placed directly at the foot instead of on top of the grave. I mean, we are not planting people head to toe. There is an easement there.

The other thing I want to address is . . . there's no grass there. Yeah, I mean, it's green now, 'cause we've had some rain. But if you look at it carefully, a lot of it's weeds, a lot of it is various types of grass, and there's still a lot of bed -- bare space. This is not Arlington Cemetery. This is not Forest Lawn in Los Angeles. We do not have a rolling green lawn there. We are not going to have a rolling green lawn there. We are in severe drought. We're gonna continue in severe drought probably for years.
Already they can only water once a week. It's time to give up this obsession with lawns and grass and look to xeriscaping.

We should allow people -- and that was in my proposals -- to plant xeriscape gardens within the boundaries of the Austin GoGreen program. I even suggested barring certain plants of certain heights that have spines, that have thorns, that will grow by root systems or ribosomes. It would actually save the City maintenance if you allowed people to plant xeriscaping.

And I would recommend instead of even concerning about the grass, the City look at xeriscaping the entire . . . cemetery. I think it would be a lot more attractive to have nicely arranged rocks with red yucca and mountain laurel and local drought-resistant plants than the current bare patches, weeds, and fire-ant mounds.

I also would like -- one more thing.

Oh. Okay.

Just one short thing. I notice nothing addresses the ornaments or the wind chimes or anything in the trees.

TIM SUELTFENSESS: Thank you.

So Ms. Weintraub, I -- I had just jotted down a few items that you had mentioned. I believe I
heard you say that no one really had problems, from your standpoint, with the materials allowed in the memorialization space. You pointed out that you had come up with some of those initial recommendations about items that should not be permitted. You did point out that if people bought property, they should be allowed to place benches there. And your comment was that those benches should be allowed at the foot of the grave, not on top of the grave.

SHARON WEINTRAUB: Right.

And I forgot to mention one thing. I think -- this is a city park. There should be places for people to sit. And I think there may be some Americans with Disabilities compliance issues for the very fact there is no place for people to sit in that cemetery.

TIM SUELTENFUSS: Okay. Thank you.

And your last point that I jotted down was just to give up the obsessions with lawns and -- and yards and use xeriscaping.

SHARON WEINTRAUB: It's never gonna look like Pebble Beach Golf Course.

TIM SUELTENFUSS: Well, thank you again for your comments.

And I believe next we have Ms. Zoila Vega.
ZOILA VEGA: Shall we identify ourselves as a speaker?

TIM SUELTENFUSS: If you like. We'll also be commenting there. But go ahead.

ZOILA VEGA: Okay. I'm Zoila Vega with the Austin Heritage Tree Foundation. I have not read the rules yet, but my concern is with the trees. The trees need watering in the cemeteries. The trees are dying by the hundreds. The irrigation is cut off. The irrigation is for the grass, but a little bit that goes for the grass goes for the trees. So I'm okay with having xeriscaping, as long as the trees get some kind of water.

The rule specifically that I was concerned with that I read on one of the questions, I don't know if it's included in this, is the -- there shouldn't be any water hoses or sprinklers left on the ground at AMP, or maybe the other cemeteries. And I'm against that, because people need to be able to water their trees that they own, that they plant there in their plots. Or help with the other trees that need some watering.

So the hoses should be placed somewhere so that they don't -- they're not a safety hazard for people. But some people that are elderly cannot really pick them up and put 'em somewhere, like hanging from a
post. So the rule needs to be flexible. And hoses and sprinklers should be allowed on site.

And if anybody can help water more trees, we would really appreciate it. Thank you.

TIM SUELTENFUSS: Thank you, ma'am.

So Ms. Vega, just jotted down a couple of comments that you made. One was a concern about the trees dying, and they need water, and that should certainly be permitted. You also pointed out that hoses should be allowed. Hoses and sprinklers. And that there needs to be some flexibility in that rule.

So thank you for your comments.

ZOILA VEGA: Okay. Thank you.

TIM SUELTENFUSS: We next have Ms. Patricia Jacobson. Let's come on down.

PATRICIA JACOBSON: Well, I hadn't really planned on being up here, so . . . I don't have but just a couple of notes jotted down. But after Miss Foster spoke, I felt like I needed to . . . at least support her, because I feel the same way she does.

I have a number of family members that are buried at Austin Memorial Park, as well as at Oakwood, and I also prefer the nicer, neater look to the cemetery. And I don't know . . . of any other cemetery that allows some of the decorating that goes on, and
like Ms. Foster, I . . . prefer the neater look.

I'm a seventh-generation Austinite. And like I say, I have a ton of history here in Austin. And I enjoy telling people that we have family members buried at the -- at two different cemeteries here.

And although I work at the cemetery, for the City of Austin, I'm frequently walking around, cleaning things up that blow off of gravesites, you know, things that people are well intentioned, with their decorations. Someone mentioned Easter eggs that are on graves. They unfortunately don't always come back and clean them up. It's not intentional. It just happens.

And we -- because I care about the cemetery, and where my loved ones are buried, I go out and walk the grounds on my breaks and my lunch hours -- sometimes I get there at 7:00 a.m. in the morning and I'm driving around and I'm picking things up that just get blown, abandoned, whatever.

So I'm here really kinda supporting Ms. Foster. I didn't really wanna speak, because I do work there, too, but I have family there, and I do care about the cemeteries. So I just wanted y'all to know.

TIM SUELTENFUSS: Thank you.

I think that's one of the hallmarks of
this topic, is that it -- it really is a matter of . . .
a lot of interest and concern and importance to all the folks that are engaged in this. So I appreciate everyone --

SHARON WEINTRAUB: And I don't think anybody here has a problem with, as I say, limiting the type of materials or requiring that things be anchored in the memorial -- you know, in the gravesite so they don't blow around or blow away. I don't think anybody here has any objection to that.

TIM SUELTENFUSS: Thank you.

Yeah, and so Ms. Jacobson, you just mentioned that you prefer the nicer, neater look. And you pointed out that sometimes even those well-intentioned decorations can deteriorate and blow and -- and -- and . . . leave the -- the -- the space itself and need to be picked up, as well. Also just mention the history that you have, seventh-generation Austin native here, and. . . .

Again, just very important matter.

So next we have Mr. Mike Powers.

Yes, sir.

MIKE POWERS: This is my first time here. And I wasn't even planning on speaking, but hearing the other comments has motivated me to make a few statements
My family has two plots at Oakwood, and we also help with distant relatives, two other plots there, as well. I'm a professional landscaper. I have a small gardening and landscaping company here in Austin. And so my relatives have asked me to do this for them.

We have tried to maintain a more rustic appearance to the . . . two principal plots. Some people might call it semi-wild. It's certainly eclectic. But it -- mostly here to support what Mrs. Weintraub said about . . . xeriscaping.

In my practice, I've been doing this for -- I -- I'm a professional biologist. I managed Wild Basin Nature Preserve for years. Since then, as I said, I've got a small company of my own to do landscaping. And I'm a firm believer in using native plants. It will reduce water needs to about . . . 10 to 20 percent of what our standard ideas/concepts about lawns and so forth at our homes or in the cemetery.

Last week I went out and did some work on those plots, and I have noticed there's great diversity in our plot, because I keep it in a sort of a semi-wild state, with only natives, as far as I can. And I -- but this time I actually surveyed them. I counted 17 native species, different native species, in both the principal
plots, and only four nonnative species, and they were all grasses, which I removed, because if we -- if I don't, they will completely take over everything.

So . . . also in relation to the comment about hoses, I always carry my own hose out there. It only requires about a 20-foot section. I have a really light plastic hose so it's easy for me to move and so forth.

Our family's in the enviable position of having me here and being able to tend to the plot. My heart goes out to the families who no longer really have any living members here. There's no one to care for these plots.

And I know that this is a very complex problem and -- which we're all dealing with, and I . . . thank the City for trying to address this as well as they can.

Thank you.

TIM SUELTENFUSS: Thank you, sir.

Mr. Powers, I just jotted down that -- that you have family plots at Oakwood and -- and that you really like that rustic, eclectic appearance to those plots. Obviously supportive of xeriscaping and the use of native plants. And just pointed out that you always carry your own hose. And . . . just some of the
challenges that might exist for -- for those who do not
have family members present.

Okay. So next, Carol Burton, I believe.

CAROL BURTON: I just have to come back to
say that I'm one who definitely opposes the limitation
to marble and granite or whatever the limitations are.
In our area, we took out all the grass. We did
xeriscape it. It has very low-water-maintenance
planting in it. Very low.

It's bordered by broken tile, so that
there's no question about where our area is, so the City
doesn't have to bother about coming in to mow ours.
They don't have to have any question about where ours
is. It's -- our area must be about . . . I don't know,
16 inches by 12 inches -- 16 inches. 16 feet by 12
feet. Something like that. With -- with all of them.

And we don't have a single standard --
my -- my . . . our son carved a limestone wave for his
wife, because she had been a lifeguard as a young woman,
and swam every day of her life, including all through
the winter. And she had a little -- long before they
were popular -- tattoo on her ankle of a wave. So when
Shanda died, Scott carved a limestone wave. It's about
this tall [indicating] and this wide [indicating]. And
that is on her cremation.
My mother-in-law, we just buried her ashes. She died 12 years ago, and she was on our dresser until very recently. And . . . my husband's brother and our sister-in-law came down for a little ceremony, and we buried her cremains and had our family there. And her little headstone is about this big [indicating], and it's a ceramic little church. Little steeple. Ceramic. It's about this tall [indicating]. And it's on a . . . it's on a tile base. And it's not going to blow away or fall over. But it's not permanently anchored. And it is not marble. And it's not granite. And it's not going to be permanently anchored.

I . . . in addition to the colorful flowers, have little pieces of broken tile, very sort of . . . mm . . . to add to the color, I guess. It adds to the color. So that even in the winter there is color there.

There are monuments throughout 6 that are wooden crosses; iron crosses. Our stillborn grandchild, who . . . has a -- has an iron cross. Anyway. I have a definite opinion about materials.

Also I actually have a question. The next meeting is the 26th, I think, at Northwest Recreation Center? Is that right?
WOMAN: For the master plan.

CAROL BURTON: We're gonna go to all those. But I wondered if there is . . . how long does this process continue?

TIM SUELTENFUSS: Well, actually, we've got some information right there in which kinda --

CAROL BURTON: 'Cause I'm getting nervous about transparency, that my husband is worried about, too. And I'm wondering . . . I sent in a form on the Web site filling out all -- all of these, and it disappeared before I could do screen shots or anything. I would love to have a copy of what I took a lot of time, and I don't know how to get a copy.

TIM SUELTENFUSS: Absolutely. I believe that we have that. But why don't -- if you have a second to catch up with Shae, then we can confirm that we have that information.

Yeah, I think -- I appreciate your comments. I think they kinda reëmphasize what you had pointed out earlier, about the individual quality of remembrances.

CAROL BURTON: Right.

TIM SUELTENFUSS: You mentioned your opposition to limiting memorials to marble and granite, and your preference for other types of materials. You
mentioned limestone wave and ceramic steeple, wooden and
iron crosses, and -- in the area. And how you had
bordered the space with tile to designate that, too.

So thank you for your comments.

Mr. Burton, I think you were next on the list.

AMON BURTON: I just wanted to add a
couple of things. One of the comments with respect to
anchoring, one of the problems in these rules when you
really get down and look at details, is that on . . .
generally no one has a problem with being -- things
being anchored. There's not a -- I have walked through.
There's not a single bench that's anchored. They don't
need to be anchored. It takes two people to move most
of 'em. And so when we draft these kinda rules, we've
gotta be careful about that.

Anchoring with respect . . . cremations.
I mentioned in my comments I think there are two
mentions of cremation in all these rules. When these
rules were adopted in the '70s, very few people were
cremated. I don't know what's happened -- I can find
out later from Gilbert what the percentage is happening
right now at Austin Memorial Park and the other Austin
cemeteries.

But I called Cook-Walden, and right now
city-wide, 40 percent of all funerals they handle are cremations. And therefore -- and these rules basically are all based on casket burials. They were all created that way, and they've been carried and slightly modified here. And it has all kinds of implications.

Memorial space. What does that mean in connection when you've got four . . . cremains on particular space?

What . . . what does it do for the bench when you got -- if it's at the base when you've got four places ending up with a bench would basically be on the fourth one, on the one at the -- at the end.

There are other implications through here. I won't go through them. About cremations. But serious thought needs to be given to how these rules apply to cremations. And it's clear there's very little thought has gone into that. And I haven't thought through it all. But it clearly needs to be thought through.

The -- on the materials, today the materials are completely different. There are so many strong, different types of materials other than just granite and -- and . . . concrete and marble. The -- the way they're being used in building materials, I don't think we need to limit the materials in that way.

But the balance here is that if things
deteriorate, if things get blown away, that the -- there needs to be weekly -- the staff goes by and picks them up. Just like with respect to -- to stuffed animals and toys that parents put for nursery, the children that died very, very young, if they are terribly faded and are deteriorated, they just need to be picked up. But that's the balance I think needs to be done with a lot of these where the City can -- doesn't require daily maintenance for picking up things, but once every week or once every two weeks they go through and pick up things that are deteriorated. And -- and if broken. That's the best way to handle that, rather than trying to create rigidity about various things.

And finally, with respect to the cremations, is like -- memorial space, as my wife mentioned, some of the markers are very small in cremation spaces, because you've got four of them there. And there is -- there's no need for a concrete base for something that's 18 inches wide and is not terribly heavy, like it is critical if you've got a large monument out of granite.

So there needs to be some flexibility in these rules depending on the type of markers that exist.

TIM SUELTENFUSS: Thank you.

So Mr. Burton, I just jotted down that --
that you mentioned that specifically benches do not need to be anchored; that they're anchored by the weight of the bench themselves. You pointed out that 40 percent of funerals are cremations, and these rules seem to be, in your opinion, based on casket burials and should be more focused on cremations.

AMON BURTON: They just need to account for that. They don't need to be focused solely on that.

TIM SUELTENFUSS: To accommodate those.

Okay.

AMON BURTON: Yes.

TIM SUELTENFUSS: You mentioned that specifically memorialization space and benches should be considered in relation to cremations.

AMON BURTON: Yes.

TIM SUELTENFUSS: As well. That new materials should be allowed from a standpoint of construction materials. But that a weekly or biweekly cleanup should occur of deteriorated items.

So thank you for your comments.

I believe we don't have anyone else listed. Who else would like to speak?

Ms. Vega. Okay.

ZOILA VEGA: Do you need to sign in first?

TIM SUELTENFUSS: No. She'll just jot it
down. Thank you.

ZOILA VEGA: Okay. Zoila Vega again. Now I had a chance to read the rules.

I agree there should -- with the previous speakers, there should be flexibility. I see a lot of these rules as a way to reduce maintenance, don't do this or don't do that or don't do this. I mean, all that matters is, like you said, have somebody go and pick it up. Every two weeks. It's not a big deal.

I don't wanna see a cemetery that's become those -- administrator is a tyrant that says, "You shall not do this and you shall not do that." We have our rights in the cemetery. So it's a matter of flexibility and accommodating everyone.

I see that sprinklers will not be allowed. There's older people that cannot hold a hose by hand all the time for the half an hour that it needs to water a tree. They go in there and put a sprinkler, they sit, they look, they get their memories, they visit with their relatives that are dead, and then they pick things up. They cannot be standing there holding a hose. Some of us are landscapers. I have the strength to carry hoses. But some people are older and they cannot. That's the flexibility that's needed.

So sprinklers should be allowed on site.
The benches. I saw that there should be only iron cast benches and marble and stone and all that. Those are very expensive. I think the idea is for not having those wooden benches that deteriorate. There's some metal benches that are modern that are not iron, cast iron, and they're cheaper, more affordable. Not everybody can afford those expensive benches. So maybe a metal bench would be a much better word than an iron cast -- or cast iron.

Then the final one with the decorations again. Some people lose their babies, their infants, like the previous speaker said, and the best remembrance that they have is that toy, that stuffed toy, for the child. And they leave it there to accompany the child. And now we're saying, "No, you cannot do that, because I don't wanna pick it up." You know, that's not right. It's not a human thing to do. It may be practical, but doesn't a cemetery manager have a heart? You know.

I mean, think of everybody. And accommodate everybody.

Thank you.

TIM SUELTENFUSS: Thank you.

So Ms. Vega. . . .

ZOILA VEGA: I'm sorry.

TIM SUELTENFUSS: I was just gonna . . .
mention what I had jotted down that -- that you saw that
these rules, in your view, are kind of designed to
reduce maintenance; that you felt like they should be
more flexible. Specifically sprinklers should be
allowed, especially for older folks to -- to use who
might have difficulty just with a hose. Mentioned that
metal benches, not just cast iron, should be permitted.
And toys should be allowed, as well. So....

ZOILA VEGA: And those stuffed toys.

TIM SUELTENFUSS: Stuffed -- stuffed
animals, as well.

ZOILA VEGA: Right. Okay.

TIM SUELTENFUSS: Thank you.

ZOILA VEGA: Thank you.

TIM SUELTENFUSS: Do we have anyone else
signed up? Is there anyone else?

Yes, ma'am.

GAIL FOSTER: Just a couple of more
things, since this is probably our last time for any
input. Since you are drafting some pretty hard and fast
rules, it seems like, for the memorialization spaces on
what can and cannot be within those spaces, so making a
list of what's gonna be in there, I would recommend that
no solar lights be in those spaces, because I have never
seen solar lights that stay erect for any period of
time. They don't seem to be anchored well.

If there's gonna be a height limit, I
would like to see it be 24 to 28 inches.

I would like there to be no wind chimes.
I know there are people that love wind chimes. But
there are also a equal number of people that don't like
the sound of wind chimes.

And I would like to see in the
memorialization space a limit of three to four items
within that space.

Thank you.

TIM SUELLENFUSS: Okay. Thank you, ma'am, for -- I appreciate those specific comments. You just
mentioned that your preference would be that if
memorialization spaces were to -- to occur in the final
rules, that they should not permit solar lights,
specifically because they're -- you don't see those
being anchored well oftentimes; that the height limit
should be 24 to 28 inches; that wind chimes should not
be permitted; and then limit to three to four items
within those.

Okay. Thank you.

GAIL FOSTER: Thank you.

TIM SUELLENFUSS: Are there others who
would like to speak?
Ms. Weintraub.

SHARON WEINTRAUB: I just want to -- to make sure that it gets on the transcript to mention that I believe the lack of benches at the cemeteries, because they're city parks, do present a possible violation of the Americans with Disabilities Act.

I also want to reëmphasize that we need to make sure that any rules fully allow different religious traditions or observances. If you go to the Jewish section of the cemetery, you will see lined up often on top of the gravestones, or at the base of the gravestones, all sorts of different rocks of different sizes. It's a Jewish tradition when you visit a grave, you don't bring a flower; you bring a stone. Because a stone is -- represents the permanence of love and memory, and it shows that that person has been visited.

I'm sure lots of people find these stones not very attractive, because they're not nicely lined up and all that, but they're very important to the Jewish tradition.

If you go to my niece's grave, you will see probably several hundred stones that have been left by family and friends since she passed away in 2006. Those stones are not supposed to be removed.

And I just want to -- and I'm sure there's
other religious traditions I may not be familiar with, but . . . any rules have got to take those into account.

TIM SUELTENFUSS: Thank you.

So Ms. Weintraub just reiterated that the -- the comment stated for the record -- the comment you had made previously, that -- that lack of benches could be a possible violation of the Americans with Disabilities Act. And you mentioned also the rules need to allow for the various religious traditions, for example placement of stones, as well as others.

Are there others who have signed up to speak? No?

Anyone else who would like to make a comment? Anyone?

Okay. Well, it is now just before 7:30, I believe. Let me suggest that we go ahead and break now.

If anyone would like to make a verbatim comment, but would not like to do that at the podium at the microphone to a group, certainly stop by and visit with our court reporter. You can also write comments and drop them in that box there.

Ms. Weintraub, do you have a question?

SHARON WEINTRAUB: Yes. Is it possible to get a transcript of today's meeting?

TIM SUELTENFUSS: Those will be available,
yes. I think it was I believe a two-week time frame or so. But . . . those will be available.

And certainly at --

I'm sorry. Go ahead.

MAN: No, you're fine.

TIM SUELTFUSS: I was just going to point out that the transcript of the comments made tonight would be presented as these proposed rules go to the Parks and Recreation Board, as well.

(Gilbert Hernandez addressed the audience off the record from 7:29 to 7:32 p.m.)

PATRICIA JACOBSON: Memorialization of our loved ones should be what's in our heart, in our memories, photographs, not by balloons and pinwheels and solar lights and . . . stuffed animals and things of that nature on the gravesites.

(No other public comment from 7:33 to 7:55 p.m., at which time the meeting was concluded.)
CERTIFICATE

I, RABIN' MONROE, Certified Shorthand Reporter in and for the State of Texas, hereby certify that the above transcript is a true and correct transcription of the audio recording, done to the best of my skill and ability;

And I further certify that I am neither counsel for, related to, nor employed by any of the parties in the above-listed action, and, further, that I am not financially or otherwise interested in the outcome of this action.

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