

FINAL REPORT OF BLUE RIBBON COMMISSION ON ABANDONED AND NEGLECTED CEMETERIES

**PREPARED FOR THE HONORABLE MEMBERS OF
THE JACKSONVILLE CITY COUNCIL**

Submitted December, 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)

**The Blue Ribbon Cemeteries Commission consists
of the nine members listed below:**

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

(Facilitation services provided by Jacksonville Community Council, Inc.)

**Blue Ribbon Commission on Abandoned & Neglected Cemeteries
Final Report
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EXECUTIVE SUMMARY

Preservation of abandoned and neglected burial grounds is a societal responsibility too often ignored. As the Florida State Task Force on Abandoned and Neglected Cemeteries concluded in its 1999 report: “If this society fails to appropriately and adequately deal with this issue through some definitive action, whether legislative or otherwise, not only will genealogical and historical resources likely be irreparably harmed, but society will potentially lose a valuable resource for charting its inexorable course into the annals of human history.”

Because the Jacksonville City Council recognized abandoned and neglected cemeteries as a significant problem, it created (through Ordinance 2004-1349-A) a blue-ribbon Commission to investigate the issue of such cemeteries in Duval County. This report details the Commission’s findings and recommendations relating to cemetery preservation, maintenance and record keeping.

Many cemeteries in the city are beautifully maintained. However, while cemeteries serve as the final resting places of our ancestors, they are often treated not as enduring places deserving dignity and respect, but rather as if they have limited shelf lives and can be summarily dismissed once outliving their economic usefulness. Sadly, this often results in abandonment and/or neglect by the owners once the cemeteries are filled to capacity and are no longer producing revenue. Other reasons for abandonment and neglect include the transient nature of the general population, migration from rural areas to cities, economic failure, and lack of commitment to long-term preservation.

When abandoned or neglected, cemeteries create a range of issues for citizens and local governments including vandalism and public health and safety concerns. Their deterioration can also frequently represent a loss of significant community historical assets.

The scope of the issue in Duval County is significant with more than 125 cemeteries included in the purview of the Commission’s cemeteries study. All known burial grounds in the County are included, with the exception of the eight licensed by the State of Florida, for which perpetual care and maintenance trust funds are required. Because so many cemeteries are included, it was not possible to consider the specific needs of any particular facility. Instead, the Commission attempted to create a series of recommendations that could over time be applied to all of the abandoned and neglected cemeteries in Duval County.

The nine-member Cemeteries Commission, chaired by Jerry Spinks, began its work with a Public Hearing at City Hall on August 7, 2007. Over the next four months, the Commission completed eight fact-finding meetings, five public forums, two field trips to local cemeteries, and three sessions devoted to development of recommendations.

Among the most significant issues and recommendations in this report are the following:

- An efficient and consistent process for documentation of records regarding cemeteries is lacking in Jacksonville. To address this issue, it is recommended that the City’s Planning and Development Department oversee all record-keeping for cemeteries, including development of a comprehensive data base on each cemetery. The data base should include address, ownership, contact information, approximate number of graves, and recording on GIS coverage maps. Planning and Development should also create and maintain a two-part matrix system to rank cemeteries on the basis of categories and current physical conditions. This information is necessary to prioritize restoration and maintenance work required in each cemetery.
- A number of inconsistencies or contradictions exist between Florida Statutes governing cemeteries and applicable sections of Jacksonville’s Local Ordinance Code. In order to better align these laws and to simplify the process of cemetery maintenance, several recommended modifications to the Local Ordinance Code are included in this report (see *Appendix 3*).
- Volunteer organizations such as *Gravelly Hill Friends, Inc.* can provide vital ongoing maintenance and preservation work in cemeteries they “adopt.” The Commission recommends replicating the *Friends* model many times over so that every unlicensed cemetery in Duval County will eventually be cared for by such an organization. To develop the *Friends* approach, it is recommended that the City either create or engage a non-profit organization to assist fledgling volunteer groups interested in adopting cemeteries. To accomplish this critical component of the report in a timely fashion, it is recommended that the City have this “oversight” organization created or engaged by August 30, 2008. To elicit a representative number of proposals, sufficient advertising and promotion should be undertaken as soon as possible.
- While the use of volunteer organizations to perform maintenance is highly regarded by the Commission and will minimize costs, there will still be a need for adequate funding to create a program that can have a meaningful impact. In addition to fund-raising opportunities that should be pursued by the various non-profit volunteer organizations, it is also recommended that the existing *Cemetery Maintenance Trust Fund*, created by the City Council in 1994, be replenished through a dedicated funding source to provide meaningful funding for maintenance activities. Originally established with \$660,000, the *Trust Fund* has been depleted to just over \$131,000, but the stipulated floor below which it cannot fall is \$123,000. To replenish the *Trust Fund*, it is recommended that a \$25 fee be assessed at the time of each death in Duval County. This fee should be collected from the estate of the decedent by the funeral home or mortuary administering the burial. Such fee should be waived for indigent families. It is also recommended that the *Trust Fund* be modified to permit non-profit organizations representing unlicensed cemeteries to apply for funds. Presently, funds from the *Trust* are restricted to the handful of cemeteries for which the City of Jacksonville provides maintenance services.

CEMETERIES COMMISSION FINDINGS

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.

The issues and conditions addressed by the Blue Ribbon Commission are basically the same as those investigated on a statewide basis in 1998-99 by the Task Force on Abandoned and Neglected Cemeteries created by the Florida State Legislature. Although the recommendations of the State Task Force have not been implemented, they are applicable to the conditions found in the cemeteries studied by the Blue Ribbon Commission and should be used as a starting point in addressing our local issues.

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, the majority of which could be described as abandoned or neglected. Over time, and without some assistance, 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 88 sites

were surveyed 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, a “Register of Resting Places” was brought forward with 123 listings (35 more than the List of Surveyed Cemeteries). Five additional burial grounds not on either list have subsequently been brought to the attention of the Commission (West Lawn, Como, Spires Street, Kingsley Plantation, and St. Nicholas #3 Cemeteries).

So while the List of Surveyed Cemeteries 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 List of Surveyed Cemeteries completed in 2001 is included as *Appendix 1*. It is supplemented by the Register of Resting Places, and 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 List of Surveyed Cemeteries 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 presently abandoned nor neglected and are maintained by the religious organizations who own them. Since these cemeteries are likely one day to become abandoned, they are included within the Commission’s deliberations.

The scope of the Cemeteries Commission’s work was *all cemeteries in Duval County not currently licensed by the State of Florida*, even those that are currently adequately maintained by religious groups, family members, and others. More than 125 of the cemeteries in Duval County were thus included in the scope of this study.

Because the scope 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.

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 cemeteries studied by the Commission are not governed by the current law applicable to cemeteries established after 1972. This 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.

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 Westside. 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. (See *Appendix 8* for information on 2nd anniversary celebration of “Friends.”)

“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 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 re-carving 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 6*.

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.

Points 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.

CEMETERIES ACTION PLAN – ISSUES AND RECOMMENDATIONS

Issues Identified after Review of Current Status:

1. *Identification, Mapping, Recording* - A consistent and efficient process for updating and documenting records regarding cemeteries is lacking in Jacksonville. The Survey of Cemeteries completed in 2001 by the City of Jacksonville and Environmental Services Inc. has not been officially reviewed since then. In addition, the Florida Master Site File has large gaps in available data, so it does not include complete and accurate information. In short, there is a need to find all the cemeteries in Duval County, determine ownership of each, determine how many graves exist and where they are (GIS mapping), and create and maintain a comprehensive system of recording the information. This should be viewed as a continuous process, not a one-time occurrence.
2. *Preservation, Restoration, Ongoing Maintenance* – Significant differences exist from one cemetery to the next in what needs to be done to improve their appearance. Some are beautifully maintained. Some may be overgrown beyond recognition and have many broken or buried markers requiring years of restoration work. Others may need only regular maintenance work to be preserved in acceptable condition. There is no existing survey of the conditions of these cemeteries, and such a survey is necessary to determine what level of attention each cemetery needs. With well over 100 burial grounds under the Commission’s purview, general conditions in each cemetery must be identified and documented as soon as possible.

Other issues related to preservation and maintenance include: adequate training and supervision of volunteers and paid laborers so they do not damage the property, either intentionally or unintentionally; locating owners and/or family members to get their approval to work in abandoned cemeteries; difficulty in gaining access to rundown cemeteries where roads are blocked, dead trees have fallen, or similar problems; liability questions for well-meaning volunteers; and ordinances that make removal of trees in cemeteries unreasonably difficult unless the owners of the plots can be identified, even when the trees may be dead or their roots are disturbing stones or monuments.

3. *State and Local Laws* – Florida Statutes and the Jacksonville Local Ordinance Code sometimes conflict or contradict each other with regard to cemetery laws, thereby making preservation and maintenance efforts more cumbersome than they otherwise might be. Suggestions that would better align state and local laws are incorporated in the Commission’s recommendations. Additional regulations that would simplify cemetery maintenance should be added to the Local Ordinance Code; and appropriate amendments should be made to local ordinances to ensure

4. that cemeteries are protected, consistent with the Historic Preservation element of the 2010 Comprehensive Plan.
5. *Awareness* - Increasing awareness of the problem of abandoned and neglected cemeteries is a critical part of any effective action plan. It is essential to remind the public that care of the dead and burial sites are a humane and civilized responsibility, and that many consider such sites sacred ground. It is equally important to educate the general public and elected officials in order to cultivate a climate for support of any cemetery preservation and maintenance initiatives recommended.
6. *Funding* - Funding will be required to effectuate a meaningful program of preservation and maintenance for as many cemeteries as are included in this project. A number of potential revenue sources exist, including modifying the city's Cemetery Trust Fund, grants (local, state, federal), public and private foundations, donations, sponsorships, community awareness events, required fees, and others. While the use of volunteer organizations to perform maintenance work would significantly minimize the costs, there would still be a need for funding.
6. *Protection from Development* – It is important that the site review process for permitting be strengthened to protect adequately burial sites from damage or destruction by commercial and residential real estate developers. During the due diligence phase of a development, one or more grave sites are sometimes discovered on the property, and their identification is left to the conscience of the developer. The bureaucratic red tape required during the development process once a grave is found and disclosed is both time-consuming and costly. So, even though it is a felony to disturb a grave, it can be tempting for the developer to ignore it.
7. *Assigning Responsibility* – The primary reason abandoned and neglected cemeteries rarely get the attention they deserve is that no one has the responsibility for their care. This extends from mapping and record-keeping to restoration work to routine maintenance. Other than: a few cemeteries maintained by religious groups; the handful of cemeteries for which the City of Jacksonville has a maintenance contract; and the occasional example of a volunteer organization “adopting” a cemetery, there is no entity to which the responsibility falls. Government agencies or other organizations which could potentially play various roles include: the city's Planning and Development, Community Services and Public Works departments; historical and genealogical societies; colleges and universities; garden circles and other educational programs; volunteer organizations; and non-profit entities formed for the purpose of providing cemetery preservation assistance.

Recommendations:

The recommendations of the Blue Ribbon Cemetery Commission are based on the conclusion that, although the public has an abiding interest in all cemeteries, the tending, if any, of unregulated cemeteries generally falls to local government and interested volunteers. Therefore, our recommendations are a mix of practical proposals for steps to be taken by the City of Jacksonville and local volunteers. Our proposals utilize existing city ordinances and programs, encourage expansion of established volunteer efforts and ask for one new broad-based source of funding.

1. Recommendations relating to identification, mapping, recording –

- The City of Jacksonville’s Planning & Development department should be assigned the responsibility for consistent record-keeping for all cemeteries located in Duval County. This responsibility should include the following:
 - Maintaining a data base of information on each cemetery, partially derived from certain real estate title companies, cemeteries, and undertaking establishments with access to relevant past records. The data base should include address, contact information, approximate number of graves, recording on GIS coverage maps, and adding of newly-discovered burial sites to the official record (including completion of a Florida Master Site File form). This information should also be provided to the office of the Property Appraiser to ensure that their records properly identify cemeteries as such.
 - A regular review process of the data base involving appropriate community representatives should be established to ensure the accuracy and timeliness of the information. A formal review should be conducted once every 3-5 years.
 - Establish a two-part matrix system to rank cemeteries on the basis of categories and current physical conditions. Category factors include ownership status, size, nature of surroundings, etc. Current conditions will rate status of on-going maintenance, evidence of vandalism, condition of grave markers and cemetery architecture, access to site and landscape including trees. This information is vital in prioritizing initial restoration and ongoing maintenance and repair.
 - The Duval County Property Appraiser shall indicate on the property records any parcel of property in Duval County that contains known gravesites. This information shall be taken from the List of Surveyed Cemeteries (*Appendix 1*) provided by the Planning and Development Department and any other reliable source. This identification of gravesites in public records will assist cemetery restoration, public planning, tax collection and property development.

- A local independent organization such as a historical or genealogical society should create and maintain a central public repository or cemetery archives on Duval County cemeteries, to include Florida Master Site file, photos, property records, listing and/or mapping of cemeteries, and burial records (name, date of death, location of grave). A web site should be created allowing public view-only access to these archives.
- The City of Jacksonville should:
 - Arrange for all cemeteries to be visibly marked with the name of the cemetery, the owner, and contact information.
 - Seek or assist in obtaining National Register of Historic Places listing or thematic local land marking for applicable unlicensed cemeteries as resources become available. Such designations can provide a valuable tool for cemetery protection and possible future funding.

2. *Recommendations relating to preservation, restoration, maintenance* –

- Non-profit volunteer organizations such as *Gravelly Hill Friends, Inc.* should be created to “adopt” one or more cemeteries each. Replicating the *Friends* model many times over should be the long-term goal so that eventually each unlicensed cemetery in Duval County will receive the attention it requires. Each volunteer organization should provide routine maintenance (mowing, weeding), cleaning of grave markers, gravestone repair, and appropriate record-keeping. The non-profit organizations should enlist volunteers from civic clubs, scouts, church groups, military personnel, high school and college students seeking community service credits, and others. Volunteers should be provided with adequate training in order to avoid unintentional damage. Non-profit status should be required because it permits funding options (e.g., grants, trust funds) not available to for-profit entities.
- To fully use the “Friends” approach, the City of Jacksonville should create or engage a non-profit organization to provide oversight for those volunteer groups interested in adopting abandoned and neglected cemeteries. To promptly address the needs of these cemeteries, the City should have this “oversight” organization created or engaged by August 30, 2008. This “oversight” organization should actively develop new *Friends* groups, provide them with initial guidance in getting started, help in obtaining proper authorization to work in identified cemeteries, provide hands-on training of volunteers through a unified training program, assist in procuring equipment and supplies, and engage in fund-raising activities. This “oversight” organization can operate either independently if it is self-sufficient, or as a hybrid organization under the wing of the City of Jacksonville or through some other recognized entity (e.g., a historical or genealogical society).

- The City of Jacksonville should ensure that the eight cemeteries for which it has maintenance responsibilities receive more frequent attention, and that services provided include not just mowing, but also preservation techniques as appropriate. All persons involved in preservation or maintenance work in these cemeteries, whether paid employees or volunteers, should receive proper training before being permitted to work in them. The City should use the authority and protection of the Florida Statute 497.345 to address the unsightly and unsafe conditions in local abandoned and neglected cemeteries. Statute 497.345 permits the City to use both private and public funds to provide for maintenance and security in a cemetery that has not been reasonably kept up for a period of six months. Actions taken by the City under this statute do not create an obligation to provide any other services or create any liability for damages to property at the cemetery. Expenses for services provided by the City are a charge against the property and its owner.
- Preservation of cemeteries should be included in the city's land development regulations and brought into the Historic Preservation element of the 2010 Comprehensive Plan.
- Sites of graves should be preserved with a perimeter of 20 feet from the nearest known grave, where no permanent structure other than mausoleums can be erected and no utility lines buried.
- Consideration should be given to developing green park-like settings in applicable cemeteries to encourage public visitation. To this end, partnering with Greenscape of Jacksonville, Inc. should be investigated. A non-profit organization that sponsors landscaping projects on public sites, Greenscape could assist in producing attractive landscaping results in some of the local cemeteries with the use of techniques such as Xeriscape that require little or no maintenance.
- The City Council should modify the local tree ordinance so that parties performing maintenance in a cemetery are not required to pay a fee to remove a dead or dying tree or one that is encroaching on a grave site.
- In order to reduce vandalism in local unlicensed cemeteries, the City of Jacksonville should improve enforcement of applicable trespass and vandalism ordinances, increase fines for such violations within these cemeteries, and restrict night-time access to all cemeteries.

3. Recommendations relating to state and local laws impacting cemeteries -

- The Jacksonville City Council should amend applicable provisions of the Local Ordinance Code as described in *Appendix 3* to better align local laws regarding cemeteries with the corresponding sections of the Florida Statutes.

- The City Council should exempt unlicensed cemeteries no longer producing income from local property taxes. This policy would encourage interested individuals or organizations to assume ownership and responsibility for these cemeteries, and also protect against the sale of cemetery property solely for the purpose of collecting unpaid property taxes. Alternatively, where the taxes are left unpaid on cemetery properties, the City should purchase the tax certificates, apply for the tax deed, and convey the cemetery property to a designated non-profit organization that will be charged with its care and maintenance.

4. *Recommendations relating to awareness issues –*

- A public awareness campaign should be initiated by the umbrella non-profit organization charged with forming new volunteer organizations to work in cemeteries. The purpose of the campaign is to attract enough concerned citizens who can form the infrastructure necessary to create a meaningful number of *Friends* groups. This campaign should identify the most endangered cemeteries using the ranking system described in Recommendation 1.
- Local colleges and universities should be encouraged to provide courses and/or seminars on cemetery history, preservation, and maintenance. Courses may be offered in history, anthropology or archaeology departments. The Florida Coastal School of Law and the Jacksonville Bar Association should be asked to assist in determining title to old and unclear deeds.
- The Northeast Region of the Florida Public Archaeology Network should be enlisted to assist in public outreach programs. Located in St. Augustine, the Northeast chapter is part of a statewide network that assists local governments and other entities involved with the preservation of state historic resources. Public awareness programs are their major priority.

5. *Recommendations relating to funding opportunities –*

- The *Cemetery Maintenance Trust Fund*, created by the City Council in 1994, should be routinely replenished through a dedicated funding source. (See Section 3 of Findings for details on the Trust.) The dedicated funding source for the Trust should be a \$25 cemetery maintenance fee to be paid by the estate or administrator of each decedent dying in Duval County. This fee shall be collected by the funeral home or mortuary administering the burial or cremation of the decedent and transferred to the City. The \$25 fee should be waived for indigent families.
- The City Council should modify the scope of the *Cemetery Maintenance Trust Fund* to permit funding of restoration and maintenance in unregulated Duval

County cemeteries in addition to those cemeteries named in the 1994 Trust agreement. Use of Trust funds should be limited to work in unregulated abandoned and neglected cemeteries. Applications for Trust funds should be made in accordance with the Trust Fund provisions, and it is recommended that these provisions be expanded to include the “matrix” system noted in Recommendation #1 to prioritize cemetery restoration and maintenance.

- The City of Jacksonville’s grant coordinator should meet with City departments and non-profit organizations dealing with the restoration and maintenance of local unregulated cemeteries to identify and file for possible funding sources to support this effort.
- Fund-raising opportunities that should be pursued by non-profit organizations involved in cemetery preservation include donations, grants, memberships, and fundraisers.

6. *Recommendations relating to real estate developments –*

- The City of Jacksonville should enact changes to land development regulations to allow development incentives when a developer is willing to clean, fence and mark known cemeteries within project boundaries. Similar development incentives should also be available to developers when cemeteries or gravesites are discovered and preserved during the construction process. The City should pursue long-term protection of cemeteries located within developments by accepting “preservation” style easements in these burial sites from developers – a transaction that would provide a federal income tax benefit to the developer.
- Penalties for intentionally disturbing or damaging grave sites during construction of a commercial or residential real estate development should be sufficiently onerous as to strongly discourage developers from ignoring or overlooking such sites.

7. *Implementation and monitoring –*

The City of Jacksonville should appoint a commission similar to the Blue Ribbon Cemetery Commission to monitor and promote the progress of completing recommendations reflected in this report, and to report annually to the City Council on the condition of the unregulated cemeteries in Duval County.