



# Baldwin County Commission

## Legislation Details (With Text)

**File #:** 19-1181 **Version:** 1  
**Type:** Other Staff Recommendations **Status:** Passed  
**File created:** 5/1/2019 **In control:** Baldwin County Commission Regular  
**On agenda:** 5/7/2019 **Final action:** 5/7/2019  
**Title:** Petition for Establishment of Memento Mori Cemetery (a Private, Family Cemetery), Magnolia Springs, Baldwin County, Alabama

### Indexes:

**Attachments:** 1. Amended Petition for Family Cemetery - Memento Mori 05022019, 2. Petition for Family Cemetery - Memento Mori 04292019, 3. Picture 1, 4. Picture 2, 5. Picture 3, 6. Picture 4, 7. Picture 5, 8. B.C.C. ADMINISTRATION - 2.7 - Licensing of Cemeteries - 3-17-09, 9. Email from Health Department 20111230

Date	Ver.	Action By	Action	Result
5/7/2019	1	Baldwin County Commission Regular	Approved	Pass

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 5/7/2019

**Item Status:** New

**From:** Commissioner Charles F. Gruber, District 4; Wayne A. Dyess, County Administrator

**Submitted by:** Miranda N. McKinnon, Administrative Support Specialist

### ITEM TITLE

Petition for Establishment of Memento Mori Cemetery (a Private, Family Cemetery), Magnolia Springs, Baldwin County, Alabama

### STAFF RECOMMENDATION

Take the following actions:

1) Waive Baldwin County Commission Policy #2.7 - Licensing of Cemeteries, pursuant to an email from the Alabama Department of Public Health, dated December 30, 2011, which recognizes that a family burial plot on an individual's private property is not to be considered a cemetery for the purpose of regulation under Section 22-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of a cemetery; and

2) Pursuant to the request from the Judge of Probate Office to consider an Amended Petition for Family Cemetery, submitted by Benjamin E. Merrill and Diane C. Merrill, owners of the real property upon which the proposed cemetery will be situated, approve the establishment of Memento Mori, a family cemetery on the property of Benjamin E. Merrill and Diane C. Merrill, in Magnolia Springs, Baldwin County, Alabama, said family cemetery to be located consistent with said Petition. The property is located at 12774 County Road 49, Parcel B, Magnolia Springs, Alabama; and

3) Authorize the Chairman to execute any and all necessary documents and/or orders related to the

Baldwin County Commission's approval to establish the Memento Mori Cemetery.

## **BACKGROUND INFORMATION**

**Previous Commission action/date:** N/A

**Background:** On April 30, 2019, the Administration Department received a Petition for the Establishment of Memento Mori Cemetery in Magnolia Springs, Baldwin County, Alabama. The petition was filed at the Judge of Probate Office on April 29, 2019, by Benjamin E. Merrill and Diane C. Merrill. The property is located at 12774 County Road 49, Parcel B, Magnolia Springs, (Baldwin County), Alabama.

On May 2, 2019, the Administration Department received an Amended Petition for Family Cemetery due to a correction of the Family Cemetery name in the original Petition. The original Petition listed the name of the cemetery as Koch Family Cemetery. The correct name of the cemetery is Memento Mori.

Commissioner Charles F. Gruber (District 4), has visited the proposed cemetery site and recommends approval of the petition.

According to the Alabama Department of Public Health, the Health Department allows a family burial plot on an individual's private property not to be considered to be a cemetery for the purpose of regulation under Section 20-20-4, Code of Alabama 1975, unless the County or municipality has promulgated an ordinance that may include family burial plots within the definition of cemetery. (Staff notes that the proper Alabama Code Section is 22-20-4.)

County Policy #2.7 - Licensing of Cemeteries, requires the Health Department to inspect and give the Commission a recommendation as to the approval/disapproval of the proposed cemetery. In order for the Commission to approve the request for the establishment of this family cemetery, Policy #2.7 should be waived.

## **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?** N/A

## **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**

N/A

**Reviewed/approved by:** N/A

Additional comments: N/A

### ADVERTISING REQUIREMENTS

Is advertising required for this recommendation? N/A

If the proof of publication affidavit is not attached, list the reason: N/A

### FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: Email approval letter to Mrs. Diane Doby Merrill on May 7, 2019 - ddmerrill@hotmail.com

**Individual(s) responsible for follow up:**

May 7, 2019 - If the request is approved, staff will forward correspondence to Probate Judge informing the Judge of the Commission's decision.

May 21, 2019 - The certified minutes of the May 7, 2019, BCC meeting will be forwarded to the Judge of Probate once approved at the May 21, 2019, BCC Regular Meeting.

The Judge of Probate will issue an Order Establishing a Family Cemetery, which will be made a part of the record at a regular BCC meeting once received.

Action required (list contact persons/addresses if documents are to be mailed or emailed): N/A

Additional instructions/notes: N/A