Board of County Commissioners
Leon County, Florida
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Agenda Item
Executive Summary

October 13, 2009

Title:
Acceptance of Status Report on Preservation of Fleischmann Cemetery (aka Munree Cemetery)

Staff:
Parwez Alam, County Administrator
Vincent S. Long, Deputy County Administrator
Wayne Tedder, Director, Tallahassee-Leon County Planning Department

Issue Briefing:

This agenda items seeks to update the Board on options to preserve and maintain the Fleischmann Cemetery, which is also known as (aka) the Munree Cemetery. Munree Cemetery is a historical African-American cemetery located on Edenfield Road, one block north of Mahan Drive. Attachment #1 includes a general location map. Since May 2009, staff from the Planning Department, as directed by the Board, has been working with a group of citizens to explore options to protect and preserve the cemetery.

Fiscal Impact:

This item has no current fiscal impact to the County; however, funds would need to be allocated, if the Board decided to demarcate the boundaries of the cemetery.

Staff Recommendation:

Option #1: Accept the status report on Preservation of Fleischmann Cemetery (aka Munree Cemetery), and direct staff to take no further action.

Report and Discussion

Background:

At the April 21, 2009 meeting, the Board directed staff to bring an agenda item outlining options to preserve the Fleischmann Cemetery located on Edenfield Road, and identify maintenance options. The cemetery is located on a five-acre tract of land immediately north (behind) of two single-family houses, along Mahan Drive within the northwest quadrant of Edenfield Road and Mahan Drive, and along Edenfield Road. The cemetery is known locally as the Munree Cemetery and the people buried there are predominantly African-Americans.

The County does not own the property on which the cemetery is located, as was previously noted. The cemetery is platted as a part of the Hickory Hills Farms subdivision that was developed by Udo M. and Jeanne K. Fleischmann. The plat for the subdivision is dated February 26, 1946, and is recorded in Plat Book 3, Page 4. On the plat, the subject property is designated "Reserved for Cemetery." In addition, the plat shows a small building marked "church' at the northeast corner of the property, close to Edenfield Road. The Leon County Property Appraiser's staff researched (this was not a title search) the ownership for the property from 1946 forward and found that when the Fleischmanns died, their real estate went to John E. Mettler, Jr., who subsequently died, leaving several children as his heirs. Through Mr. Mettler's probate will, the Property Appraiser's staff was able to find one of Mr. Mettler's daughters, Louise M. Davenport (spouse-Christopher), who still lives here in Leon County at the Welaunee Plantation. Staff has made contact with the family regarding this matter and the family has expressed an interest in working with the interested citizens to preserve the cemetery.

Analysis:

Since May 2009, staff has met twice with a group of local residents who are interested in preserving the cemetery. The staff of the John Riley Center/ Museum of African American History and Culture is assisting in the efforts. Most, if not all, of these residents have ancestors who are buried at the Munree Cemetery. According to the residents, their first priority is to get the cemetery listed in the Florida Master Site File (FMSF) database (currently, the cemetery is not listed in this database of the State archaeological and historical resources). State and federal laws mandate that an inventory of all known cultural resources (historic structures and archaeological sites) be maintained. The FMSF, within the Department of State, is the office that maintains the inventory. Essentially, the FMSF is a paper-file archive and computer database of recorded historical cultural resources in Florida. Listing a site on the FMSF does not require the owners' consent.

Generally, archaeological sites or historic structures qualify for recording in the FMSF if they are at least 50 years old and adequately documented. The FMSF does not make evaluations of the historical significance of sites or structures, nor does it conduct an assessment of the potential impact of development projects on these resources. The Munree Cemetery, based on oral history, dates back to the 1800's, and it ceased being an active cemetery in the 1940's.

Leon County Land Development Regulations (LDRs) provide for the protection of cemeteries. However, those regulations are only triggered when a proposed development will impact a designated or undesignated cemetery. Section 10-4.329(a) of the LDRs identifies human burial sites as significant cultural resources. LDR Section 10-4.329(c) requires a cultural resource protection plan be provided when development activity is proposed on a property containing a significant cultural resource. For cemeteries, these plans usually include protection by conservation easement dedicated to Leon County, as well as a recorded ingress/egress easement, and possibly management and maintenance requirements. The developer would be responsible for determining the boundaries of the cemetery and insuring that the conservation easement reflected the proper delineation. Determination of a required buffer, and/or other recommended means of protection, are provided by the Florida Division of Historical Resources. State statutes specifically protect graves and monuments, and require ingress/egress easements be provided to relatives and descendents of any person buried in the cemetery for the purpose of visitation. Statutes further provide that if the cemetery is not being maintained, the relatives and descendents may request the owner to provide reasonable maintenance, and if the owner fails or refuses the request, the relatives and descendants have the right to maintain the cemetery.

Staff is not aware of any development plans for the site. Presently, the cemetery is overgrown with weeds and shrubbery. Staff from the John Riley Museum, who have visited the site states that some of the graves in the cemetery are marked with headstones, and others are unmarked; making it somewhat difficult to determine the boundaries of the cemetery. The entire parcel is approximately five acres, but is believed that the cemetery does not occupy the entire site. An archaeological survey is necessary to determine the extent of the cemetery. There is no qualified staff, in either Planning or Growth and Environmental Management Departments, to do this survey work. Other alternatives are the Tallahassee Trust for Historic Preservation or a private historic preservation consultant.

Ultimately, the residents would like to see the portion of the property on which the cemetery is located dedicated to the County. There are no current development proposals for the property under which the County could require a conservation easement. The County would need to make a policy decision to pursue that alternative, and will have to work with the property owners to explore their willingness to do so. Additionally, the citizen group is interested in working cooperatively with the County to maintain the cemetery. The property owner (Mr. Davenport) has expressed an interest in the project, but feels like there are still questions to be answered, including funding. The Davenports are due back in town in October. At that time, staff, if so directed, and the citizen group, together with staff from John Riley Museum, may continue to work with the property owners to develop a long-term preservation strategy for the cemetery that would include County ownership and maintenance.

The following cemeteries are currently maintained by Leon County through the Division of Facilities Management:

- Crawfordville Road / Serenity Cemetery (aka, Pauper's) - 7 acres;
- Fox Road / Veteran's Park (Old Moody Cemetery) - 2-1/2 acres; and
- Bradfordville Road / Old Mt. Zion Cemetery - 1-1/2 acres.

Burials are still performed at the Crawfordville Road and Fox Road sites, while the Bradfordville Road cemetery is an inactive site and overgrown with bamboo reeds, but in process of being scheduled for land clearing and maintenance by prison labor forces. The burials performed at the Pauper's cemetery are handled by Public Works, but Facilities Management maintains the grounds. Current practice is not to accept maintenance of more cemeteries, unless so directed by the Board. An agenda item, dated July 27, 1998, prepared by the County Surveyor and Public Works staff, indicated there were 126 cemeteries identified in the City, Woodville, and Leon County. Nine were publicly maintained, and Leon County was responsible for maintenance of the same three sites that it maintains today.

The Planning Department is recommending that the Board take no further action on this matter. The cemetery will be preserved through the Land Development Code process should the property be proposed for development. Maintenance of the cemetery may be provided by relatives and descendents per State Statutes. Appropriate staff from the Tallahassee Trust for Historic preservation and the Planning and Growth and Environmental Management departments will assist, as needed, to facilitate meetings between the affected parties. At this time, the only unresolved issue is the delineation of the boundary of the cemetery. Funds would need to be allocated, if the Board decided to demarcate the boundaries at the current time.

Options:

1. Accept the status report on Preservation of Fleischmann Cemetery (aka Munree Cemetery), and direct staff to take no further action.

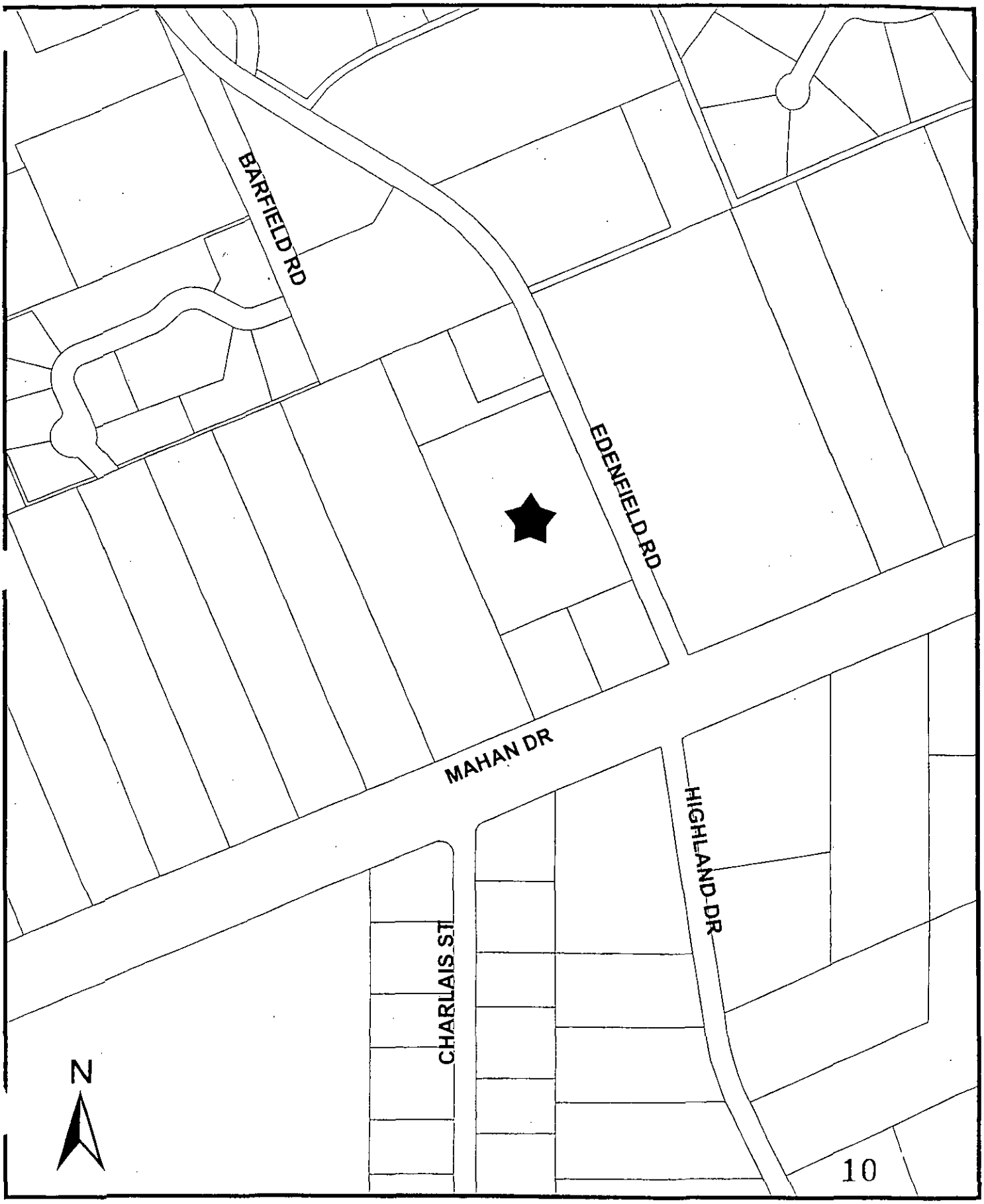
2. Direct staff to seek to acquire the property and maintain the facilities.

3. Direct the Tallahassee-Leon County Historic Preservation Officer to initiate the process of listing on the National Register and initiate the Local Register process.

4. Board Direction.

Recommendation:
Option #1.

Attachment:
1. General Location Map

PA/VSL/WT/FG/JEB

Munree Cemetery, General Location Map