

State of North Carolina
Cemetery Commission Meeting Minutes
July 15, 2015

The North Carolina Cemetery Commission held a meeting on Wednesday, July 15, 2015 in The Hilton North Raleigh Midtown located at 3415 Wake Forest Rd, Raleigh, NC 27609. Those Members in attendance were President Gantt Stephens, Vice-President Glenn Cutler, Treasurer William "Bill" Gaffney, Commissioners Angie Thomas-Daoud, Brad Bailey, Linda Cotten, John "Winn" Graham and David Brown. Members of the public were also in attendance.

The meeting was called to order by President Stephens, who opened the meeting with a Moment of Reflection. First item was Agenda approval. Mr. Stephens noted that there was an item for executive session on the agenda and that this item had been placed at the end of the agenda. Mr. Stephens noted that this was not in keeping with Robert's Rules and that the purpose of this was out of consideration to the gallery. Mrs. Cotten moved to approve the amended Agenda, Ms. Thomas-Daoud seconded the motion, all voted in favor to accept the agenda.

Next up for approval were the minutes from the April 22, 2015 meeting. Mr. Gaffney moved to approve the minutes, Mr. Brown seconded the motion. All voted in favor.

I. CONFLICTS OF INTEREST:

President Stephens declared that, in accordance with the State Government Ethics Act 138A15E, it is the duty of every Commission Member to avoid both conflicts of interest and appearances of conflict in regard to the matters being brought before them today, and to refrain from any undue participation in the particular matter involved.

Mr. Stephens then asked if there were any conflicts of interest. No conflicts of interest were reported.

II. PRESIDENT'S REPORT:

There have been 24 complaints filed calendar year to date. Those complaints are either resolved or within the 20 day response period.

Mr. Stephens moved on to inspections reporting that 14 inspections had been completed since the last meeting.

Mr. Stephens stated that financials along with the proposed budget would be discussed as a separate line item under New Business.

Mr. Stephens reported that Commissioner Richard Lagatore had resigned from his position with the Commission and that the Speaker of the House had been notified to fill the appointment.

III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

There were no requests from the public to address the Commission.

IV. NEW BUSINESS:

- A. Guil-Rand New Cemetery Application.** Mr. and Mrs. Chad Long appeared requesting a new cemetery license for Guil-Rand Memorial Park in Jamestown, NC. Mr. James Morgan was also present as the proposed manager for the new

cemetery. The President noted that he was impressed with the organization and thoroughness of the application. The president opened up the floor to questions. Mr. Long gave a brief history of how the idea for the cemetery began. The President noted that the decision before the Commission today is preliminary approval of the cemetery license. Upon that approval Mr. and Mrs. Long may proceed in developing a minimum of two acres of the cemetery as required by statute. Upon completion of that two acre development and verification by the Cemetery Commission the cemetery license will be issued. Mr. Long discussed his relationship with Mr. Morgan. Mr. Long stated that all the trust funds would be kept with Cemfunds. Mr. Cutler asked Mr. Morgan for a brief history of his cemetery experience which Mr. Morgan provided. Mr. Gaffney asked Mr. Long how many acres he planned to develop initially. Mr. Long answered that it would be eight acres initially and that the cemetery would own 58 acres in total. Mr. Cutler made a motion to preliminarily approve the new cemetery application for Guil-Rand Memorial Park pending the development of the initial two acres. Mr. Graham seconded the motion. All voted in favor.

B. Adopt Operating Budget for 2015-2016. Copies of the proposed operating budget were included in the meeting packet. The President noted that the latest financials would also be discussed at this time. The President noted that the Commission's accountant was present in the gallery and available for any questions. Mr. Cutler gave a brief report on the upcoming audit. A brief discussion followed. Mr. Gaffney moved to accept the operating budget for 2015-2016. Mrs. Cotten seconded the motion. All voted in favor.

C. Request from Scotland County to take ownership of Scotland County Cemetery. A copy of the letter from Scotland County was included in the meeting packet. The President noted that Scotland County desires to take ownership of the cemetery along with the responsibility to maintain the cemetery and that Scotland County intends to transfer the cemetery to the ownership of a church. The President noted that because there is some outstanding liability at the cemetery, the NCCC approval should be conditional upon being satisfied that the liability will remain covered by the bond after the church assumes ownership of the cemetery. Mr. Stephens asked for approval to submit the documents to an attorney that specializes in sureties for guidance and assurance that the liability will remain bonded after this transfer occurs. Mrs. Cotten made a motion to approve the transfer request upon the Commission being satisfied the existing liability will remain on the bond upon completion of the transfer. Mr. Cutler seconded. All voted in favor.

D. Request from Erwin Memorial Park to change Trustees. Erwin Memorial Park seeks approval to change trustees from Suntrust to Cemfunds. Mr. Brown moved to approve the request. Mr. Graham seconded. All voted in favor.

V. OLD BUSINESS:

A. Oakwood Cemetery in High Point update. The President reported that the transfer of Oakwood Cemetery to the city of High Point has been completed.

B. Crown Memorial Park update. Mr. Stephens reported that Mr. Hand has deposited the proceeds from the sale of the parcel of land Mr. Hand owned. The President also noted that Mr. Hand continues to make his \$7500 monthly payments on time.

C. Update on Ashelawn Gardens of Memory. Mr. Fulcher provided an update on his receivership. Mr. Fulcher stated one issue preventing the sale to a new owner is the IRS lien on the cemetery for past due payroll taxes. Mr. Fulcher said he would return

in October for an update.

- D. Update on Mountain View Cemetery in Black Mountain. Mr. Fulcher gave a report on the current status of the Mountain View receivership. Mr. Fulcher reported that he has identified three potential buyers for the cemetery and that the judge recently approved Mr. Fulcher to pursue the sale of the cemetery. Mr. Fulcher plans to have more to report in October.
- E. Update on LaFayette Memorial Park. The President reported that the frequency of complaints have slowed recently. Some commission members have been in contact with the consultant hired by LaFayette Memorial Park to assist the Boshers in operating the cemetery. The consultant has given assurances the problems would be corrected.
- F. *Continued below*

VI. Election of Officers:

- A. Election of President. Mr. Stephens opened up the floor for nominations for president. Mr. Cutler nominated Mr. Stephens to serve another term as president. Mr. Brown seconded. The President asked for other nominations. There were none. All voted in favor.
- B. Election of Vice President. Mr. Stephens opened the floor up for nominations. Mr. Gaffney nominated Mr. Cutler to serve as Vice President. Mr. Brown seconded. The President asked for any other nominations. There were none. All voted in favor.
- C. Election of Treasurer. Mr. Stephens opened the floor up for nominations. Mrs. Cotten nominated Mr. Gaffney to serve as Treasurer. Mr. Graham seconded. The President asked for any other nominations. There were none. All voted in favor.

The president reminded the members that the Commission has adopted a policy of term limits for the President limiting the terms to four consecutive terms. Mr. Stephens noted that this would be his fourth term. Mr. Stephens stated that he believed in the philosophy of term limits to the "very depth of his soul" and that term limits are good for all levels of government. Mr. Stephens stated that because of that he would practice what he preached and remove himself from consideration for President in July, 2016.

(break)

V. *Continued from above*

- F. Discuss Legal Action. 10:21 AM Ms. Thomas-Daoud made a motion to enter executive session. Mr. Bailey seconded. All voted in favor. Executive session ended at 10:34AM.

VII. REMINDER OF NEXT MEETING:

Next meeting for the Commission will be October 21, 2015 at this location.

Ms. Cotten moved to adjourn Mr. Brown seconded the motion, all voted in favor. Meeting adjourned at 10:29 AM.