

State of North Carolina
Cemetery Commission Meeting Minutes
July 20, 2016

The North Carolina Cemetery Commission held a meeting on Wednesday, July 20, 2016, 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, Brad Bailey, David Brown, Linda Cotten and John "Winn" Graham. Members of the public were also in attendance.

The meeting was called to order by President Stephens who called for a Moment of Reflection. First item was Agenda approval. Mr. Stephens made one revision to the proposed agenda. Mrs. Cotten moved to approve the amended agenda, Mr. Cutler seconded the motion, all voted in favor to accept the amended agenda.

Next up for approval were the minutes from the April 20, 2016, meeting. Mrs. Cotten moved to approve the minutes, Mr. Cutler 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. Mr. Brown was recused from item 4-A.

II. PRESIDENT'S REPORT:

Mr. Stephens asked if there were any questions related to the financial reports and noted that the independent CPA for the Commission was on vacation this week and not in attendance.

Mr. Stephens reported that fourteen complaints have been received in 2016 and five since the April meeting. Those fourteen complaints are either resolved or within the 20 day response period. 35 inspections have been completed YTD and with twelve occurring since the April 20, 2016 meeting.

Mr. Stephens reported that all 2015 Annual Reports have been received.

The missing monthly reports are as follows: #009 Bladen - May, #022 Calvary - April, May, #155 Westview - May, and #116 Pisgah View - Feb, Mar, Apr, May. Mr. Cutler has been in contact with Pisgah View and they have indicated they will catch up their reporting and pay the late fees.

Mr. Stephens reported that Gethsemane's payments to the trustee, trust and NCCC have been received either early or on time.

This concluded the President's report.

III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

There were no requests to address the Commission

IV. NEW BUSINESS:

- A. Sales License for BJ Zelch application appeal. Mr. Brown was recused. Mr. Stephens reported that the Sales License Committee had denied Mr. Zelch's application and now Mr. Zelch was appealing to the full Commission for reconsideration. Mr. Zelch was present and answered numerous questions from the Commission members. Mr. Cutler moved to grant Mr. Zelch a six month provisional license after which it would convert to a full license in the event there were no issues. Mr. Graham seconded. All voted in favor.
- B. Lee Memory Gardens change of control request. Lula Thomas was present as the proposed new owner. Lee Memory Gardens was being purchased from Charlie Dye. Mr. Stephens noted that the tax returns and land certification were items missing from the Change of Control application. Mr. Cutler moved that the Change of Control be approved contingent upon the receipt of the items missing from the Change of Control application and upon any findings from the inspection being resolved. Mrs. Cotten seconded. All voted in favor.
- C. Proposal from Rose Cobb on Ashelawn Gardens of Memory. Rose Cobb submitted a revised proposal to the NCCC of her plan to restore Ashelawn to compliance with the Cemetery Act and satisfy the outstanding debts of Ashelawn. Ms. Cobb noted that the problems at Ashelawn are numerous but they continue to make progress on resolving those. Ms. Cobb reported that in 2016, Ashelawn has delivered \$8,600 of merchandise and services to date and that in 2015 Ashelawn delivered \$31,500 of merchandise and services. No consumer has failed to receive any purchased merchandise or services. Ms. Cobb stated that she was trying to get the cemetery back on solid footing. She went on to say that Ashelawn has a long way to go but that she is the best one to lead Ashelawn. Ms. Cobb stated that she knows Ashelawn better than anyone else. Mr. Fulcher provided an update on his receivership of Ashelawn and recommended the NCCC approve Rose Cobb's proposal. Mr. Gaffney moved to accept Rose Cobb's proposal. Mr. Brown seconded. All voted in favor.

V. OLD BUSINESS:

- A. Update on Ashelawn Gardens of Memory. Covered under new business.
- B. Update on Gethsemane Memorial Gardens. Mr. Stephens reported that Gethsemane had made all their required payments either on time or early.

(break 9:58 AM to 10:35AM)

- C. Legal Affairs Update. Mr. Graham made a motion to enter executive session. Mrs. Cotten seconded. Executive Session began at 10:05AM. And ended at 10:16AM. Mr. Gaffney made a motion that Mr. Stephens be given the authority on to negotiate a settlement agreement with Landquest. Mr. Graham seconded. All voted in favor.
- D. Personnel (continued after Election of Officers)

VI. ELECTION OF OFFICERS:

- A. Election of President. Mr. Stephens noted that he had enjoyed his tenure as President but was not to be considered for reelection due to the limit of four consecutive terms of officers of the NCCC. With that said, Mr. Stephens opened the floor for nominations for President. Mr. Brown nominated Bill Gaffney. Mr. Graham seconded. Mr. Cutler moved that the nominations be closed and Mr. Gaffney be

elected by acclamation. Mr. Brown seconded. All voted in favor

- B.** Election of Vice President. Mr. Stephens opened the floor for nominations. Mr. Bailey nominated Mrs. Cotten. Mr. Gaffney seconded. Mr. Cutler moved that the nominations be closed and Mrs. Cotten be elected by acclamation. Mr. Graham seconded. All voted in favor

- C.** Election of Treasurer. Mr. Stephens opened the floor for nominations. Mr. Gaffney nominated Brad Bailey. Mrs. Cotten seconded. Mr. Cutler moved that the nominations be closed and Mr. Bailey be elected by acclamation. Mrs. Cotten seconded. All voted in favor

Following the election of officers Mr. Stephens passed the gavel to Mr. Gaffney. Mr. Gaffney asked the Commission to grant him the authority to hire an executive team to operate the Commission. Mrs. Cotten so moved. Mr. Bailey seconded. All voted in favor. Mr. Gaffney stated that he would return at the October meeting for ratification of his decisions.

VII. ADJOURNMENT

Mr. Graham moved to adjourn. Mr. Brown seconded. All voted in favor. The meeting adjourned at 10:25 AM.