

State of North Carolina  
Cemetery Commission Meeting Minutes  
January 24<sup>th</sup>, 2018

The North Carolina Cemetery Commission held a meeting on Wednesday, January 24<sup>th</sup>, in the Hilton North Raleigh Midtown located at 3415 Wake Forest Rd., Raleigh, NC 27609. The members in attendance were President William “Bill” Gaffney, Vice-President Linda Cotten, Treasurer Brad Bailey, Commissioners: David Brown, Angie Thomas-Daoud, John “Winn” Graham and David Simmons. Gantt Stephens was in attendance as Director of Operations. Members of the public were also in attendance.

The meeting was called to order by President Gaffney. The President called for a Moment of Reflection. First item was the agenda approval. Mr. Stephens suggested one item be added to the agenda. Mrs. Cotten moved to approve the amended agenda and Mr. Graham seconded. All voted in favor to accept the agenda.

Next up for approval were the minutes from October 18<sup>th</sup>, 2017. Mrs. Cotten moved to approve the minutes. Mr. Brown seconded. All voted in favor.

## **I. CONFLICTS OF INTEREST**

President Gaffney declared that, in accordance with the State Government Ethics Act 138 A 15E, it is the duty of every Commission member to avoid both conflicts of interest and appearances of conflicts in regards to the matters being brought before them today and to refrain from any undue participation in the particular matters involved.

Mr. Gaffney recused himself from items IV, B, Cabarrus Memorial Gardens Request to Change Trustees and IV, G, Stanley Gardens in Albemarle.

Mr. Gaffney then asked if there were any other conflicts of interest. There were none.

## **II. PRESIDENT’S REPORT:**

Mr. Gaffney asked Mr. Stephens to give a report on Operations.

Mr. Stephens deferred reporting on the financial reports due to it being a separate agenda item.

Fourteen (14) inspections have been completed since the last meeting bringing the total to one hundred two (102) for the year. Inspections are right on time or even a little ahead. Mr. Stephens reported that inspections are currently suspended pending the receipt of 2017 Annual Reports which should begin arriving soon.

Six (6) complaints have been received since the last meeting bringing the total for 2017 to fifty-eight (58) which Mr. Stephens stated is abnormally high. There is one (1) complaint for 2018.

One (1) Annual Care and Maintenance Reports for 2016 is missing from #138 Shepherd Memorial Park. Shepherd is a separate agenda item for today's meeting.

Late monthly reports: Crestlawn #027 –August, Shepherd #138-May-November and also a separate agenda item, Holly Hill #076-November, Sunrise #143-November, and Crawford/Ray #026-November.

Mr. Stephens stated his Operation Report is complete unless there are questions.

### **III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:**

There were no requests to address the Commission.

### **IV. NEW BUSINESS:**

- A. Gardens of Gethsemane Request to Change Trustee. This request includes both the perpetual care and the merchandise trust funds. Mr. Brown made a motion to approve the change of trustee for Gardens of Gethsemane to Cemetery Funds of NC. Mr. Simmons seconded. All voted in favor.
- B. Cabarrus Memorial Gardens Request to Change Trustee. This request is for the Merchandise/Service trust only. Mr. Bailey made a motion to approve the change of trustee from Bank of America to Pinehurst Funds. Mr. Brown seconded. All voted in favor.
- C. Shepherd Memorial Park. Mr. Stephens reported that Shepherd has been sent many certified letters for late reports and complaints with no response. They were sent a letter about 30 days prior to this meeting notifying them that they were on the agenda for consideration of having their license suspended at today's meeting. Shepherd made contact with the Commission two days prior to the meeting and overnighted approximately \$3,000 in checks but no reports. Mr. Stephens recommended suspending the license until all reports and complaint responses had been received. After much discussion, Mrs. Cotten made a motion to suspend the cemetery license until all pending complaints, reports, and penalties are taken care of and that the Shepherds appear before the board. Mr. Brown seconded. All voted in favor.
- D. Rules Review. To comply with the Rules Review required by the legislature, a copy of the NCCC rules were included in the meeting packet. A suggested classification for each rule was presented. After some discussion Mr. Graham made a motion to accept the proposed rule classification. Mrs. Cotton seconded. All voted in favor. Mr. Stephens explained that the proposed rules classification would be posted on the website of the

NCCC and the NC Office of Administrative Hearings. The public has 60 days to comment. Any comments will be discussed at the April meeting at which time a final recommendation will be adopted and sent to the Rules Commission for review and final approval.

- E. Audited Financial Statements. Copies of the independent audit were included in the meeting pack. Mr. Gaffney opened the floor for any questions. Mr. Stephens stated that the NCCC accountant was present in the gallery for questions. There were none.
  
- F. Unitrust Investment Policy Statement. Mr. Stephens reported that this Investment Policy Statement is considered for adoption as an optional investment strategy for cemeteries. The NC Legislature relaxed the investment rules for Perpetual Care funds in 2010. The purpose of this Investment Policy Statement is to provide clarity to trustees and to cemetery owners to ensure Perpetual Care Fund distributions do not violate corpus which is prohibited by statute. After a lengthy discussion Mr. Gaffney called for a motion. Mr. Bailey motioned to adopt the Investment Policy Statement as presented. Mr. Brown seconded. All voted in favor.
  
- G. Stanly Gardens in Albemarle. Stanly Gardens sold 10 acres to a developer back in 1988 and there was an easement on the land that was sold stating it could only be used as cemetery property. The land has sat untouched since 1988. A developer wants to build on the property and needs the Cemetery Commission Members approval to remove the easement. This action will have no effect on land currently owned by Stanly Gardens. Stanly Gardens is currently a 30 acre cemetery and will remain a 30 acre cemetery. Mr. Brown made a motion to release the easement and Mr. Graham seconded. All voted in favor.

## **V. OLD BUSINESS**

Memo of Understanding between NCCC and NCBFS. After some discussion, Mrs. Cotten made a motion to keep the version adopted on October 17, 2017 with no changes. Mr. Graham seconded. All voted in favor.

**VI. Reminder of Next Meeting Date:** April 25<sup>th</sup>, 2018 at 10:00 AM

## **VII. Adjournment**

Mrs. Thomas-Daoud made a motion to adjourn and Mrs. Cotten seconded. All voted in favor. The meeting adjourned at 10:55 AM.