

STATE OF NORTH CAROLINA  
CEMETERY COMMISSION MEETING MINUTES  
APRIL 15, 2020

The North Carolina Cemetery Commission held their regularly scheduled meeting via teleconference on Wednesday, April 15, 2020. The members in attendance were President William "Bill" Gaffney and the following Commissioners: Ebbie Whitley-Hendren, Lenual Primus, David Simmons, Winn Graham, Linda Cotten, Diane Miller, and Sharon Weaver. Gantt Stephens as Director of Operations was also in attendance.

The meeting was called to order by President Gaffney at 10:00 a.m. The President called for a Moment of Reflection. The first item of the meeting was the agenda approval. Ms. Whitley-Hendren moved to amend the agenda to include discussion regarding trust payments during COVID 19. Mrs. Cotten seconded the motion to amend and moved to approve the amended agenda. All voted in favor to accept the agenda as amended.

The next item for approval was the minutes from the January 15, 2020, NC Cemetery Commission meeting. Mr. Graham moved to approve the meeting minutes as written, seconded by Mrs. Cotten, and motion passed.

**I. CONFLICT OF INTEREST:**

President Gaffney declared that, in accordance with the State Government Ethics Act 138A 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 and to refrain from any undue participation in the particular matters involved.

Winn Graham and Lenual Primus reported conflicts of interest in New Business items and recused themselves from the agenda item: Harnett Devotional Gardens. Bill Gaffney recused himself from the agenda item: Glennview change of trustee.

No other conflicts were reported.

**II. OPERATIONS REPORT:**

Mr. Stephens began by reviewing the current financials for the Commission and addressed the deficit for the year, citing Crestlawn's receivership and legal fees as the cause for the deficit.

Mr. Stephens reported 12 complaints have been received since the last meeting. There is one complaint with a past due response for Crown Memorial Park related to the sale of cremation services which they are unlicensed to render. Administrative staff will contact Crown to follow up on this.

Twelve (12) inspections have been performed since the last meeting. Mr. Stephens notified the Commission that inspections have been suspended during the COVID-19 pandemic.

He also discussed cemeteries currently on payment plans to recoup trust deficits. Copies of the cemetery payment plans were provided for the Commissioners to review. Payment plans in default are further discussed in New Business.

Mr. Stephens stated his Operations Report was complete unless there were questions. There were none.

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

Ms. Crystal Carpenter, a citizen of Wake County, was in attendance by phone today to inquire about regulations for cemeteries not licensed by the Commission. The Commissioners informed Ms. Carpenter that church cemeteries are not regulated by the Commission.

### IV. NEW BUSINESS:

- A. Westview Memorial Park- Change of Control:  
Nicole Buchanan is to purchase Westview Memorial Gardens from Scott and Tammy Greene. Members of the Commission were provided with all required documentation for this Change of Control. All Commissioners agreed the required documentation is in order. Mrs. Cotten moved to accept the Change of Control, seconded by Mr. Graham. Motion passed and the new owners will have 90 days to complete this process.
- B. Harnett Devotional Gardens:  
Commissioners discussed the current payment plan agreed upon by Harnett Devotional Gardens to bring their PC and Merchandise accounts current. Only one payment has been made on the payment plan outlined in the repayment agreement. Mr. Lenual Primus spoke on behalf of Harnett Devotional Gardens and explained to the Commission that when they agreed on the payment amount, Harnett thought they could sustain these payment amounts. At this time, they are unable to do so and appealed to the Commission for a lower payment amount. Mrs. Whitley-Hendren moved to modify the monthly payment amount to \$600/month for the next three months and to revisit the payment amount at the July meeting. Mrs. Whitley-Hendren made clear that the payment amount could increase in July and that payment amounts could not be offset by the delivery of merchandise and/or services. Motion was seconded by Mrs. Cotten. All voted in favor
- C. Glennview Memorial Park-Change of Trustee:  
Glennview requested approval to change trustee from Suntrust to Pinehurst Funds. Mrs. Whitley-Hendren moved to approve the change of Trustee, Mrs. Miller seconded and motion passed.

**V. OLD BUSINESS**

**A. Crestlawn Memorial Park:**

The receivership of Crestlawn continues and improvements continue to the grounds and record keeping. Several positive letters from the Crestlawn community have been received regarding the Receiver, Ruth Futrell. Court cases against Mr. Watson are still pending.

**B. Crown Memorial Park:**

The Commission is still in search of a potential Receiver for the cemetery. There have been no candidates thus far. Crown is current with their payments to Trust funds.

**C. New Administrative Rule**

The new rule process which began a year ago is now complete. The new rule is in effect as of April 1, 2020.

**D. Oak Grove and Carolina Biblical Preconstruction**

The Oak Grove Mausoleum construction project is past due. Mr. Stephens reported that there have been management changes with the owners. The project is under contract and the contractors confirm they have received the deposit. The building permit has been received and the site has been prepared, but they have not moved forward due to COVID-19.

Carolina Biblical has not provided permits or confirmation of payments thus far. Ms. Whitley-Hendren moved for the Commission to write a letter to the new management, referencing a letter from Mr. Vining regarding the outstanding contract and tardiness of construction. The reply from Carolina Biblical shall be returned in 20 days. Mrs. Cotten seconded this motion which passed with no further discussion.

**VI. REMINDER OF NEXT MEETING DATE:**

July 15, 2020, at 10:00 a.m.

**VII. ADJOURNMENT**

Mrs. Cotten moved to adjourn the meeting, seconded by Ms. Weaver. Motion passed and Mr. Gaffney adjourned the meeting at 10:55 AM.