

State of North Carolina

Cemetery Commission Meeting Minutes

July 15, 2020

The North Carolina Cemetery Commission held a meeting on Wednesday, July 15, 2020 via phone conference.

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, Bobby Townsend, and Sharon Weaver. Gantt Stephens as Director of Operations was also in attendance along with administrative staff.

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. Mrs. Whitley-Hendren made a motion to approve the meeting agenda as provided. Mrs. Cotten seconded this motion. Motion passed.

The next item for approval was the minutes from the April 15, 2020 NC Cemetery Commission meeting. Mrs. Whitley-Hendren made a motion to approve the meeting minutes with the following amendments: strike last sentence of second paragraph and strike "now" in Item C of New Business. This motion was seconded by Mrs. Cotten. All voted in favor. 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 old businesses items and recused themselves from voting on the agenda items related to Harnett Devotional Gardens. No other conflicts were reported.

II. **OPERATIONS REPORT:**

Mr. Stephens began the Operations Report by addressing the number of complaints (11) reported for this quarter. There is one outstanding, late complaint for Ashelawn Gardens of Memory related to charges for additional interment rights at the time of need (after Initial contract paid in full). Mrs. Rose Cobb, of Ashelawn Gardens of Memory, reported a response to this complaint is forthcoming, but this document has not yet but received. Administrative staff to follow-up.

Inspections: (16) new inspections have been scheduled with (7) completed. There are (27) inspections that have been scheduled year to date.

Late Monthly Reports: March: Bon-A-Venture, Lafayette Memorial Park. April: Bon-A-Venture. May: Crestlawn Memorial Gardens, Fairview Memorial Gardens, Forest Lawn Memorial Park, Sunrise Memorial Gardens, Westview Memorial Park, Yadkin Memorial Gardens.

While reviewing financial statements, Mr. Stephens also addressed the Commission to discuss the budget deficit for the year, citing Crestlawn MP's receivership and legal fees as the cause for

the deficit. There was some discussion related to the legal fees, which Mr. Stephens reports are reasonable.

Mr. Stephens stated his Operations Report was complete unless there were questions. A motion was made by Mr. Simmons to accept the Operations Report. This motion was seconded by Mrs. Whitley-Hendren. Motion passed.

III. REQUESTS FROM THE PUBLIC TO ADDRESS THE COMMISSION:

No members of the public came forward to speak.

IV. NEW BUSINESS:

2020-2021 Budget Approval – Commission members were provided the proposed budget to review and discuss. A motion was made by Mrs. Whitley-Hendren to accept the proposed budget of 2021 as is. This motion seconded by Mrs. Cotten. Motion passed.

V. OLD BUSINESS:

- A. Crestlawn Memorial Park**– Ruth Futrell is still in place as the receiver for this site. There has been a great many issue at this cemetery due to past fraudulent practices by the owner, Mr. Watson. There is a mediation scheduled for next week with Mr. Watson and NCCC that is mandated by the Court. However, NCCC will not agree with Mr. Watson staying on as the owner of Crestlawn due to past criminal activity. Mrs. Whitley-Hendren moved to endorse Ruth Futrell's appointment as new owner of Crestlawn Memorial Gardens during this court case. There was also a question regarding who pays for losses attributed to the previous owner and NCCC's incurred legal fees. Mr. Stephens clarified that in the past legal fees incurred by the NCCC would be reimbursed by the new owner. The county sheriff and DA are reviewing the fraudulent activity by Mr. Watson and will hopefully seek restitution for those individuals. The original motion made by Mrs. Whitley-Hendren was then seconded by Ms. Linda Cotton. Motion passed.
- B. Harnett Devotional Gardens**: There was much discussion about this payment plan, its schedule, and potential delinquency. Documents were provided for the Commissioner's to review. Payments made by Harnett Devotional Gardens were verified directly by Cemetery Funds of NC. Cemetery Funds of NC documents show that a total of 3 payments have been made by Harnett Devotional Gardens --- 4/4/20 \$1,800; 4/17/20 \$600; 6/30/20 \$600. Previous meeting minutes indicate a total of 3 payments were to be made following our last meeting on April 15, 2020. Mr. Primus stated he was under the impression the payment from 4/4/20 (allocated to March 2020's delinquent payment) would be applied to the month of April and this caused an unintended missed payment for the month of May. Mr. Primus apologized for the miscommunication and agreed to submit a \$1200 payment on Friday July 17, 2020. Mr. Primus clarified that this \$1200 payment will cover the missed payment for May 2020 and the current payment for July 2020. Once this payment is confirmed, Commissioners agreed Harnett Devotional Gardens will fall back into compliance with the mandated payment plan. During discussion, Mrs. Whitley-Hendren recommended this payment plan spreadsheet be sent via email to cemeteries with delinquencies in the future to eliminate potential confusion. Mr. Stephens also suggested Harnett Devotional Gardens set a specific date for future monthly payments to eliminate any questions regarding allocations in the future. A motion was made by Mrs. Whitley-Hendren to extend

Harnett Devotional Gardens' current payment plan agreement for 90 days at \$600 per month, to be evaluated at the October 2020 Board meeting. This motion was seconded by Mr. Simmons. Motion passed.

- C. Carolina Biblical Gardens: The general contractor has indicated plans to start construction in September 2020
- D. Election of Officers for Coming Year: Motion made by Winn Graham to retain all current officers as seated [Mr. Bill Gaffney – President; Mrs. Linda Cotten – Vice President; Mrs. Sharon Weaver --- Treasurer]. Mrs. Miller seconded this motion. Motion passed.

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

The next meeting of the NC Cemetery Commission will be held on October 21, 2020 at 10:00 a.m. Arrangements for this meeting (voice conference vs. in-person) will be announced at a later date.

VII. **Adjournment:**

Mrs. Cotten made a motion to adjourn the meeting. Motion seconded by Mrs. Weaver. All Commissioners voted in favor. Mr. Gaffney adjourned the meeting at 10:48AM.