

North Carolina Cemetery Commission

Quarterly Meeting Minutes

July 18, 2023

The North Carolina Cemetery Commission held a regularly scheduled quarterly meeting on Wednesday, July 19, 2023, at the Hilton in North Hills, Raleigh, NC.

President William “Bill” Gaffney and the following Commissioners were present: David Simmons, Linda Cotten Dodson, Ebbie Whitley Hendren, Bonita Caldwell, Bobby Townsend, Dyanne Miller, and Sharon Weaver. Gantt Stephens, Director of Operations, was also in attendance.

The meeting was called to order at 10 am. President Gaffney called for a moment of silence.

The first item of the meeting was the agenda approval. Mrs. Whitley Hendren moved to approve the agenda as written. The motion was seconded by Mrs. Cotten Dodson. All voted in favor to accept the agenda as written.

The next item for approval was the minutes from the April 19, 2023, of the NC Cemetery Commission meeting. Mrs. Whitley Hendren moved to approve the minutes after correcting the incomplete sentence at the end of the first page to read, “Mr. Gaffney thanks...” The motion was seconded by Mrs. Cotten Dodson. All voted in favor.

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 regarding the matters being brought before them and to refrain from any undue participation in the matters involved.

No Commissioners declared conflicts of interest.

President Gaffney invited any member of the public wishing to address the Commission come forward. He explained each individual will have two minutes of time.

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

II. **Operations Report** - Mr. Stephens began the report by reviewing the financials. Eighteen (18) complaints were reported for this quarter. Twenty-four (24) inspections have been completed since the last meeting. After asking questions and receiving none, Mr. Stephens concluded his report.

III. **Requests from Public to Speak** – No members of the public requested to speak.

IV. **New Business:**

- a. **Change of Control – Forest Lawn of Lincolnton to Faithful Heritage Holdings:** President Gaffney explained that the Commissioners have each received a copy of the Change of Control applications from Forest Lawn of Lincolnton. These packets include all the information required to transfer ownership of the property from Mr. Dana Elder to Faithful Heritage Holdings. Mr. Dana Elder, representing the seller, and Ms. Ruth

Thornquist, representing the buyer, were present for this determination. Mrs. Whitley Hendren moved to approve the Change of Control applications for Forest Lawn of Lincolnton to Faithful Heritage Holdings. Mr. Townsend seconded the motion. The floor was open for discussion. All voted in favor.

- b. **Declaratory Ruling for Catawba College Columbarium Project:** The Commissioners were provided materials prior to the meeting that outlined a request from Catawba College for a declaratory ruling that Catawba was exempt from The Cemetery Act for the purposes of having a columbarium built on campus. Reverend Joyner Miller and counsel, Mr. John Dees, represented Catawba College. During an oral presentation in support of the request and in response to questions, Mr. Dees stated that Catawba College will not be in the cemetery business upon construction of the proposed columbarium. Rev. Miller and Mr. Dees clarified that Catawba College will not sell niches to the general public nor pre-sell any of the niches. The niches will be offered at cost and there are no plans or intent to make a profit on the niches.

Mr. Gaffney explained that the Commission will go into executive session to receive legal advice from attorney Ms. Anne Brown of the Attorney General's office.

Dyanne Miller moved to enter executive session. Bobby Townsend seconded. All voted in favor. Executive session began at 10:33AM and ended at 11:03AM. During the executive session the scope of the Cemetery Act was discussed among the Commission members and Ms. Brown. Upon conclusion of executive session, Ms. Dyanne Miller moved to, "Grant the petition made by this applicant subject to the terms and conditions and findings and conclusions that will be set forth in a written order that the board will issue in the next 30 days". The motion was seconded by Ms. Bonita Caldwell. All voted in favor.

V. Old Business:

- a. Landquest Legacy Properties: Mr. Corkum was present to represent Landquest Legacy. Mr. Corkum stated the cemeteries made all payments due and liability reports have been corrected. Ms. Cotten-Dodson moved to schedule a special inspection in September 2023 to reassess the finances of the cemetery at the expense of Landquest Legacy. The motion was seconded by Ms. Hendren. All voted in favor.
- b. Shepherd Memorial Park: Mr. Stephens provided an update on Shepherd Memorial Park. The cemetery remains under the care of Mr. Gary McDowell as receiver. The court case is ongoing. The cemetery will be inspected in the near future pending the signed order by the Court.
- c. Election of Officers-Ms. Dyanne Miller moved to keep the currently elected officers: Sharon Weaver as Secretary/Treasurer, Ms. Cotten-Dodson as Vice-President and Bill Gaffney as President. Seconded by Ms. Ebbie Hendren. All voted in favor.

VI. REMINDER OF NEXT MEETING DATE:

The next quarterly meeting will take place on October 18, 2023, at 10:00 a.m. at the Hilton in North Hills, Raleigh.

VII. Adjournment:

Ms. Dyanne Miller moved to adjourn the meeting. Ms. Cotten-Dodson seconded the motion. All in favor. The meeting adjourned at 11:13AM.