Elkton Cemetery Special Commission Meeting February 21, 2019

Present: Karen Jones, Lee Dearing, Albert "Bill" Davis, Chuck Morris, Colleen Grady, Troy Shifflett, Steve America - Council Representative

Administrative: Delores Hammer - Cemetery Director

Guest: Mayor Joshua Gooden, Treasurer Clairen Sipe

Pledge of Allegiance: All in attendance joined in reciting the pledge.

Devotions: Chairman Jones asked everyone to bow their heads in a moment of silence

I. New Business

Chairman Jones addressed the issue that the Cemetery meeting held on January 24, 2019 did not have a quorum therefore the reason for the special meeting tonight. Chairman Jones stressed the importance of attendance at the meetings. She asked that members contact either herself or Delores Hammer if unable to attend meetings.

II. Finances of the Cemetery

Chairman Jones had questions regarding the finances of the Cemetery. Treasurer Sipe stated she had a PowerPoint presentation to present that would explain the finances of the Cemetery. Colleen Grady said she attended a Council meeting and it was stated that the Cemetery was in the red. Chairman Jones stated she was concerned about the Town Manager making decisions on behalf of the Cemetery Commission without discussing with the members of the commission. Chairman Jones said she was recently approached by someone about the decision to pave the cemetery. She said that the Cemetery Commission did not agree to the paving of the cemetery and was not asked about the paving. The project was approved by the Town Manager and completed without any input from the Cemetery Commission. Vice Chairman Dearing stated that the Town owns the Cemetery and the Commission makes recommendations to Council.

Treasurer Sipe began the PowerPoint presentation with the statement that she wanted to assure everyone that the Cemetery funds were being handled correctly. Treasurer Sipe stated that all funds are being tracked according to proper accounting standards. Treasurer Sipe stated the Cemetery funds are not being intermingled with Town funds. Treasurer Sipe then proceeded with the PowerPoint presentation displaying the cemetery accounts and ingoing and outgoing funds. Treasurer Sipe stated that the Town is the trustee, or fiduciary, for the cemetery. She then proceeded to explain that the Town has agreed that it will always have a community cemetery and will continue to fund the cemetery. Currently the cemetery owes the Town $149,918.

Chairman Jones had questions regarding the Cemetery budget. Treasurer Sipe said that Delores Hammer Cemetery Director would present a budget to Council for approval. Chairman Jones asked if the Commission could be involved in preparing the budget. It was confirmed that yes the Cemetery Commission could participate in preparing a budget.

Chairman Jones said that the purpose of tonight's meeting was to get back on track. Chairman Jones said that commission members had become complacent because they were not being included in decisions being made regarding the Cemetery. Chairman Jones said that she did not think the commission was doing its homework because members felt it did not have a voice.

Treasurer Sipe said that the meeting being held tonight should have been held a long time ago. She stated that there have always been rumors about the Town and the Cemetery funds and that these rumors should have been addressed a long time ago. When numbers are reviewed it is evident that the Town nor Treasurer has misappropriated any funds and an audit is performed each year that confirms this.

Chairman Jones said that she feels that tonight's meeting should be a private matter without the talk and chatter by anyone in attendance to anyone outside the meeting. That everyone needs to walk away with a respect and understanding of what the roles are and respect those roles. Treasurer Sipe said that she feels everyone is moving forward and that communication is needed between the Commission and Council to avoid these incidents in the future.

Treasurer Sipe then proceeded with the PowerPoint presentation and presented the bank balances and total assets of the Cemetery. Vice Chairman Dearing stated that according to the numbers presented with lot fees, opening, closings and outgoing expenses the Cemetery would never have enough funds to operate. Chairman Jones said that by working on the budget together the Cemetery could work together and gradually start repaying the Town the debt it owes. Vice Chairman Dearing reiterated that with the current amount in lots sales and opening and closing fees that the Cemetery would continue to barely get by. Vice Chairman Dearing stated that although at one time $100 was a lot of money that is no longer true. The cost of everything has risen while the Cemetery rates have remained the same. Chairman Jones agreed and stated that fees are on the agenda.

III. Mowing, Bylaws, Rules and Regulations

Chairman Jones stated that the Commission should meet more frequently in order to rectify these situations. Meeting quarterly does not allow the Commission to review and discuss items in a timely manner. Vice Chairman Dearing stated that he does not like the fact that commission meets and makes suggestions for example to sell a piece of property and often the Council will turn down or table the decision. Chairman Jones said that she recently discovered that the Commission sent a recommendation to Council via the Commissions Council Representative Councilman America to rescind mowing rights and Council tabled the request. The reason she was given for the tabling of the request was it was an election year and that Council did not want to act upon the recommendation. She stated that fact checking was performed prior to the recommendation and that Elk Run Cemetery is the only publicly ran cemetery that still allows individuals to mow their own lots. Chairman Jones said that a big reason for rescinding mowing rights is for safety and to protect the Town from liability should someone be injured mowing at the Cemetery.

Chairman Jones asked why the Commission meets and makes recommendations if Council is not going to act upon them. Vice Chairman Dearing stated that some of the Rules and Regulations are not being

followed and a few are no longer relevant. Chairman Jones said that the Commission needs to review the Bylaws, Rules and Regulations. Vice Chairman Dearing stated that the bylaws need to be revised because the list of duties for the Town Manager are what the Cemetery Director should be responsible for. Vice Chairman Dearing stated that the bylaws need to be revised to distinguish the duties and roles of all members. Chairman Jones asked if the Commission is okay with the Town Manager having complete control over the cemetery and decisions pertaining to the cemetery. Vice Chairman Dearing stated that if the Town Manager was responsible for all decisions than a Cemetery Commission is not needed. Chairman Jones said that the bylaws need to be reviewed and revised. She asked for volunteers to review and revise the bylaws. Colleen Grady said that current bylaws state the cemetery shall be under the control of a commission appointed by the Town Council but it appears that the Town Manager is making all decisions. Colleen Grady asked if the bylaws state that the cemetery shall be under control why does everything still need to be approved by Council. Chairman Jones said that it in order to have changes made to the bylaws that an Attorney would be required and it would need to be presented to a judge. Troy Shifflett asked if the Cemetery Commission was in charge of the cemetery then why does Council have to approve every decision.

Troy Shifflett made a motion to rescind mowing rights and to remove trinkets and statues from the ground.

Lee Dearing seconded the motion

Voice Vote 7-0

Yeas: Karen Jones, Lee Dearing, Bill Davis, Chuck Morris, Colleen Grady, Troy Shifflett, Steve America
Nays: none

Motion Carried rescinding mowing rights and no longer allowing statues and trinkets will be presented to Town Council by Councilman Steve America.

Chairman Jones said that signs should be posted at each entrance to the Cemetery reminding people that rules for mowing season are in effect. Troy Shifflett Public Works Director said that signs are placed at the entrance when mowing season begins.

Vice Chairman Dearing stated that once approved a notice needs to be placed in the newspaper and on the Town website informing owners that individual mowing rights have been rescinded.

Chairman Jones suggested that a representative from the Cemetery Commission attend Council Meetings. Colleen Grady said she attends most council meetings.

Chairman Jones asked what a buyer is given when purchasing a lot. Delores Hammer said that each buyer is given a deed to each lot and set of bylaws and rules and regulations. Vice Chairman said that the rules and regulations needs to be enforced.

IV. Cemetery Commission's Request to manage the Elk Run Cemetery

Councilman America asked if it would be appropriate for the Cemetery Commission to make a recommendation to Council that the commission be responsible for decisions regarding the cemetery

example: rescinding mowing rights, lot fees, opening and closing fees. Councilman America asked Mayor Gooden his opinion and Mayor Gooden agreed that it would be appropriate to make the recommendation to Council.

Steve America made a motion that the Cemetery Commission be responsible for making final decisions on mowing. Troy Shifflett said that the motion should say that the Cemetery Commission has the final say on all cemetery matters.

Troy Shifflett rescinded his motion to rescind mowing rights of individuals.

Voice Vote 7-0

Yeas: Karen Jones, Lee Dearing, Bill Davis, Chuck Morris, Colleen Grady, Troy Shifflett, Steve America
Nays: none

Motion is rescinded

Colleen Grady made a motion that the Cemetery Commission follow the directive of the deed dated September 24, 1985 which reads It is agreed by the Town of Elkton as follows: It will manage the above described property as a community cemetery, the management of which shall be under the control of a commission appointed by the Town Council for that purpose.

Lee Dearing seconded the motion

Voice Vote 7-0

Yeas: Karen Jones, Lee Dearing, Bill Davis, Chuck Morris, Colleen Grady, Troy Shifflett, Steve America
Nays: none

Motion passed

Councilman America will present the motion to Council

V. Bylaws

Chairman Jones asked for volunteers to meet and work on the bylaws. Lee Dearing, Colleen Grady, Steve America, Karen Jones and Delores Hammer will work on bylaws and rules and regulation updates. The date for the meeting will be February 28, 2019.

VI. Budget

It was agreed that the commission will work with Cemetery Directory Delores Hammer to prepare a budget for the upcoming fiscal year. Chairman Jones stated that a meeting will be held on Thursday, March 21, 2019 at 6 pm and all members who would like to participate in working on the budget are invited to attend. A budget will be prepared and presented by Delores Hammer Cemetery Director. Once submitted Treasurer Sipe and the Council will discuss the budget and either approve as written or discuss changes or corrections as needed.

VII. Rescinding Individual Mowing Rights

Chairman Jones then proceeded to discuss the rescinding of individuals mowing rights at the cemetery. Troy Shifflett Director of Public Works stated that it is very difficult to mow with all the trinkets, statues and individual mowing rights that are currently allowed. Delores Hammer stated that she has been working with several outside landscaping companies on bids to mow the cemetery and that in order to proceed individual mowing rights would need to be rescinded and trinkets and statues on the ground removed.

VIII. Increasing lot fees, opening and closing fees

Vice Chairman Lee Dearing stated that the Commission needs to address the issue of increasing lot fees, opening and closing fees. Chairman Jones asked Delores Hammer if she had numbers for comparison. Delores said that she had researched and had several and the nearest comparable cemetery was Mt. Olivet located in McGaheysville. In December 2018 Mt. Olivet raised the rates from $600 lot fee to $800 lot fee. The opening and closing fees were raised from $400 to $550. Troy Shifflett suggested that the Commission also look at higher opening and closing rates for weekends and holidays because the Town is paying overtime to employees. Vice Chairman Dearing asked if the Commission should post a date and notice that after April 1st fees will be increasing. Mayor Gooden suggested that if the increase is approved the date coincide with the fiscal year which is July 1, 2019. All was in agreement. Colleen Grady asked if a higher fee could be charged on weekends and holidays. Delores Hammer responded that Eastlawn Memorial charges a higher fee on weekends and holidays. Colleen Grady suggested $800 lot fees and $550 opening and closing fees. Colleen suggested trying this price for a year and see what response is received. Bill Davis said before a motion was made to increase the rates that he would like to add that he personally has had people come to his house crying because they did not have the money to bury their loved one. Mr. Davis does not agree with raising the rates. He stated it will add a burden to families who do not have the money to bury their loved ones. Troy Shifflett said that the Cemetery has pauper graves available. Delores Hammer stated that Town offers a payment plan without interest for purchasing lots. Mr. Davis said he has been opposed to raising rates from the get go. Chairman Jones said that there are many factors to take into consideration and while it is a sensitive issue the Cemetery is operating in the red and has not had a price increase in a very long time. Chairman Jones said that in her profession she has found people say that do not have funds and in fact some often do. Chairman Jones said that the commission needs to come up with a strategy because the Cemetery is not moving in a positive direction. Troy Shifflett stated that the bad thing is that the Cemetery is losing money but Kyger and Lindsey funeral homes do not negotiate nor decrease the fees. Vice Chairman Dearing said there will always be people who say they cannot afford it. The cemetery commission has compassion and will work with the families who do not have the money. Mr. Davis suggested that the Commission look at the numbers and see if they are using their dollars wisely. Chairman Jones said that the commission is addressing the budget.

Colleen Grady made a motion that lot fees be increased to $800 and opening and closing fees to $550 effective July 1, 2019.

Lee Dearing seconded the motion

Voice Vote 6-1

Yeas: Karen Jones, Lee Dearing, Chuck Morris, Colleen Grady, Troy Shifflett, Steve America
Nays: Bill Davis

Motion passed Councilman America will present the recommendation to increase fees effective July 1, 2019 to Council

Troy Shifflett made a motion to advertise requesting bids for mowing

Colleen Grady seconded the motion

Voice Vote 7-0

Yeas: Karen Jones, Lee Dearing, Bill Davis, Chuck Morris, Colleen Grady, Troy Shifflett, Steve America
Nays: none

Motion passed

IX. Paving Concerns

Chairman Jones asked for an update on paving that there are cosmetic concerns. Troy Shifflett said that shoulder stone needs to be placed around the Cemetery. Troy Shifflett stated he was in the process of renting a road widener for this project but he was given some time off and he is the only person that knows how to operate the machine so he canceled the rental. At this point the machine is being rented. Once the machine is available Troy will rent the machine and proceed with the shoulder stone. Troy said in two days' time he would have the shoulder stone completed. Troy stated that the machine cost $4500 for the month but he is using State money for this project. The machine will also be used for projects in the Town. Vice Chairman Dearing was concerned about the statement that Troy Shifflett would be using state money for the cemetery. Troy Shifflett said this was not an issue and if the cemetery wanted half could be taken from the Cemetery budget.

Colleen Grady stated that in her opinion paving of the cemetery was unnecessary. She also stated that in her opinion adding shoulder stone would not add to the appearance of the cemetery. Troy Shifflett responded if anyone had looked at the Cemetery before the paving was completed they could see crabgrass had taken over portions of the road. Bill Davis said the paving looks good.

Vice Chairman Dearing asked about the fertilizing of the Cemetery Delores Hammer stated that it had been approved by Council and Mayor Gooden had approved and signed the contract. Delores Hammer is working with a new contractor and was able to save $1390.

Colleen Grady said she has concerns about the appearance of the storage building, concrete barriers, signs and the appearance of the area. Delores Hammer said that she submitted a work order and once the weather cleared and the area dried Public Works would work on tidying up the area. Colleen Grady said she did not like the appearance of the dirt pile. Troy Shifflett said that the dirt pile could not be moved to the back of the property because of wet areas and equipment sinking. Chairman Jones stated

that Delores Hammer had submitted a work order and that the commission would wait and see if the issues were addressed.

Vice Chairman Dearing asked if the lot sale had been completed. Delores Hammer confirmed that the sale was complete.

X. Membership

Chairman Jones said that it was brought to her attention that when the Cemetery Commission was seeking members a person submitted a volunteer application and was told they could not apply because they did not live in Town limits. The bylaws state you may or may not reside in Town limits. This person was told incorrectly and we do not want that to happen again.

Councilman Steve America said he thinks the meeting was very productive and the Cemetery Commission is moving forward in a positive direction and he is excited about the upcoming year.

Chairman Jones said that Steve America does really well as the Cemetery Representative and she is pleased with him being the representative.

Bill Davis made a motion to adjourn

Troy Shifflett seconded the motion

Voice Vote 7-0

Yeas: Karen Jones, Lee Dearing, Chuck Morris, Colleen Grady, Troy Shifflett
Nays: none

Motion Carried

Meeting adjourned

The next meeting is scheduled for Thursday, April 11, 2019

Karen Jones

Chairperson: Karen Jones

Lee D

Vice Chair: Lee Dearing