Joint Meeting
Council/Cemetery Commission
September 22, 2004

The Elkton Town Council met jointly with the Elkton Cemetery Commission in Council Chambers on September 22, 2004. Mayor Wayne E. Printz presided. The following Council members were present:

PRESENT
J. Dean
T. Pence
L. Sigafoose
S. Sigafoose
R. Snow
P. Workman

The following Cemetery Commission members were present:

PRESENT
Lee Dearing
Betty McGahey
Lillian Nicholson
Bob Whitfield

Clairen Sipe, Treasurer, Faye Vickers, Senior Clerk, and Richard Carey, Clerk of Council, were also present.

Vice Mayor Snow explained that the Cemetery has two accounts, a Real Estate Account to purchase land and a Perpetual Care Account, of which the interest earned is available for the upkeep expenses of the Cemetery.

The interest is no longer sufficient to cover maintenance costs. According to Vice Mayor Snow, "we have money setting in an account we can't use for anything." He proposed eliminating the Perpetual Care Account, thereby permitting the Town to recover money budgeted over the years for upkeep. A Maintenance and Capital Improvements Account would be created. Perpetual care for the Cemetery would continue to be budgeted in the Town's annual budget.

Joyce Stevens asked for the balance in both accounts. Vice Mayor Snow replied there was a balance of $318,000.00 in Perpetual Care and $194,000.00 in Real Estate. Ms. Stevens questioned how the interest was not sufficient, even though interest rates are low.

Mrs. Vickers provided the answer by stating in '03-'04, Perpetual Care's CD produced $3,970.00 while the account earned $936.00 interest.

Lee Dearing argued that the purchase of two additional acres from Dr. Downey, which added another 2044 grave sites, road improvements and fencing expenses were derived from Cemetery funds. The entire amount, $77,000.00, was paid from Cemetery accounts. His point was that this was no expense to the Town. Mr. Dearing added the Cemetery Commission will pay approximately $27,000.00 to correct a drainage problem. Although the Town does not receive money directly, indirectly the Commission provides visible benefits.

Vice Mayor Snow emphasized Perpetual Care for the Cemetery was not being eliminated - just the Perpetual Care Account in order for the Town to access the money.

Cathy Murphy sought assurance that if the Town did take control of $318,000.00 that it would remain in the Cemetery Maintenance and Capital Improvements Account and not work its way through General Government or some other Town department(s).

Vice Mayor Snow replied, "What would happen if there was no money there? Who would take care of the Cemetery? The Town. So that money is irrelevant."

Caroline Brill: "My family has 12 unoccupied lots in the Cemetery and I just don't understand why, at this time, you are so eager to raid the fund. If allowed to take the monies from this fund, what are your plans for the use of the proceeds?"

Vice Mayor Snow: "Caroline, what difference does it make?"
Caroline Brill: "It makes a lot of difference."
Vice Mayor Snow: "No, it doesn't make any difference in the world, because everybody's goal in this room is to continue to have that Cemetery taken care of."
Caroline Brill: "So what are we doing? The taxpayers in Elkton, we are going to pay for the maintenance on the out-of-town sites. Right?"
Vice Mayor Snow: "We've been doing that."
Caroline Brill: "Well, I shutter to think that in the future to use these funds arbitrarily we could be required to bury the first loved one deep in order to stack. Or cremation, with 4 or 5 resting in the same site."

Council member Workman: "We have sites up there, too. In my two years, I don't intend letting the Cemetery go out of control. So, let's not get out in left field about letting the Cemetery go unprotected, Caroline. There is no desire to let the Cemetery grow up. We are getting way off the subject and that should not even be brought up. I mean you have 2 things. You have trust in the people sitting here. If you don't like it, you have the next election coming up to get rid of them and put people in here who will take care of it, if you don't trust anybody."

Lee Dearing stated that when Sam Flick and Hiram Miller turned the money over to the Town that "the money would get into the hands of politicians and it would not be used for what it was intended." He added that the Recreation Department and Police Department do not generate revenue to match their budgets, but in the Cemetery "if you paid out a dollar you want the whole dollar back."

Vice Mayor Snow told Mr. Dearing he agreed with everything he said. The point of this whole discussion "is to do away with something that is not working anymore. The Perpetual Care Account is not generating enough money to do what it was designed to do at one time."

Mr. Dearing stated he checked the work orders for the Cemetery and over a three-year period the maintenance crew had removed one tree. During the years in question, the Cemetery was charged 1/9 of expenses not even associated with the Cemetery. He emphasized charges for electricity, 1/9 of salaries including the Town Manager and clerks, ½ of Mr. Meadows' salary, as well as the Mayor and Council. Mr. Merica, of course, was paid from Cemetery funds.

Joyce Stevens insisted that Council "spell out in plain English so the people will understand what you are trying to do."

Vice Mayor Snow: "Do you think anybody has any concern over where the money comes from to keep the Cemetery up?"
Ms. Stevens: "I don't think they question that."
Vice Mayor Snow: "What difference does it make to anybody where the money comes from as long as the Cemetery is up-kept to our standards?"
Ms. Stevens: "Well, I have to tell you this: I had a couple to say they don't trust you to do that."

Cathy Murphy again asked for the destination of the money in Perpetual Care.

Vice Mayor Snow replied: "My intentions, as I tried to point out earlier, are to create the Maintenance and Capital Improvements Fund, which would take the place of the Perpetual Care Fund. That would be a Cemetery fund. That money would be in a separate account maintained for the Cemetery. The Real Estate Fund would stay there and it would be for purchasing real estate, just like it is now. The only thing that is changing is making the money in the

Maintenance and Capital Improvements Fund available if we need to use it."

He continued that once the Town recovered costs for the 4 years in question (approximately $140,000.00) the balance would be split between the Real Estate Fund - increasing that balance - and the Maintenance and Capital Improvements Fund. As future lots were sold, part of the sale would go to Real Estate and part to Maintenance.

Vice Mayor Snow discussed this proposal with Council and Gerald Monger, who, he believed, had approached some members of the Cemetery Commission. Mr. Monger then presented a counter proposal to Vice Mayor Snow, the details of which were not disclosed.

Lee Dearing stated the Cemetery Commission has bylaws by which they operate. The Commission will have to study the proposals, then submit changes to the bylaws to Council to approve in order for them to operate.

There was discussion and comparisons were made among area cemeteries and their charges to purchase burial sites. Four hundred dollars for a site in Elk Run Cemetery seemed unreasonably low to some attending this meeting. Mr. Dearing explained that the Cemetery Commission considered the cost of 2 acres, how much it would cost to move the fence, pave the road, and install a water line, then divided by the number of spaces (2044) to arrive at a price of $400.00.

Mr. Gene Kite, fearing future Councils could face budget shortages, believed it was possible for the Cemetery to be neglected and fall into a state of decline. Where were the assurances that this would not happen?

Mr. Kite questioned the future of a Cemetery Commission. Vice Mayor Snow stated the Commission would continue as an advisory body to Council. Mr. Kite shared an "ordeal" that he and his wife suffered. Both Mr. Kite and Mr. Dearing voiced outrage with the absence of accurate record-keeping of where the deceased have been buried or should have been buried. It was incomprehensible to Mr. Kite how this practice was acceptable to Council.

In opposition to Mayor Printz's urging, no action was taken to correct an on-going draining situation. Vice Mayor Snow urged a month's delay until this current issue of the Perpetual Care Account was resolved.

The Cemetery Commission favored holding a separate meeting at which they would produce written recommendations back to Council.

The discussion concluded.

Vice Mayor Snow moved, second by Council member Dean, and carried to go into closed session under Virginia Code 2.2-3711 to discuss personnel matters.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

Vice Mayor Snow moved to go from closed session back into regular session and that each member, to the best of his or her knowledge, certified that only public business matters lawfully exempted from an open meeting requirement under Chapter 21 of Title 2.1 of the Code of Virginia were heard, discussed, or considered. Council member Pence duly seconded the motion.

YEAS: J. Dean, T. Pence, L. Sigafoose, S. Sigafoose, R. Snow, and P. Workman

Motion carried (6 - 0 roll call)

As there was no further business, the meeting was adjourned.

Mayor: _____
Wayne E. Printz, Mayor

Recorder: _____
Richard D. Carey, Clerk