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Draft version 2: 3-4-14
Approved: 3-10-14

City of Raleigh Historic Cemeteries Advisory Board (CORCHAB)-
Monthly Meeting

**Tucker House*418 N. Person Street
Monday, February 10, 2014**

Members Present:

Jane Thurman	Danny Morgan
Terry Harper	Wayne Schindler
David Brown	Jimmy Thiem
Jose Fraser	

Absence, excused- Jenny Harper
Absent, not excused: Danny Coleman

Staff present: Christy Cornell, Diane Sauer

CALL TO ORDER

Jimmy Thiem called the meeting to order at 5:34 p.m.

DISCUSSION

No public comments were received.

The Board reviewed the minutes from the January 13, 2014 meeting. With one minor spelling correction, the minutes were unanimously approved.

Old Business

The Board reviewed the draft report to Council on Hillcrest Cemetery. Wayne noted that the version of the draft Memo emailed to the Board on 2/6/14 is the correct version. The draft memo reviewed in the meeting was the 2/4/14 version. The only changes between the two versions were minor and included the sentence "The Historic Cemeteries Advisory Board recommends... ."

Diane also noted that Appendix A was missing her email response to Mr. Lightner.

The Board began a discussion on how to reorganize the draft memo for presentation to Council.

The Board noted that the directive received from Council (9/17/13 meeting) is vague as to what Council expects in a report.

"Mr. Weeks stated he had been contacted relative to concerns about the Hillcrest Cemetery which is located off of Garner Rd. he stated he knows Lightner Funeral Home owners have some concerns. He stated there has been a question about the possibility of the city obtaining ownership or taking over the maintenance of the

cemetery. He asked that the issue be referred to the Historic Cemeteries Commission to look at the various issues associated. The item was so referred.”

In the meeting with Mr. Lightner, his main request was for grounds maintenance. He indicated that transferring ownership to the City could be discussed at a later time.

The Board recommended adding an Executive Summary with the Board’s recommendation on the first page, summarize costs and identify any other concerns not addressed by Attorney Bachl in her response letter. It was suggested that meeting minutes referencing discussion on the Hillcrest item be included as appendices.

The Board asked that Ms. Bachl be present at the Council meeting, when the report is presented, to clarify the legal aspects of associated with Mr. Lightner’s request.

The Board noted that the major concerns include:

Providing maintenance of site:

1. Safety/Liability in current condition- Ms. Bachl states “If the City were to accept the property, it would have a limited legal duty to maintain the property in such a condition to protect visitors from unreasonable exposure to potential harm.” The site is not safe for City staff to maintain in its current condition. Significant site rehabilitation work is required (leveling of sunken graves, covering open vaults, road realignment) in order to provide safe access by staff and the general public. This will require a significant cost to the City.
2. Legalities of maintaining privately held property- According to Attorney Bachl, “. . . The City could only take over maintenance and possession of Hillcrest to the extent the owner is unknown. Because we have a known owner, the City would only assume maintenance responsibility if the property were conveyed to the City by the owner.”
3. Consider Rehabilitation Costs
4. Consider ongoing annual maintenance costs

Taking ownership of property

1. What is the City’s interest in this acquiring property? What would be the tangible benefits of acquisition to the City?
2. Legal/ownership concerns- “. . . the current owner, the Lightner Trust, has rights to the property by quitclaim deed, which provides the least amount of protection to any grantee of the property as the grantor of the property provides no covenants or warranties of ownership in the property being conveyed. A quitclaim deed basically indicates that to the extent the grantor has an ownership interest in the property; he or she conveys it to the grantee. . . . There are other ownership interests in the real estate so the Lightner Trust would only be able to convey its interest in the property- not the other real estate interests in certain plots which were previously conveyed.
3. Access for maintenance to parcels previously conveyed- One deed reviewed by Ms. Bachl “contained no reservation of easement to the grantor for maintenance purposes. The City could invoke its authority (NCGS 160A-344 to assume control of the plots that were conveyed to the extent the heirs named in the deeds have died or are unknown if it identified a public purpose to expend taxpayer dollars such as abating a public nuisance or maintaining sites because of their historical significance it could also condemn the property to obtain either fee simple title or easements for perpetual care, but not without cost to the City.” Researching deeds and obtaining parcels would be expected to be a lengthy and costly exercise for the City.
4. The CORHCAB members are not able to determine the historical significance of Hillcrest cemetery. CORCHAB members felt the cemetery would not likely meet criteria for National Register or Local Designation due to the limited age of the cemetery. A third-party expert could be hired to

research this further. It should be noted, however, that this site's historical designation has no bearing on the City's decision to acquire the property.

5. The Board's decision on this issue will set precedent for other privately held cemeteries in Wake County

The Board suggested that, as an alternative to acquiring the property, it may be able to assist in the formation of a "friends group" for the cemetery.

The Board formulated its recommendation: The Board recommends that the City neither acquire nor maintain the Hillcrest cemetery.

David motioned acceptance of the recommendation. The motion was seconded by Jose. There were four ayes and 1 nay. The motion passed. Jimmy dissented as he wanted to formulate a recommendation once the executive summary was completed.

Wayne was directed to work with Jane and Jose to revise the memo and present it at the March meeting. With approval by the Board, the item will be presented at the April 1, 2014 Council meeting.

Christy announced that the March meeting is designated as the Annual Meeting of the Board. She asked members to review the draft Annual Report and Work Plan and provide feedback. Additionally, nominations for Chair and Vice Chair must be received by February 25, 2014.

Jimmy gave a brief update on the work of the Landscape Committee.

Terry noted that a member of RCCP, Alpha Howze, recently passed away. RCCP would like to plant tree in his honor at O'Rourke-Catholic Cemetery.

Wayne distributed the draft System Plan goals for Historic Resources. He asked that members bring comments to March meeting.

With no further business, the meeting adjourned at 7:08 p.m. The next meeting of the Historic Cemetery Advisory Board is scheduled for March 10, 2014 at the Tucker House.

END OF REPORT