

BOARD OF ALDERMEN

ITEM NO.: **E(1)**

AGENDA ITEM ABSTRACT

MEETING DATE: NOVEMBER 9, 2004

TITLE: CEMETERY DISINTERMENT AT 130 S. MERRITT MILL ROAD

DEPARTMENT:	PLANNING DEPARTMENT	PUBLIC HEARING: YES ___ No ___ X ___
ATTACHMENTS: A. RESOLUTION B. VICINITY MAPS C. STATE STATUTE GOVERNING REMOVAL OF GRAVES D. APPLICANT INQUIRIES TO LOCATE NEXT OF KIN E. LETTER REGARDING CONTENTS OF GRAVES F. RE-INTERMENT INFORMATION G. LETTERS FROM NEIGHBOR, WILLIAM GATTIS H. WRITTEN RESPONSE FROM APPLICANT TO MR. GATTIS'S LETTERS I. CEMETERY COMMISSION RECOMMENDATIONS		FOR INFORMATION CONTACT: JEFF KLEAVELAND, 918-7332

PURPOSE STATEMENT

The South Atlantic Group, is requesting permission from the Board of Aldermen to remove and relocate graves on their vacant property located at 130 S. Merritt Mill Road (tax map number 7.92.J.9E) (Attachment B1 & B2). The property is zoned R-2.

INFORMATION

The Town of Carrboro Land Use Ordinance has no provisions regarding relocation of graves. Instead, this is regulated by North Carolina State Statute 55-13 (Attachment C). Per 55-13(a-4), the disinterment of the graves requires the consent of the "governing body" of the town within which they are located (Attachment C). The South Atlantic Group, owner of the aforementioned property, is initiating the disinterment as part of their interest to develop the property.

The identities of the remains within the cemetery are unknown; Mr. Boscoe Fulcher, an attorney employed by the South Atlantic Group, has made attempts to secure this information, per the guidelines of the state statute, without success. A letter listing his inquiries as well as evidence is attached (Attachments D1-D6). Attached is a listing of local calls to both Stroud and Strowd names in the phone book (Attachments D5&D6). Additionally, he has consulted with licensed funeral director, Randy Bright, who visited the cemetery site and was of the opinion that there are two graves there, one of a child and one of an adult (Attachment E).

Town staff has spoken with Martha Gattis who lives adjacent to the cemetery for additional information. The graves were present when Mrs Gattis moved to the property many years ago. She predicts that they are at least 100 years old. She was told that Stroud (Strowd?) family members were buried therein but was not entirely sure of the identities. She suggested we speak to Mrytle Riggsbee on Eugene Street. Staff visited the Mrytle Riggsbee residence only to find out from her son that she is suffering from Alzheimer's disease.

The state statute requires that adequate room be available for re-interment of the remains. To this effect Mr. Fulcher has provided a letter stating that a site at the Restland Memorial Gardens, 58 acre cemetery located on NC 86 just north of I-40 (Attachment F). Further, Mr. Fulcher provides details regarding the re-interment (Attachment F-2) and includes a detail of the new grave marker (Attachment F-3).

Orange County Health Department requires disinterment and reinterment permits to be issued prior to any actions taken at the gravesites. Orange County requires evidence of the Board of Aldermen's permission to disinter is prior to issuance of such permits.

William Gattis of 104 Guthrie Avenue, neighbor to the cemetery, and the subject property, disputes the conclusions of Mr. Fulcher. He has also has concerns regarding the South Atlantic Group's intentions for the property. His reasons and concerns are detailed in the attached letters (Attachment G1 & G2). Mr. Fulcher, at the request of the South Atlantic Group, has written a response to the points posed in Mr. Gattis's letter (Attachment H).

The Cemetery Commission met to discuss the disinterment on October 19th. Mr. Fulcher, and Mr. Steve Simpson, representing the South Atlantic Group, were in attendance and discussed their inquiries regarding next of kin and the identities of the graves. The two Commission members present recommended, based upon their findings, approving their request for permission to disinter the remains (Attachment I).

RECOMMENDATION

The Town Staff recommends that the Board of Aldermen adopt the attached resolution (Attachment A) should they choose to support the disinterment of the existing cemetery located in the southwest quadrant of 130 S. Merritt Mill Road.