

REQUEST FOR BOARD ACTION

HENDERSON COUNTY BOARD OF COMMISSIONERS

MEETING DATE: April 21, 2010

SUBJECT: Relocation of Graves

ATTACHMENTS: Yes

1. Memo from City of Hendersonville

SUMMARY OF REQUEST:

The City of Hendersonville has presented a request for formal approval from the County to relocate certain graves in Oakdale Cemetery. NCGS §65-106 specifies the process the City must follow to move forward with the grave relocation. Item G of the statute specifies the role of the County Commission as follows: *“All disinterment, removal and reinterment under the provisions of this Chapter shall be made under the supervision and direction of the county board of commissioners or other appropriate official, including the local health director, appointed by such board for the county where the disinterment, removal and reinterment take place.”*

BOARD ACTION REQUESTED:

The Board is requested to review the request from the City, and grant consent for the relocation of certain graves in the Oakdale Cemetery.

Suggested Motion:

I move the Board of Commissioners grant its consent to the relocation of certain graves in Oakdale Cemetery as described by the City, exercising oversight responsibility as conferred in NCGS §65-106.



Memorandum

To: Chairman Moyer and Members of the County Commission
From: W. Bowman Ferguson, City Manager, City of Hendersonville
Date: March 22, 2010
Subject: *Requesting Consent to Relocate Graves in Oakdale Cemetery*

Summary

On behalf of Mayor Barbara Volk and the City Council of the City of Hendersonville, I am writing to request formal approval of the City's request to relocate certain graves in Oakdale Cemetery. North Carolina General Statute § 65-106 specifies the process the City must follow to move forward with the grave relocation. Item G of the statute specifies the role of the County Commission as follows:

(g) All disinterment, removal and reinterment under the provisions of this Chapter shall be made under the supervision and direction of the county board of commissioners or other appropriate official, including the local health director, appointed by such board for the county where the disinterment, removal and reinterment take place.

Having discussed the matter with the County Health Director, he has indicated his desire to have the matter come before the County Commission for their review and approval. This memorandum describes the City's actions to date and our plan for completing the disinterment and reinterment. Upon consideration and review, we respectfully request the County provide formal concurrence for this plan and grant their consent to move forward with the relocation.

Background

In 2008, a citizen panel convened by the Hendersonville City Council met for a year to discuss alternatives to the widening of US 64 through Oakdale Cemetery in Hendersonville. The previous plan called for the moving of over 200 graves by NCDOT at a cost of up to \$4 million. The panel endorsed a concept to build a new connector road to improve access to two local schools (Hendersonville Elementary and Hendersonville Middle) and eliminate the need to widen US 64 through the cemetery. NCDOT approved the plan and agreed to build the road if the City designed the road and secured the right-of-way, saving taxpayers millions of dollars and avoiding the relocation of hundreds of graves.

The City secured stimulus funding last summer to proceed with design and right-of-way acquisition. The road design process was completed this winter and the City has been working with property owners to secure land for the road. In addition to private parcels, the road alignment crosses vacant City-owned land adjacent to the northern boundary of Oakdale Cemetery. Because of the proximity to the cemetery and out of an abundance of caution, the City commissioned a study to ensure that there were no unknown or unmarked graves in the vacant land next to the cemetery.

Ground-scanning equipment was brought in to search for possible burials, and when results indicated a few potential sites of interest, the City contracted with a certified archeologist to further investigate the potential for

unmarked burials. The research was conducted the week of February 15 and involved the sampling and analysis of topsoil. No burials were disturbed.

The analysis confirmed that between three and eight unmarked burials are located within the proposed road right-of-way. A buried temporary grave marker located near one of the graves gave the City early indication that at least some of the interments occurred in the mid-1990s by a formerly operating local funeral home. These recent burials appear to have been carried out without proper notification to the City and outside the limits of the cemetery boundary, therefore the City had no records of the locations.

After a month of intensive research, meetings and contact with family members, the City of Hendersonville announced on March 18 that it had identified seven of the eight confirmed burials. Many community members came forward with information that helped lead to the identification of seven individuals.

Having successfully identified the majority of the deceased, the City may now move forward with planning a respectful disinterment and reinterment of the eight deceased individuals. The City is currently securing the services of a qualified firm to conduct the relocation and plans to conduct a service of reinterment for the eight individuals. Efforts are being made to identify the community or church affiliations of the deceased in order to involve those organizations in the ceremony. The new graves will include stone markers with the names of known deceased, and the unknown grave will be identified with a marker as well. Details of the relocation activity and service are still being finalized with a target date of early May. In accordance with state law, ads have been placed in the newspaper of general circulation once a week for four weeks 30 days prior to the date when disinterment will begin. All other aspects of NCGS § 65-106 are being adhered to carefully.

Of the seven deceased who have been identified, research has confirmed that three have living next-of-kin. On March 16, 2010, the next-of-kin were formally notified in writing of the City's intention to commence with grave relocation. The names of the seven individuals who have been identified are: William Henry Wilson, Juanita Williams, Luther Billips, Thomas Buddy Graham, Alex Davis, Daisy Mae Batha, and Lucille G. Bolden.

As is evidenced by the extensive efforts that went into the development of this alternative to US 64 widening, the City shares the sentiment that moving graves in the cemetery is undesirable. However the City is now in the position of weighing the relocation of these eight burials against the prospect of almost 200 relocations that were considered two years ago. While we regret this decision has to be made, the City intends to conduct a respectful reburial of the deceased within the boundaries of Oakdale Cemetery. The City will also install grave markers for these previously unmarked graves including whatever identifying information can be found for the deceased.

Requested Motion

The County Commission grants its consent to the relocation of certain graves in Oakdale Cemetery as described herein, exercising oversight responsibility as conferred in NCGS § 65-106.