

MINUTES
HIGHLAND CEMETERY BOARD
Owens Multipurpose Center Conference Room
October 5, 2022 AT 2:00 P.M.

Robert Williams, President, called the meeting to order at 2:01 p.m. in Owens Multipurpose Center Conference Room. Meeting notice and agenda were posted on the City Hall bulletin board as required by State Law.

ROLL CALL: Was called to order at 2:01 p.m.

PRESENT: Robert Williams, Chairman, Gerald (Deuce) Gragg, Barry Beauchamp

ABSENT:

OTHERS PRESENT: Donald Kousman, Cemetery Sexton, Dewayne Burk, Assistant City Manager, Katisha Wiley, Recording Administrative Assistant, Misty Tillman, Guest, Marsha Pendley, Guest. Greg (City Atty Ofc) Councilman Harris Ward 2.

BUSINESS ITEMS

Motion by Robert Williams, **Second** by Gerald Gragg, to approve the minutes from July 6, 2022. **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. **Motion Passed.**

Motion by Barry Beauchamp, **Second** by Robert Williams, to move **5D to 5A Consider hearing a complaint from Marsha Pendley and Misty Tilghman regarding the cemetery plots purchased and take appropriate action.** **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. **Motioned Passed.**

Marsha Pendley:

She stated that they have been asking for awhile thru the Cemetery, the Mayor, the City Manager, and everyone in this town. She purchased three cemetery lots and that the City buried three people in her lots. She stated that the City gave some of their lots away and let her niece go in and steal lots. There was a marker that was stolen off of her sister's lot and nothing was done.

Burk:

Stated that the discussion would have to be the subject that was on the agenda, due to the law stating that it has to be on the agenda in order to discuss the subject and the marker was not included.

Marsha Pendley:

She wanted to thank us for hearing her out, it has cost her 24hrs of driving time, \$400.00 for a hotel, \$1,000.00 in gas. She then stated that they have been to every meeting that we have had this year. She said for some reason she will call and when they arrived they were not on the agenda. She stated that they have made many phone calls to the sexton about coming to the meeting and Burk.

Misty Tillman:

She states that she made it clear what her issues were when she spoke with Burk. Marsha, stated that she emailed him, and that it was made aware that the lots and the marks were going to be a discussion to be had at the meeting.

Marsha Pendley:

She had copies of paperwork that she clearly stated we could not have copies of. Her sister was murdered in 89' and she moved out of town and came back when she was 37yrs old. Her mother was drawing \$352.00 a month and for years she could not afford to bury her sister. She took out a loan on her house stepped up and buried her sister. She purchased 4 lots and she didn't want her sister by herself and someone else had died. When her and her mom went out to the cemetery, her mom knew who the man was out there. Marsha went out to the cemetery and found four lots and wrote him a check. Her mom was visiting with the man. He gave her a receipt and shook the mans hand and left. In 93' her dad passed and she buried him too. She then thought that she needed more so she purchased the four lots right beside it and they were for sale so she went in and told the man that she wanted to buy four more. She went to the bank and paid in cash. She then gave her mother the receipt. 3 or 4 months later her sister and Ms. Tillmans mother Ms. Taylor saw that the other side was vacant and bought them. Marsha stated that she gave her the money and went out there with her mother, her mom was given another receipt. 33yrs later her sister decided that she was going to take the lots. When it was found out they started looking and investigating and that her sister was telling everyone that her mother gave them to her sister. Whatever was turned into the City allowed her sister to have the lots, she was not for sure how this was done. Marsha brought in her mother's will, her mother owned two lots at Sunset, and in the will Marsha stated that her mother made her the executor and gave the two lots at Sunset to her oldest brother. There was no mentioning in will about the lots at Highland Cemetery, because they did not belong to her mother. When her sister started taking the lots, her mother had passed and her sister went thru her mother's paperwork and found the original receipt. According to Marsha the sister saw that the lots were in their mother's name and not hers and she did not know it. They never received a deed, and they were never offered a deed, all those years she never knew they had a deed or they would of fixed it. When her sister found out about the lots, she didn't know what she did, but her sister went down to City Clerks office and spoke to a women named Denise and gave her all the lots she wanted they had 14 of them. When they purchased 14 lots they did it for a reason. They have a big family, her and her sister agreed that the ones that they wanted there they would put there. They didn't put names on them, because they wanted to control who was going to be in the family lot. Some of their family they liked some of them they didn't. The ones that didn't, would have to buy their own lots, that's the way they felt. We got to choose who was going to be in the lots that they bought and that is the way they felt. When her Brother In-Law passed, she came to town and they buried him in one of her lots, she did not do anything at the time. She stated that Leon knew what lots where hers. They were purchased in 94' and started it in 95' and that Leon was very aware. When her mother's name was put on the deed the information was wrong. She has been married 40yrs, if they would have asked her what name that should be on the deed, she would have said her and her husband. Everything that her mother owned was in Marsha's name and her mother owned nothing, so for them to put them in my mother's name that is what caused the problem. If she would have known she would have stopped them. When she found out she went to the Court house and was told that the lots were no longer hers. She stated how could they not be hers?

They had given the lots to her sister. She told them that she had the receipt where she paid for them. The receipts were in her mother's name, while her mother was still alive, Marsha's sister got her mom to sign something. Marsha has all her mother's medical records from the year before till the year after it happened. Her mother had been in and out of the hospital she was 85yrs old, her mother didn't even know her name, but her sister said she signed the paper. Everything was in her name and her sister knew it. Her sister's lot is even in her name. Marsha claimed she took care of her family. Her sister decided that when their mother was dying and her mother's house was in Marsha's name, and indicated that her sister might have done this so that she would be able to get something too. Whatever paper that her sister took down to the City Clerks office, that's when the original mistake started according to Ms. Pendley. The next time she went they put the receipt in her name and her mother's name and didn't know it until she pulled out the receipts 33ys later. She has 7 neice's and nephew's everyone of them would tell us that Ms. Pendley and Ms. Tillman's mother bought every single one of the lots. They need the lots back. She promised her sister's two kids that when she bought the lots that they could be buried beside their mother. These are the lots that Ms. Rios has received and she wants them back. The lots are not Ms. Pendley's they are Ms. Tillmans mother's lot, Ms. Tillman is the executor of her mother's estate and Ms. Pendley is the executor for her mother's estate. Marsha stated that no one ask about a name being put on the deed and who's name needs to be on the deed. She stated 3 months ago the City was not giving out deeds. She stated that she has the receipt before all of this started. They went down and got copies of some of the deeds. They went back two years later and now the deed has a different stamp and a different name on it. According to Marsha the deeds are never consecutive. She claims they were told that the lots did not belong to them and stated that the woman they delt with was very rude to them. Her main concern is she has three people in her lots, in hers, her husbands, and her son's lot right now. She claimed that Burk told her to decide, he would dig his 2 sisters and brother up and move them so that she could have her spot or her, her son, and her husband could just move. Marsha stated that she is the caretaker, and started this and she will fight to the day she dies. She thought she was doing a good thing for her family, and she feels it is a burden on her to choose. She stated that her and Ms. Tillman are both sick with cancer and that Ms. Tillman had just got out of the hospital last week Stage 3, and Marsha is having surgery in about 2 weeks for her cancer and doesn't know when they go into the hospital if they are coming out. She wants her lots back, she had her affairs in order for years and now3 if she died today she does not have a lot to be buried in. Marsha also stated that they have everything to prove that the lots belong to them. She wants them back so that they can decide who is to be buried in their lots. When one of her neice's or nephew's pass, she wants them by her mother. Without the lots back she is not able to do what she would like to do. She stated that they need answers because they are sick, and they are tired of fighting and just wants her affairs back in order. She asked what needs to be done in order to get the lots back. 2 Sexton's have told her that for 35yrs that there are 6 lots there and now the City is telling them that there are 4. Marsha stated that she is open for suggestions.

Greg (City Atty Ofc)

He asked what their solution would be to solve the issue?

Ms. Tillman:

She was born and raised here. She worked 12yrs at the Memorial Hospital and she has a heart. She stated she worked well at the hospital and worked well with an instructor at Vo-tech. She stated that they have went to every single person in the town. We have a mission statement and she read it, and it sounded good and then we have by-laws. If we would read our mission statement and let ourselves see it. She buried her mother in 2012 and anyone that knows her she is not at rest. The problem starts out with when you go out to the Cemetery and you want to buy a lot and you have to buy 2 or 4 lots. Then you pay for it at the Cemetery and then from that receipt you turn it into the city somehow. She thinks over the years there really was not a process and Denise made up a process.

Councilman Harris Ward 2:

He asked both the ladies what is their solution?

Ms. Tillman:

She asked why is it we don't follow the mission statement and the by-laws?

Greg (City Atty's Ofc)

He informed her that due to it not being on the agenda that we could not address the question and that we were here to talk about the lots. He has spoken with the Assistant City Mgr to try to help address their issue. He asked the ladies what would they want to happen?

Councilman Harris Ward 2 (statement):

He wants to know what can we do to help them from here going forward? What is your solution to what is going on and we can work from there.

Greg (City Atty's Ofc)

The first lot was purchased in March of 94' its north ½ of lot 55, currently Daniel Taylor and Ruth Taylor are buried there. The south ½ of lot 55, was purchased in October 89' and currently James Smart, Ben Smart, Karen King, and Sandy Rios are buried there. If it was 6 lots it would be for infants and small children. The lot right now is full with her family members. He asked Ms. Pendly if she had anything showing that she was the purchaser or the actual owner of the lot? Betty Smart is showing as the purchaser and it was assigned to Sandy Rios at a later date. If Probate is closed then she would not be the executor anymore. At this time this is the information that we have. Lot 55 was Betty Smart who assigned it to Sandy Rios. There are four people buried there. Later on in 94' lot 55 was purchased where Daniel and Ruth are buried and there are two open adult spots in the lot. Daniel Taylor died in July 1994 and then lot 58 was purchased in August 98'. Sandy Rios assigned her lots to people that were not their family members. Marsha owns two plots in lot 55 for sure. The city did not give the lots away. State Law talks about when someone purchases a lot and they pass then that lot is open to all of their heirs. Who is buried in the spots is whoever passes next in line. You can take any plot that you own and put it in trust with the City Clerks Office and it would be held for that person.

Ms. Pendly:

She stated that it was wrong and that is what she was telling us. She then asked show her how Ms. Rios got it with no proof that it was hers and if Ms. Smart signed it she shouldn't have due to her disorientation for 2 years and she was in and out of hospital. She stated she is her mother's

executer and everything should of came to her including the deed. She stated that the City gave her lots away. She stated she did not know about the State Law that was mentioned by Greg (Asst. City Atty).

Councilman Harris Ward 2:

We have a certain set of action that we believe to be legal and had they had your permission or not they provided some documents that allowed them to take the actions that they took. We will examine this further. He will work with Greg (Atty Ofc) and the Assistant City Manager to find a solution. There could be a possibility that there might be some Illegal things that had happen before this point, that we might not be able to fix. They may have to take Civil Action. We need to find out what legally what we can do and then come back and make a proposal.

Ms. Pendly:

Her suggestion is, her and Ms. Tillman will break away from their families and will find them another burial place immediately if the City pays to bury them both. They want funds for their burial and markers. They need a date for when this will be resolved before they go forward. She wants the lots to be frozen until this situation is solved.

Greg (City Atty's Ofc)

What the Board can do is they would have to make that same recommendation to the City Manager's Office in-conjunction with that while the rest is being investigated.

Barry Beauchamp (Cemetery Board Member)

Based on what has been said, they will get the recommendation to the City Manager's Office and they will get this done as quickly as possible.

Donald Kouseman (Cemetery Sexton)

He stated that Spencer has the 4 spots frozen.

Pendly:

Stated that there were people that were going to be buried in their lot, but Spencer stopped them due to this situation.

Motion by Beauchamp, Second by Gragg. The information that they have been provided with and make the proper recommendations to the City Manager's Office in order to try to bring closure to the situation. **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

5B. Consider approving the minutes for the July 6, 2022 regular meeting

Motion by Beauchamp, Second by Gragg. Tabled until the next meeting **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

5C. Consider approving new signs for the Highland Cemetery.

Motion by Beauchamp, **Second** by Williams,. Tabled until the next meeting **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

5D. Consider replacing the John Deer Gator and making a recommendation to the Parks and Rereation Director to in clude such replacement in the next City budget.

Motion by Beauchamp, **Second** by Williams,. Tabled until the next meeting **AYE:** Williams, Gragg, and Beauchamp **NAY:** None. ***Motion Passed.***

ADJOURNMENT

There being no further business, the meeting adjourned at 3:24pm.

Motion by Beauchamp **Second** by Williams, To adjourn the meeting on October 5, 2022. **AYE:** Beauchamp, Williams, and Graggs **NAY:** None. ***Motion Passed.***