

Item Title: Public Hearing on a Request for Disinterment, Relocation, and Reinterment of Approximately Twelve (12) Graves Located at 2726 Derby Glen Way to Wake Union Baptist Church Cemetery and the Town of Wake Forest Cemetery (Petition GR-01-19)

Specific Action Requested:

That the Board of Commissioners approves the disinterment, relocation, and reinterment of approximately twelve (12) graves from a 0.05-acre property located at 2726 Derby Glen Way to Wake Union Baptist Church Cemetery and the Town of Wake Forest Cemetery.

Item Summary:

Purpose: North Carolina General Statutes requires that the Wake County Board of Commissioners holds a public hearing when graves are proposed to be removed by a party other than the next of kin.

Background: This petition for grave disinterment, relocation, and reinterment is submitted by Deborah Joy of Legacy Research Associates on behalf of the owner, Joe Cebina of Silvermist Investments LLC. The purpose of this petition is to remove the remains within approximately twelve (12) graves from the 0.05-acre property located at 2726 Derby Glen Way and to reinter them at Wake Union Baptist Church Cemetery and the Town of Wake Forest Cemetery, where they will receive perpetual care.

At the family's request the only burial that is identified by an inscribed tombstone (Richard Nowell Griffin) would be reinterred at Wake Union Baptist Church Cemetery located at 13345 Wake Union Church Road and the remaining burials will be reinterred at the Town of Wake Forest Cemetery located at 400 North White Street.

The actual number of graves at this location cannot be determined, with certainty, until the site is excavated. The term "approximately" is used to cover however many graves that may be found upon full excavation of the site.

The petitioner indicates that the removal of this cemetery is necessary to accommodate residential development on the two adjacent lots (part of the 28-lot Avalyn subdivision) and to provide better protection of the remains by relocating them to perpetual care cemeteries.

Board Goal: This action supports standard County operations.

Fiscal Impact: There is no fiscal impact related to this agenda item.

Additional Information:

The cemetery, which is the subject of this grave removal petition, is located within a 0.05-acre parcel between two undeveloped residential lots located west of Thompson Mill Road and just north of Jenkins Road (see location map below). The site address is 2726 Derby Glen Way and the Parcel Identification Number is 1832108757. The site is located within the Fall's Lake watershed which is designated as a Non-Urban Area, west of the Town of Wake Forest. The subject cemetery will be referred to as the Griffin Family Cemetery for the purposes of this summary.



A preliminary archaeological field survey was performed by Deborah Joy of Legacy Research Associates and it identified approximately twelve (12) graves at this location (see cemetery photograph below). This cemetery contains (see the cemetery plan survey

map on the following page) one (1) grave with an inscribed tombstone (Richard Nowell Griffin), three (3) graves identified by uninscribed fieldstone markers, three (3) graves identified by sunken grave depressions, and five (5) graves identified by soft soils (which are indicative of previously dug grave shafts).

Additionally, an area measuring 6 feet by 17 feet with inconsistent soil probing results was identified west of the other graves and may represent an area for burials of infants. Even though there is no visible evidence of additional graves within this cemetery, there is a possibility that there may be additional undetected graves whose presence cannot be known until full excavation of the site.



Additional Resources Consulted for Cemetery History:

The planning staff consulted with Capital Area Preservation (CAP) regarding the historical significance of the cemetery under consideration for removal and relocation. Gary Roth, on behalf of CAP, indicated that they had no records regarding these graves and expressed no objection to the removal of the remains within these graves and their reinterment as stated by the family's wishes. Roth noted that "If by chance [Richard Nowell Griffin's] wife's remains are somehow identified during the disinterment, it makes sense to me that she too go to Wake Union even though there is only one plot". The planning staff concurs that if his wife, Edna Betty Pernell Griffin, is identified (e.g. matching wedding rings) that they be reinterred together at the family plot in Wake Union Baptist Church Cemetery and has advised the property owner accordingly. [It is not known with certainty if she is even buried in this cemetery.]

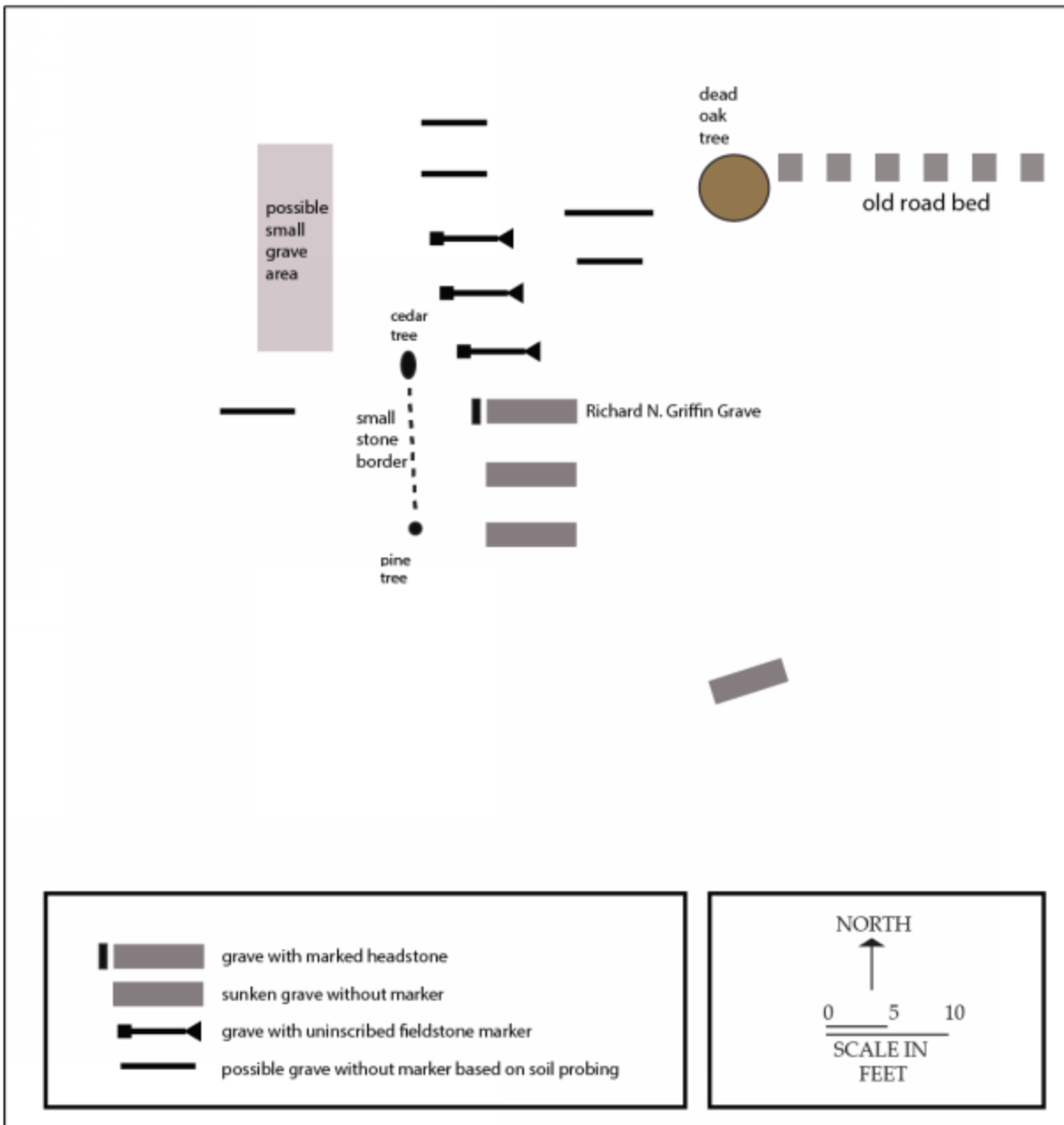


Figure 10. Plan map of the Griffin Cemetery.

The planning staff also contacted Ms. Irene Kittinger, a volunteer for the Wake County Cemetery Survey group, who also had no record of a cemetery at this location. The County Planning staff contacted the Town of Wake Forest planning staff who had no information about a cemetery on the subject property. The town staff confirmed that they had spoken to the property owner about the availability of burial plots in the town cemetery.

Additionally, the Wake County planning staff checked the Cemetery Census for Wake County and an internal GIS layer that shows the location of known cemeteries. Neither source showed a cemetery in this area.

Grave Removal Process:

Under the North Carolina General Statutes, any grave that is disinterred is required to be reinterred in a suitable cemetery or burial ground. The remains within these graves that are petitioned for removal, if approved, would be reinterred, as per the family's wishes (see attached letters) within the Wake Union Baptist Church Cemetery and the Town of Wake Forest Cemetery, where they will receive perpetual care (see reinterment site maps below). The family's preference would be to reinter all of the remains together, however there is only one remaining grave site available in the family's burial plot at Wake Union Baptist Church Cemetery and no other plots are available for purchase. There are descendants of Richard Nowell Griffin buried in each of the proposed reinterment cemeteries as noted on the attached reinterment maps.



Figure 15. Proposed Relocation of the Richard Nowell Griffin Grave at Wake Union Baptist Church Cemetery.



Figure 16. Proposed Relocation of the Griffin Cemetery at Wake Forest Town Cemetery.

The disinterment, removal, and reinterment of the remains within this cemetery shall be performed by a licensed funeral director, and the Wake County Environmental Services staff shall be on site to observe the process (as required by state law). The petitioner (or the funeral director) shall be required to file a Removal of Graves Certificate with the Wake County Register of Deeds office after the work is completed in order to document the relevant facts of the disinterment and reinterment.

NCGS Guidelines:

Section 65-106 (a) (4) of the North Carolina General Statutes requires that the Wake County Board of Commissioners holds a public hearing when graves are proposed to be removed by a party other than the next of kin. A 30-day written notice of intention shall be given to the next of kin of the deceased (if known) before the disinterment, relocation, and reinterment of any grave occurs.

The petitioner shall publish a notice at least once per week for four (4) consecutive weeks in a newspaper of general circulation within the county where the graves are located (the first publication shall be not less than 30 days before disinterment).

Compliance with NCGS:

The single inscribed tombstone for Richard Nowell Griffin (born 1834, died 1929), provided the archaeologist with a starting point to perform extensive genealogical research that was critical in identifying his descendants and those that may be buried (as well as those confirmed to **not** to be buried) in this family cemetery. Several living descendants were aware of the pending development of this property and of the graves on this site and have been involved in discussions with the owner. The petitioner/archaeologist has confirmed the relationship of these living descendants to Richard Nowell Griffin and to persons buried in each of the receiving cemeteries as noted on the reinterment site maps.

These five living descendants (great-grandchildren) have submitted notarized letters expressing the family's wishes for reinterment (see attached). These family members are descendants of Richard Nowell Griffin's daughter Minnie Belle Griffin Honeycutt, who is buried at Wake Union Baptist Church cemetery. Another daughter, Geneva Ann Griffin Carroll is buried at the Town of Wake Forest cemetery.

The petitioner placed a legal advertisement in the News and Observer newspaper for four (4) consecutive weeks in an attempt to notify any next of kin or any other interested parties. The legal notices appeared in the newspaper on April 26th, May 3rd, May 10th and May 17th of 2019. The petitioner has indicated that they did not receive any response to the newspaper advertisements.

Additionally, the Wake County planning staff posted a public hearing notification sign along the Derby Glen Way road frontage directly in front of the cemetery on September 6th, 2019 and ran the two standard public hearing notices in the News and Observer newspaper on September 6th and September 9th, 2019. The legal advertisements and posted sign included contact information for the planning staff. The planning staff has not received any phone calls or inquiries related to this request in response to these notification efforts.

Staff Findings:

1. The petitioner has fulfilled all the requirements for the removal and relocation of the remains within this cemetery as outlined by the North Carolina General Statutes, Section 65-106.
2. The petitioner has indicated that the removal of the cemetery is necessary to accommodate residential development on the two adjacent lots and to provide better protection of the remains by relocating them to perpetual care cemeteries.
3. Arrangements have been made, in accordance with the family's wishes, for the remains to be reinterred at Wake Union Baptist Church Cemetery and at the Town of Wake Forest Cemetery, where they will receive perpetual care.
4. Neither the petitioner, nor the planning staff, has received any opposition to the removal and relocation of this cemetery.
5. There is no evidence of any historical significance regarding this cemetery and its removal would not be detrimental to the general welfare of the County.

Attachments:

1. Presentation
2. GR-01-19 Petition and Archaeological Report
3. GR-01-19 Letters from Family Expressing their Wishes for Reinterment