

Town of Carrboro

301 W. Main St., Carrboro, NC 27510



Meeting Agenda - Final

Thursday, June 15, 2023

7:00 PM

COUNCIL WORK SESSION

Council Chambers - Room 110

Town Council

A. COUNCIL WORK SESSION[23-123](#)

Westwood Cemetery Work Session

PURPOSE: The purpose of this Work Session is to provide an opportunity for the Town Council to discuss the use of the unused portion of the Westwood Cemetery property.

Attachments: [A- Vacant Land Concept Plan Westwood Cemetery](#)
[B- Westwood Cemetery Work Session Questions 061223](#)
[C- Pocket Questions Westwood June2023](#)



Agenda Item Abstract

File Number: 23-123

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Westwood Cemetery Work Session

PURPOSE: The purpose of this Work Session is to provide an opportunity for the Town Council to discuss the use of the unused portion of the Westwood Cemetery property.

At the October 11, 2022 Town Council Work Session, the Town Council discussed staff the long-term operation and use of the two Town cemeteries, the Old Carrboro Cemetery located adjacent to the Libba Cotton Bikeway and 400 Roberson Street, and the Westwood Cemetery located at 401 Davie Road.

During the February 7, 2023 Work Session, staff reported on information that the Town Council requested at the October 11, 2022 Work Session regarding prioritizing cemetery plot sales, a sliding scale fee structure for conventional cemetery plots, and funding for improvements at the Old Carrboro Cemetery and Westwood Cemetery. The Town Council also requested information on available land in proximity to Carrboro that might be developed as a cemetery instead of using the existing Westwood Cemetery property, and for the staff to consult with neighboring jurisdictions regarding their interest in the development of a shared cemetery in such locations.

See the agenda materials from the October 11, 2022 Work Session at

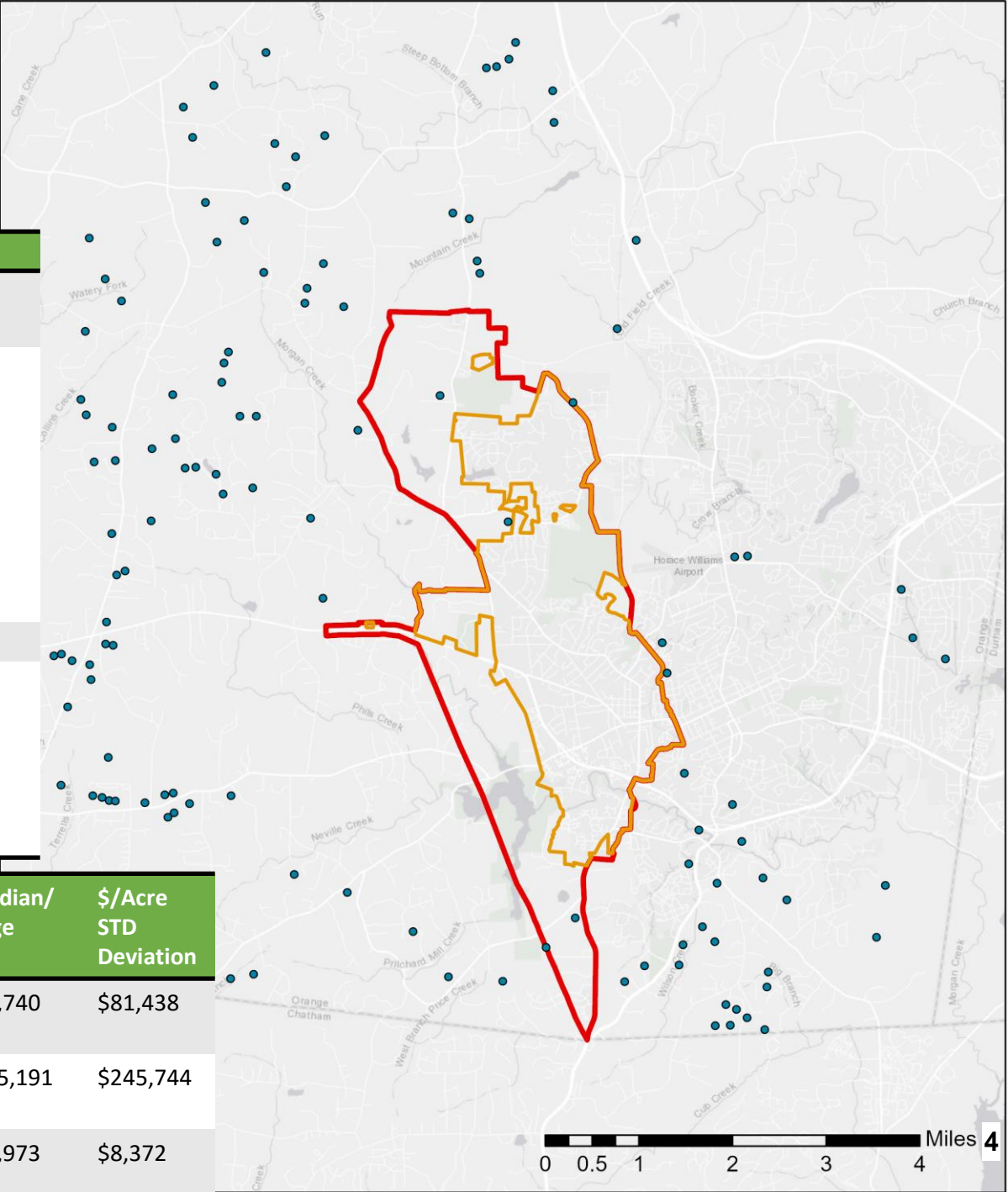
<https://carrboro.legistar.com/LegislationDetail.aspx?ID=5864018&GUID=E8EEBEF6-2CD6-42D6-B566-B27F09E301A1&Options=&Search=>> and the February 7, 2023,

<https://carrboro.legistar.com/LegislationDetail.aspx?ID=6017035&GUID=87359EA6-E815-49C0-BEDD-C713D0CF64A5&Options=&Search=>>. The Vacant Land Concept Plan for Westwood Cemetery is included as Attachment A. Responses to Council Member Questions and Requests are included as Attachment B. Racial equity pocket questions are provided in Attachment C.

Where Cemeteries are Permissible - Carrboro Vicinity

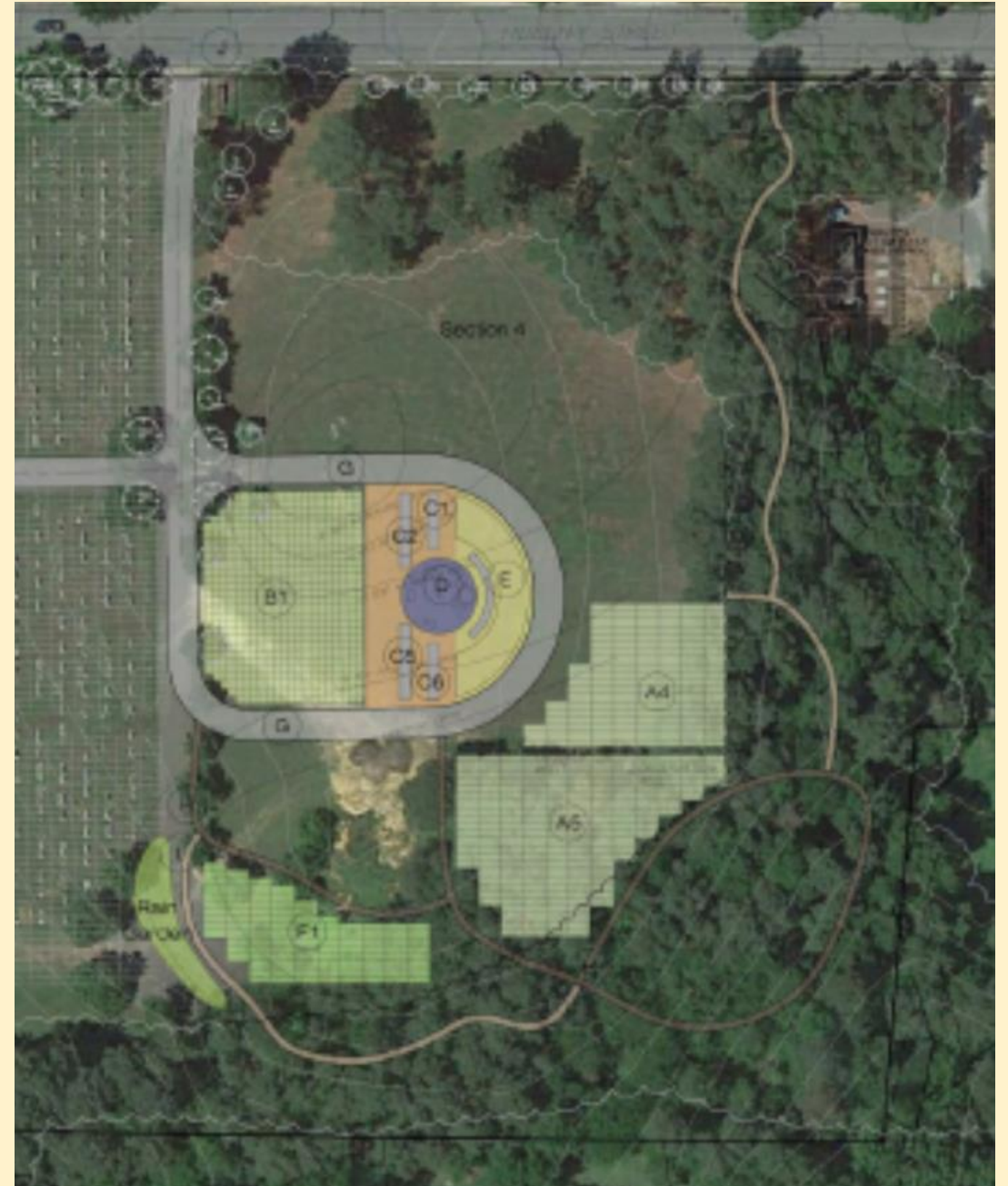
	Use Classification	Permissible Zones		Permit
Carrboro	21.1 - Town-owned cemetery	All Zones except HR-R & HR-CC		Zoning
Chapel Hill	Cemetery	R-LD5	R-3	Special Use
		RT	R-4	
		R-LD1	R-5	
		R-1A	R-6	
		R-1	OI-3	
		R-2	OI-4	By Right
		R-2A		
		DA-1		
Orange County	62(C) Cemetery	RB	R4	Special Use
		AR	R5	
		R1	R8	
		R2	R13	
		R3		

	122 Locations	Acreage	Value Median/ Average	Value STD Deviation	\$/Acre Median/ Average	\$/Acre STD Deviation
Carrboro Planning Jurisdiction	5	7.34 - 23.5	\$368,800/643,269	\$508,365	\$25,875/61,740	\$81,438
Chapel Hill Planning Jurisdiction	24	6.91 - 59.77	\$424,300/1,645,960	\$3,123,575	\$27,023/125,191	\$245,744
Orange County Planning Jurisdiction	93	6.26 - 155.41	\$212,650/359,057	\$397,307	\$14,712/15,973	\$8,372



Design Focus

1. Design around rock conflicts
2. Maintains greenspace
3. Provides greenspace
4. Establishes walking trails
5. Includes memorial park amenities
6. Improves site stormwater runoff
7. Includes dedicated space for green burials
8. Diversifies interment options for cremains



Responses to Council Members Susan Romaine and Sammy Slade Westwood Cemetery Questions and Requests (bold font)

June 13, 2023

The upcoming worksession was requested via motions at both our 10/11/22 and 2/7/23 meetings for the town council to discuss:

- *Town potential expansion of cemetery
- *Potential use of remaining space at Westwood for park space
- * New rural cemetery
- *or combination of all of the above

Information requested via those motions included:

Outcome of discussion with Chapel Hill and Hillsborough on their interest in participating/collaborating with Carrboro on potential joint cemetery. Include Orange County for their potential facilitation of land.

Orange County, Chapel Hill, and Hillsborough Managers have indicated that there is no interest in participating/collaborating with Carrboro on a potential joint cemetery.

Legal perspective on question of purchasing land for cemetery use outside of town limits and/or shared with other jurisdictions.

Article 17. Cemeteries. § 160A-341. Authority to establish and operate cemeteries. A city shall have authority to establish, operate, and maintain cemeteries either inside or outside its corporate limits, may acquire and hold real and personal property for cemetery purposes by gift, purchase, or (for real property) by exercise of the power of eminent domain, may devote any property owned by the city to use as a cemetery, may prohibit burials at any place within the city other than city cemeteries, and may regulate the manner of burial in city cemeteries. Nothing in this section shall confer upon any city authority to prohibit or regulate burials in cemeteries licensed by the State Burial Association Commissioner, or in church cemeteries. As used in this Article "cemetery" includes columbariums and facilities for cremation. (1917, c. 136, subch. 5, s. 1; 1919, cc. 136, 237; C.S., s. 2787; 1969, c. 402; 1971, c. 698, s. 1.

Costs of land outside of town for cemetery use

A high-level examination of the area of southern Orange County within three miles of Carrboro was completed to identify vacant sites and assessed land value where cemeteries are a permissible use. The table below presents a summary of the characteristics of these sites. See also Illustration 1 below.

	Locations	Acreage Range	Value Median/Average	Value Std Deviation	\$/Acre Median/Average	\$/Acre Std Deviation
Carrboro	5	7.34 - 23.5	\$368,800/643,269	\$508,365	\$25,875/61,740	\$81,438
Chapel Hill	24	6.91 - 59.77	\$424,300/1,645,960	\$3,123,575	\$27,023/125,191	\$245,744
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Current listings of properties on the market in the area were also examined and are summarized below:

Current land for sale (realtor.com) in-town/Carrboro jurisdiction

- 15 acres – \$1,750,000 – Rogers Rd (\$116,000/acre)
- 43.87 acres - \$1,250,000 – Damascus Church Road (\$28,493/acre)

Comparable for price/per acre. Note sizes of these parcels.

- 1.33 acres - \$750,000 – Jones Ferry Road (\$563,909/acre)
- 0.24 acres - \$550,000 – Elm Street (\$2,292,667/acre)
- 2,614 sq ft /.060 acres - \$429,000 – E. Main St (\$7,150,000)

Orange County

- 64.4 acres - \$650,000 – University Station (\$10,000/acre)

Other information that I would like that was not necessarily explicit in the referenced motions:

Average costs of land for park within walking distance of neighborhoods (especially neighborhoods currently without a walkable park) that a Westwood park would serve.

Three nearby vacant parcels are on the market and the total sale price and cost/acre is noted above.

Along with this information please also forward, in advance of our meeting, the vacant parcels, scaled down conceptual plan, cost estimates and background on ordinance sign info that staff has gathered.

The concept plan is included in Illustration 2 below.

Wendy Welsh, Town Manager's Office Intern, surveyed surrounding municipalities to determine what information is posted in their cemeteries. For almost all, they have full ordinances posted on their website and a good many of the cemeteries are enclosed with some sort of barrier. A summary follows.

Chapel Hill - They are in the middle of amending their ordinance and thinking of adding more prohibitions to the signage. Currently they have "No person shall take any dog or other animal into any cemetery or allow any animal to run at large therein and 'Do Not Drive on the Grass.'

Hillsborough – Provide brochures and do allow dogs and people to walk the roads in the cemetery for exercise. Most are enclosed with the exception of one that is open to the woods. Don't usually have any issues with people vandalizing headstones.

Durham – All cemeteries are enclosed and have signs posted at entrances citing no dogs, skateboarding, and similar activities.

Clayton – Most are enclosed and have no open space around them. Posted at entrances are the ordinances regarding curfew hours and animals but this is a printout in a plexiglass box, not official sign.

Burlington – Do not have much up in way of signage with exception of no dogs allowed. For the most part they have flyers at the entrances to say what is allowed and what is not. Refer people to the online full ordinance.

Graham – One sign posted at one entrance of one of two cemeteries. Not supposed to have dogs but as long as cleaning up after themselves then they are fine with it. Fine for people to exercise by walking or riding bike.

Raleigh – They have posted signage (images below) at the main cemeteries. They encourage walking and biking if they stay on the paths because it discourages vagrancies, vandalism, and prostitution. Removed fencing, placed white post and opened all entrances to cemeteries to encourage more walking. They do not want dogs in the cemeteries, however that is hard to control.



How many burial plots are currently available? At the current use, just how much time is left before we are expected to run out of burial plots? Is it still around 18 months?

There are 78 cemetery plots available at Westwood Cemetery as of 6/12/23. The Town averaged 38 plots/yr. from 2012 – 2022 (10 yr. average) but had a 5-year average of 55 plots/yr. from 2017-2022. In 2023, the Town averaged 5.5 plots/month. If the average 5.5 plots/month trend continues, the remaining available plots will be sold out in approximately 14 months. Concern over the Town running out of plots may be fueling some of the sales.

Does the concept plan include things like a memorial garden, walking paths, and a pocket park? Is there a buffer between the cemetery and the green space? Does it also include things like columbarium walls, an ossuary, and a scattering garden? Would we be able to see the plan and itemized costs in advance of the work session?

See Illustration 2 below.

Are any more storm water improvements needed at Westwood to ensure that dirt does not wash away again in a heavy storm and expose caskets?

Public Works staff completed stormwater improvements which included the regrading of a ditch around the cul-de-sac to mitigate runoff through Zone 3 and planted grass on areas disturbed by grave digging equipment. Additionally, funeral homes have been instructed to do a better job backfilling grave sites so backfill dirt is not as clumpy and prone to erosion. No erosion issues have been observed over the past several months since this has been completed. Eventually a rain garden / stormwater control measure could be installed above Zone 3 to reduce runoff intensity into the local watershed. This is not required for cemetery management but would be considered a stormwater best practice for the greater downtown watershed.

With the addition of the new burial plots in the concept plan, how many more years of traditional burials would be gained? These burial plots would be confined to Zone 4, correct? If we were to add the Columbarium walls from the concept plan, for how many years would cremations be an option at Westwood?

At the current rate, the scaled-back concept plan could provide traditional burials for approximately 10 years and cremains internment for 60+ years. Ossuaries and scattering gardens both provide unlimited internment for cremains.

If we agree on a concept plan on Thursday, would the cost (including maintenance) be included in FY24 capital improvement plan?

Staff will develop a proposed funding plan depending on the options that the Town Council chooses.

During the work session, I was hoping that Council could also consider these questions:

For the remaining plots, should we try to prioritize in some way? For example, I learned recently that some of the previous plots were purchased in bulk by funeral homes, presumably because Westwood plots are a lot cheaper than purchasing plots through churches or private businesses. Should we no longer allow bulk purchases by funeral homes? Should we also require proof of residence, to better ensure that those asking for the lower burial fee are in fact Carrboro residents? Or, continue to rely on the honor system (which is less cumbersome but may get abused from time to time)?

Funeral homes, at times, may purchase at-need plots for individuals. Some individuals prefer the funeral home to handle all arrangements. Additionally, it allows individuals to complete burial arrangements via the funeral home while they await life insurance payments, etc. Section 13-14 Speculation in Burial Rights Prohibited (a) No person may purchase or otherwise acquire any burial right for the purpose of sale or exchange. (b) No person may sell or exchange any burial right for a profit or gain. Add ordinance language that prohibits resale/for profit. Staff is looking into the prior sales noted above.

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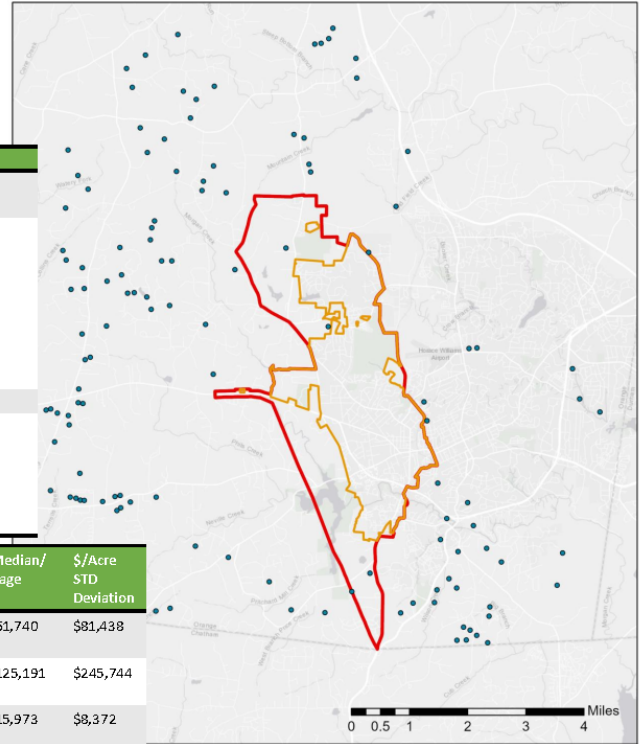


Illustration 1

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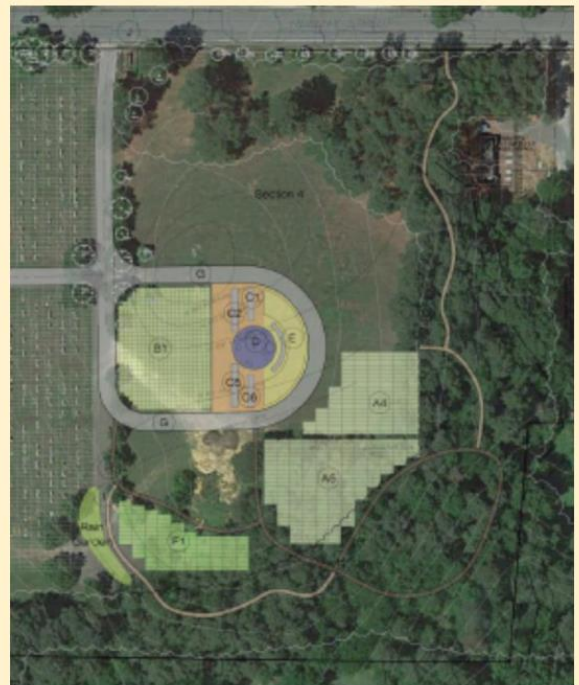


Illustration 2

Racial Equity Pocket Questions – Westwood Cemetery

What are the racial impacts?

Records indicated the Westwood Cemetery was established in 1948. Cemeteries were segregated by race. Black residents were not allowed to be buried in the cemetery until 1968. The Town does not track the race of cemetery plot purchasers or of those interred on the site. Chapel Hill and Hillsborough have no more plots available meaning Carrboro's Westwood Cemetery is one of the few remaining locations that offer more affordable public burials in the area.

Nationally, it is reported that there has been a rising trend of cremations and other post-death practices. At the Westwood Cemetery, the cremated remains of up to three individuals are allowed within a single traditional burial plot. There remains a cultural component to traditional burials, and the visitation of burial sites that intersects race, place, and religion. Any changes to the use of the remaining unplotted area will need to consider the protection of the ongoing use of Westwood Cemetery, the dignity of funeral goers and subsequent visitors and all that accompanies this - grief and distress, honoring and celebrating lives passing on. Additional space for the cemetery use would allow for more diversity in post-death practices (ash spreading areas, natural burials, etc.)

The repurposing of the unplotted land could lead to new opportunities, depending on the new use, in relation to the site's proximity to downtown resources and nearby multi-family neighborhoods. If a use other than a cemetery is contemplated, visual and acoustic barriers would be warranted.

Who is or will experience burden?

If the Town retains the use, residents who have expressed interests in using the area for a different purpose would feel burdened. The Town would be burdened with enforcement of use of the space and its continued obligation of management of the Cemetery property.

If the Town were to alter the use of the land, cemetery visitors could be burdened by the new adjacent use. After the remaining plots are spoken for, residents would be burdened in finding places for traditional burials in both Carrboro and surrounding municipalities. Neighbors and others have reported that the use of the cemetery property for non-cemetery uses is disturbing and disrespectful and that rules for appropriate actions and behavior at the cemetery should be enforced.

Who is or will experience benefit?

If the Town retains the use, some residents in the short- and mid-term would have more space for traditional burials, in the long-term they would still be burdened when the site runs out of space. Others would benefit from the variety of interment methods the concept plan envisioned. Continued and expanded use of the cemetery, if priced similarly to the fees charged at present, would continue the availability of more affordable public burials, until the cemetery filled up once more. A mix of burial options for traditional and other methods is expected to extend the timeline of demand for traditional burial sites, as those interested in burial or scattering of cremated remains having those options available. The concept plan's inclusion of passive recreational features, such as a walking trail, reflection wall can provide space for residents seeking areas for such recreation and would allow some who are currently using the undeveloped portion of the cemetery property in ways they have been doing so already.

Further benefits to residents are heavily dependent on what types of new uses for the site would be, which could include affordable housing, open space, more intensive recreation space, etc.

What are the root causes of inequity?

Root causes of inequity can be related to governmental actions like land use planning that overlooks the interests of historically Black communities/communities. As stated previously, segregation contributed to historical exclusion from Westwood (and thus give a racial significance to current and future access to the cemetery). On a national scale land use decisions have often sited multi-family and affordable housing near less suitable adjacent units, or without access to recreative spaces—Carrboro has had both an open space and recreation requirement for subdivisions and multi-family developments that aims to ensure recreational needs can be met through a combination of public and private areas, amenities, and programs.

What might be the unintended consequences of this action or strategy?

If the Town retains the use, unintended consequences could be that residents who have been using the site for a different purpose would continue to do so, and the Town might have to mitigate this with some level of enforcement. Retention of the cemetery use also would require the Town to revisit the capacity issue later when the remaining area has been designated/plotted, and those plots are purchased.

An unintended consequence could be that the Town, if it decides to continue the provision of public cemetery space, but not at Westwood Cemetery, would need to find the funds to purchase vacant land in, or more likely around, Carrboro. The Town would need to contract a real-estate firm to find a site and may need to contract a consultant to conduct a suitability study of land. Additionally, depending on the market at the time a parcel was selected, the Town would have to determine how to raise the funds for such purchase (which could cause different unintended consequences based on the funding mechanism), as well as budget accordingly for the maintenance of property at some distance, possibly, from the remainder of the spaces publicly owned and managed in Town.