

Arkansas State Board of Embalmers and Funeral Directors
Public Hearing and Meeting– Hoggard & Sons Crematory Permit Application

MINUTES

Thursday, October 2, 2014, 12PM
Piggott Community Center – Executive Room
161 East Pfeiffer
Piggott, AR

Public Hearing - In the Matter of: Hoggard & Sons Crematory Permit application

Board Members present and introduced:

James Terry Woodard, Chairman

Bobby Thurman, Vice Chairman

Jerry Adams

Ben Brazzel

Staff present: Amy S. Goode, Executive Secretary, Leslie Stokes, Inspector, Mark Ohrenberger, Board Counsel
Tiffanie Harrison– Harrison Court Reporting

Members absent were: Bobby Burns and Patricia Roberts

Chairman, James Terry Woodard called the hearing to order and explained for the record that the Board was conducting this hearing in accordance with A. C. A. §17-29-313 on the crematory application permit that Hoggard & Sons had filed with the Board's office. This statute requires the Board to conduct a public hearing in the city or county in which proposed crematorium is to be located and noticed in the paper having general circulation no earlier than two weeks prior to the date of hearing and not less than one week prior. In addition to the notice, property owners within 250 feet must be notified by registered mail. Executive Secretary confirmed that all of the requirements have been met with one correction that needed to be made. The Executive Secretary explained that the letters sent to property owners was correct in all aspects except the name of the funeral home requesting the permit to construct.

Linda Payne a property owner within 250 feet that had questions and concerns, but was neither for nor against. Ms. Payne just had some questions about the crematory. Mr. Woodard explained that Mr. Hoggard would provide answers to any questions she had, that the Board was there to listen then decide whether to grant or deny the permit. The Board would either decide at the meeting scheduled to follow the hearing or postpone the decision to another meeting if the Board chooses.

Mr. Gerald Hoggard stated he would be brief; that they are seeking to put in a crematory in this area. That it would meet EPA standards, but suggested to simplify matters informed Ms. Payne to ask him any questions she might have. Ms. Payne inquired if this would be a new or refurbished unit. Mr. Hoggard explained it would be a new unit and that he would provide her the documentation about the unit. He stated that they are EPA regulated the machine and common misconception is there will be lots of black smoke coming out. Mr. Hoggard explained that is not the case, mainly the only thing released is heat and very little other particulate matter. The EPA regulates the equipment for this reason. One thing they plan to do different than most other crematories is offer the families an option to have a service and a viewing before the cremation. The building will have a brick front and a nice exterior appearance not a metal building, except where the crematory itself will be housed. They do not have plans at this time of their building; they were waiting to get approval by the Board before moving forward too far. In the funeral business reputation is everything and they plan to do this in a manner to uphold that reputation, for most people they will not know it's there or what it even is. There is no noise associated and there will not be a sign advertising it.

Mr. Hoggard further stated that the biggest concern about cremation is the release of mercury and that it simply is not an issue. The mercury comes from dental fillings, crowns, and we all have a certain amount of mercury in our bodies, but the amount released if any is very small. The coal plant in Lawrence County puts out a large amount of mercury into the atmosphere. Ms. Payne also inquired about how often the facility would be inspected. Leslie Stokes, Inspector, stated that the facility would be inspected at its initial opening and at least yearly. Also, ADEQ and the EPA do inspections as well. The inspections completed by any state agency will be available upon request. Mr. Hoggard also informed the public that the system will be computer monitored by the company. The company will let them know if they are having a problem. Ms. Payne also was concerned about property value. Mr. Hoggard stated he had another ask him that and he asked some others that have crematories as well as doing online research. He stated that as of right now there are no studies that have been done that would lower the property value. He stated that with the building they plan to build would likely increase your property value from the way it looks now. Mr. Woodard stated that is a common question, but you will not even know it is there unless you are told.

Mr. Ohrenberger stated he had few questions for Ms. Goode. He inquired if the Board had conducted a study to determine the property owners within the two hundred-fifty (250) feet of the proposed site. Ms. Goode stated that is correct and that yes five (5) property owners were determined to be within that proximity. All of those people were notified and copies of those letters are included in what is marked as exhibit 1. Ms. Goode confirmed that to be correct. Mr. Ohrenberger asked that exhibit 1 consisting of fourteen (14) pages be admitted into the record.

Mr. Ohrenberger also had a few questions for Mr. Hoggard. It was Mr. Ohrenberger's understanding that this location was outside the city limits. Mr. Hoggard confirmed that to be true and that there are no zoning laws. Mr. Ohrenberger confirmed with the Chairman of the planning commission that currently there were no zoning requirements in the city of Piggott that would not allow the construction of a crematory. The Chairman indicated that was correct.

Mr. Woodard inquired of Mr. Hoggard if the permit had been applied for with ADEQ. He indicated it had not due to the fact they wanted the Board's approval before moving forward. That would be his next step. Mr. Hoggard stated they were still learning, but they would do everything correctly.

There were no others with comments from the public. Chairman Woodard concluded the public hearing and the meeting remained open for the regular board meeting.

Motion made by Brazzel to find factual allegations be found true with a correction to paragraph 6 correcting the date to Thursday, October 02, 2014, seconded by Adams, all in favor. Motion carried.

Motion made by Adams to approve Hoggard & Sons crematory permit to build a crematory outside the city limits of Piggott, seconded by Brazzel, all in favor. Motion carried.

Mr. Ohrenberger stated he had prepared a Findings of Fact, Conclusions of Law and Order for the Board to approve with a correction to paragraph 6. It currently reads the public hearing was conducted Wednesday, October 2, 2014 and it should read Thursday, October 2, 2014.

Motion made by Brazzel to find factual allegations 1-6 to be found true with a correction to 6 correcting the day to Thursday, October 2, 2014, seconded by Adams, all in favor. Motion carried

Motion made by Brazzel to find conclusions of law C.1-C.2 true, seconded by Adams, all in favor. Motion carried.

Motion made by Brazzel to adjourn with no further business to discuss, seconded by Adams, all in favor. Motion carried.