

KALE PHILLIPS CREMATORIUM HEARING
12/1/2014

BEFORE THE ARKANSAS STATE BOARD OF EMBALMERS AND
FUNERAL DIRECTORS

K & M PHILLIPS, LLC
and KALE PHILLIPS

APPLICANT

BE IT REMEMBERED that on the 25th of November, 2014,
before the Arkansas State Board of Embalmers and Funeral
Directors, in Paragould, Arkansas, the above-titled cause
came on for hearing as follows:

APPEARANCES

ON BEHALF OF THE APPLICANT:

KALE PHILLIPS
PHILLIPS FUNERAL HOME
4904 WEST KINGSHIGHWAY
PARAGOULD, ARKANSAS 72450
(870) 236-4904

ON BEHALF OF THE BOARD:

MARK OHRENBERGER, ESQUIRE
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(501) 682-2007

APPEARANCES (CONTINUED)

THE ARKANSAS STATE BOARD OF EMBALMERS AND FUNERAL
DIRECTORS:

MR. BOBBY THURMAN, VICE CHAIRMAN

MS. AMY GOODE, EXECUTIVE SECRETARY

MR. JERRY ADAMS

MR. BOBBY BURNS

MR. BEN BRAZZEL

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PROCEEDINGS

MR. BOBBY THURMAN: I will go ahead and call the meeting to order. It is 12:02. I just want to welcome everyone here. We are going to conduct a hearing for Kale Phillips Crematory construction permit.

At this time, I'm going to go ahead and introduce everyone. Our court reporter today is Ms. Donna Miller. And here to my left is Ben Brazzel, he's a board member. Amy Goode is our Executive Director. Bobby Burns, board member; Jerry Adams, board member and our Assistant Attorney General is Mark Ohrenberger. I am the Vice-Chairman of the board, Bobby Thurman. Our Chairman, Terry Woodard is not able to be here today. So I'm going to chair the hearing for him.

So let's start off by reading the statute 17-29-313 (as read): Permit Required for Crematory Construction. (a) No crematorium shall be constructed in the state without a permit issued by the State Board of Embalmers and Funeral Directors. Upon receiving an application for the construction of a crematorium, the Board shall cause to be published in a newspaper, having general circulation within the county where the crematorium is proposed to be constructed and notice of the date and time of the public hearing on the application. The notice must be published no more than two weeks nor less than one week prior to the

1 public hearing. The owners of property located within 250
2 feet of the proposed site of the crematorium shall be
3 notified by the Board by registered mail. The public
4 hearing shall be held in the city or county where the
5 proposed crematorium is to be located.

6 And at this time, I think we will go ahead and
7 proceed. Do you want to go to them?

8 MR. MARK OHRENBERGER: Sure. Thank you very much.
9 Mr. Thurman, the Board would like to begin to call Amy
10 Goode, the Executive Secretary. And Mr. Thurman, if you
11 wouldn't mind to swear Ms. Goode in as a witness, please.

12 (THEREUPON, the oath was administered and
13 the witness sworn.)

14 MR. MARK OHRENBERGER: Ms. Goode, I see we have a
15 document that is 76 pages long that has been marked as
16 Board Exhibit No. 1; is that correct?

17 MS. AMY GOODE: Yes.

18 MR. MARK OHRENBERGER: Is that a document that you
19 prepared?

20 MS. AMY GOODE: Yes.

21 MR. MARK OHRENBERGER: And it pertains to this
22 particular hearing today?

23 MS. AMY GOODE: Correct.

24 (WHEREUPON, the document was identified and
25 marked as Exhibit No. 1 and is attached hereto.)

1 MR. MARK OHRENBERGER: Mr. Chairman, I would as that
2 that document be admitted into evidence for the
3 proceedings so that we can establish the matters that
4 pertain to the statute.

5 MR. BOBBY THURMAN: And does our court reporter have
6 a copy have a copy of this?

7 MR. MARK OHRENBERGER: She does. Thank you very
8 much. Ms. Goode, I just want to walk through the exhibit
9 with you. First page one of Commission Exhibit No. 1,
10 what is that?

11 MS. AMY GOODE: That is a copy of the Board's Agenda
12 for today's meeting.

13 MR. MARK OHRENBERGER: All right. And page two, can
14 you explain to the Board what that document is?

15 MS. AMY GOODE: That's the proof of publication in
16 the Daily Press of this meeting today.

17 MR. MARK OHRENBERGER: All right. So there on the
18 right-hand side of this page, this is a copy of the actual
19 notice for this hearing that was published in the
20 newspaper?

21 MS. AMY GOODE: Yes.

22 MR. MARK OHRENBERGER: And the affidavit there shows
23 the dates of publication?

24 MS. AMY GOODE: Yes.

25 MR. MARK OHRENBERGER: Page three, can you explain to

1 the Board what they are seeing here?

2 MS. AMY GOODE: That's the copy of the application
3 for the crematory permit sent to the Board by Mr.
4 Phillips.

5 MR. MARK OHRENBERGER: And that's the application the
6 Board is proceeding on today?

7 MS. AMY GOODE: Correct.

8 MR. MARK OHRENBERGER: And what is page four? I see
9 it's labeled on our table of contents "Applicant Property
10 Card - Greene County." Can you explain that?

11 MS. AMY GOODE: That's the applicant, Mr. Phillips,
12 this is his property within that section of where the
13 proposed crematorium is to be located.

14 MR. MARK OHRENBERGER: All right. Now the next group
15 of pages identified on our table of contents for Exhibit
16 No. 1, pages 5 through 66, identified as "Greene County
17 Assessors Property Owners List within 250 feet and proof
18 of certified mailing." Can you explain what that set of
19 documents is, pages 5 through 66?

20 MS. AMY GOODE: Copies of all of the proof of
21 certified mailings and green cards and the letters that
22 were sent to property owners as well as the record that we
23 received from the assessors office identifying those
24 property owners.

25 MR. MARK OHRENBERGER: And can you explain to the

1 board how you came about to have this information?

2 MS. AMY GOODE: The inspector came to Paragould or to
3 Greene County Assessors Office to find the property owners
4 within 250 feet of the proposed site.

5 MR. MARK OHRENBERGER: I'm sorry. If I could
6 interrupt you for a second. You said the inspector,
7 that's the board's employed inspector?

8 MS. AMY GOODE: Yes.

9 MR. MARK OHRENBERGER: Ms. Leslie Stokes?

10 MS. AMY GOODE: Correct.

11 MR. MARK OHRENBERGER: All right.

12 MS. AMY GOODE: She came to the Greene County
13 Assessors office to have the area -- to find the property
14 owners that were within 250 feet. Greene County did not
15 have the area where the site is to be located platted so
16 we did not -- could not determine exactly the property
17 owners within 250 feet so they pulled the list of owners
18 that were just in that general area. And we sent letters
19 to everyone. So probably some that were over 250 feet.

20 MR. MARK OHRENBERGER: And are you comfortable from
21 your work with the inspector that at least all property
22 owners within 250 feet were personally notified via
23 certified mail?

24 MS. AMY GOODE: Yes.

25 MR. MARK OHRENBERGER: All right. And next I see we

1 have on page 67 a Paragould Planning Commission
2 certificate of approval to redone property located at 617
3 South Second Ave. Can you explain to the Board what that
4 document is and how it came to be in the Board's
5 possession?

6 MS. AMY GOODE: It was emailed to me from the City of
7 Paragould, from I believe the secretary that sent me these
8 minutes of the meeting.

9 MR. MARK OHRENBERGER: All right. And if you will as
10 well, I see we have grouped pages 68 through 71, page 72
11 and pages 73 appear to all be similarly related somehow.
12 Can you explain and just walk the board through those
13 documents?

14 MS. AMY GOODE: It's my understanding from reading
15 these that the planning and zoning commission I think
16 first met August the 7th and then they discussed the re-
17 zoning of the property. And then they tabled it until
18 their September 8th meeting and that's what the later page
19 is, page number 72, where they brought it back for a
20 second reading and approval.

21 MR. MARK OHRENBERGER: All right. And that page 73,
22 the proof of publication document?

23 MS. AMY GOODE: This is the proof of publication that
24 the city also sent me showing where the property was
25 zoned.

1 MR. MARK OHRENBERGER: Now, when we discussed page 2
2 of Board Exhibit One earlier, the notice for the public of
3 this particular meeting, did that provide some information
4 about how written comments either in favor or in
5 opposition to the construction of this permit were to be
6 presented?

7 MS. AMY GOODE: Yes.

8 MR. MARK OHRENBERGER: And did you receive in the
9 Board's office any written comments one way or another?

10 MS. AMY GOODE: I did. I got a couple of letters
11 from two property owners in the area that are against the
12 crematorium.

13 MR. MARK OHRENBERGER: And would those be the
14 documents that are contained in pages 74 through 76 of
15 Board Exhibit One?

16 MS. AMY GOODE: Yes.

17 MR. MARK OHRENBERGER: Thank you very much and that's
18 -- were there any other written comments that the board
19 received in advance of this hearing?

20 MS. AMY GOODE: Not written. I did receive some
21 phone calls of people who intend to give verbal comment
22 today that were different than these names.

23 MR. MARK OHRENBERGER: Very good. And we've provided
24 a list for people to sign in if they wanted to come and
25 present today?

1 MS. AMY GOODE: Yes. And it's at the end of the
2 table.

3 MR. MARK OHRENBARGER: And I would ask that once we
4 conclude the hearing today, Mr. Chairman, that the list be
5 made Exhibit No. 2 to the Board's hearing. Thank you and
6 that's all of the questions I have for Ms. Goode.

7 (WHEREUPON, the document was identified and
8 marked as Exhibit No. 2 and will be attached upon the
9 conclusion of the hearing.)

10 MR. BOBBY THURMAN: This hearing is to just basically
11 to grant or deny a construction permit. It does not mean
12 that the crematorium is going to be in operation or
13 anything like that. It's just to go through this part of
14 the procedure. He will have to come back later on and
15 actually get an operating permit. That's not what we're
16 doing today, just to make all of that clear. And I know
17 that there's people here that want to speak and also, is
18 anyone here from the funeral home?

19 MR. KALE PHILLIPS: Yes, sir.

20 MR. BOBBY THURMAN: All right. I just wanted to make
21 sure that we knew that we had everyone here because I
22 haven't met you yet, so I thank all of you for being here.

23 And Sir, you said your name is --

24 MR. KALE PHILLIPS: Kale Phillips.

25 MR. BOBBY THURMAN: Kale Phillips? Do we need to

1 swear him in or anything like that?

2 MR. MARK OHRENBERGER: I think that would be
3 beneficial.

4 MR. BOBBY THURMAN: All right. And anyone else
5 that's going to speak, do them all at the same time?

6 MR. MARK OHRENBERGER: I think that would be good.

7 MR. BOBBY THURMAN: Okay. At this time anyone who is
8 going to be speaking for or against, if you could please
9 stand and raise your hand. And if your name is not on the
10 list, we need to get your name on the list here.

11 (THEREUPON, the oath was administered and
12 the witnesses sworn.)

13 MR. BOBBY THURMAN: Thank you all very much. At this
14 time I'm going to turn things over to Mr. Phillips to let
15 him kind of speak about the crematory and what you propose
16 to do and we just want to hear from you.

17 We may hear from some of the opposition and there's
18 -- that little deal right there is a microphone, she is
19 recording and we all need to speak clearly and at any time
20 we can't be speaking over one another either because she
21 can't hear everyone speaking at one time. So at this
22 time, Mr. Phillips, we'll let you kind of present your
23 plans.

24 MR. MARK OHRENBERGER: And Mr. Phillips, for
25 everybody else's benefit as well, if you will because we

1 have a court reporter today, even though you've signed
2 your name in before you speak if you will, just state your
3 name and at least the first time how to spell it so that
4 the court reporter can get that in the record. Thank you.

5 MR. KALE PHILLIPS: My name is Kale Phillips. It's
6 spelled K-A-L-E, P-H-I-L-L-I-P-S. I own Phillips Funeral
7 Home here in Paragould. I have for ten years. And I own
8 the property -- I own the property at Second Avenue. I've
9 owned it for about 15 years. It's a metal building over
10 there and that's where I was planning on putting my
11 crematory. I had to have it re-zoned. I've gone through
12 all that, got it re-zoned. Now we're at this stage.

13 We're probably looking at maybe doing 50 services a
14 year, at the most, and that would mean that it would
15 probably operate maybe two weeks out of the year.

16 MR. BOBBY THURMAN: So about 50 a year, basically
17 about one a week?

18 MR. KALE PHILLIPS: Yes. It takes about three hours
19 to do one so I figure about three to four weeks a year
20 we'll be operational.

21 MR. BOBBY THURMAN: Correct. Do you have -- does he
22 have a file with you?

23 MR. KALE PHILLIPS: That's just stuff I . . .

24 MR. BOBBY THURMAN: Okay. Do you have a map or
25 anything like that, anything to kind of show the location?

1 Is it going to be within the funeral home building?

2 MR. KALE PHILLIPS: No, sir.

3 MR. BOBBY THURMAN: It's a separate metal --

4 MR. KALE PHILLIPS: It's in a building I own over
5 here. Our funeral home is over on 412 West out here on
6 West Kingshighway. And this is on 69 down here on this
7 side of town.

8 MR. BOBBY THURMAN: Any board members have any
9 questions you would like to ask?

10 MR. BEN BRAZZEL: I've got one. Just for
11 clarification, you said 50 services. Are you saying you
12 think you will do 50 cremations a year?

13 MR. KALE PHILLIPS: Yes. At the most.

14 MR. JERRY ADAMS: Are you planning on doing
15 cremations for anyone else other than yourself?

16 MR. KALE PHILLIPS: There may be some other funeral
17 homes that I'll do some for in the area.

18 MR. BOBBY THURMAN: And is that taking into
19 consideration what you do?

20 MR. KALE PHILLIPS: Yes. We usually do about 20 to
21 30 a year and I was figuring about 20 we might get from
22 outside.

23 MR. BOBBY BURNS: Have you contacted a company --
24 which company do you want to use for your cremator?

25 MR. KALE PHILLIPS: Matthews.

1 MR. BOBBY BURNS: Have you already retained documents
2 on that?

3 MR. KALE PHILLIPS: Yes. I'm buying a cremation oven
4 from a guy in Danville.

5 MR. BOBBY BURNS: You're buying a --

6 MR. KALE PHILLIPS: He's got an extra one. I'm
7 going to buy it and have it rebuilt. Matthews is going to
8 rebuild it and put it into service for me.

9 MR. BOBBY THURMAN: So it would be a refurbished
10 unit?

11 MR. KALE PHILLIPS: Yes.

12 MR. BOBBY BURNS: And you're going to use the
13 existing metal structure that's there, correct?

14 MR. KALE PHILLIPS: Yes, sir. Yes. It's a metal
15 building with steel and a concrete floor. And it's not
16 got anything on the inside, no kind of wood offices or
17 anything.

18 MR. BOBBY BURNS: Are you going to do anything
19 besides -- I'm sorry, Bobby. Are you going to do anything
20 besides just cremate there? Is that all that you plan on
21 doing?

22 MR. KALE PHILLIPS: That's all we plan on doing right
23 now.

24 MR. BOBBY BURNS: Not going to wait on any families
25 or anything like that?

1 MR. KALE PHILLIPS: No. That will be done from our
2 funeral home.

3 MR. BOBBY THURMAN: Will there be a cooler there?

4 MR. KALE PHILLIPS: We have a large cooler at our
5 funeral home. We were plan on using it. We have a six
6 body cooler in our funeral home.

7 MR. BOBBY THURMAN: On the unit itself, Matthews is
8 going to refurbish this. Are they going to add anything
9 to it to more of today's standards if it's an older unit,
10 to retrofit it?

11 MR. KALE PHILLIPS: They said they would update it,
12 do all the updates it needed to get it into compliance.

13 MR. BOBBY THURMAN: Okay. And that would take care
14 of some of the emissions and things like that?

15 MR. KALE PHILLIPS: Yes, sir.

16 MR. BOBBY THURMAN: Okay. Anyone else have any
17 questions right now? Mr. Phillips, what we may do is let
18 these others speak and call you back up in a moment.
19 Please sign in. Thank you.

20 If I don't say your name correctly, I apologize, pre-
21 apologize for that. The first one on our list is Mr. Phil
22 -- is it Bunnell?

23 MR. PHIL BUNNELL: Bunnell, yes, sir.

24 MR. BOBBY THURMAN: Okay. Thank you, sir.

25 MR. PHIL BUNNELL: Okay. My name is Phil Bunnell. I

1 live at 615 South Second Avenue which is right next door
2 to the proposed crematorium. And when I say right next
3 door, we're talking less than five feet in distance. So I
4 have major concerns of contamination being admitted [sic].
5 Not only by air but what's going to be saturated into the
6 ground, be it through fluids or air-borne contact seeping
7 out or leaching out onto the ground.

8 I have grandchildren that do reside with me. Kind of
9 concerned about that as well. For one, they do not need
10 to be around anything like this though I do know it's a
11 part of life situation. Everybody is going to die.
12 That's a given. As little children, they don't need to be
13 around that. They don't need to be exposed to it.

14 I'm a retiree so I'm on limited funds. It's not like
15 I can just pick up and move at the drop of a hat, okay? I
16 feel like I'm being placed in a situation if this goes
17 through, my house is in jeopardy. And I say this because
18 for one, who wants to live right next door to a
19 crematorium? Be it in operation part-time or be it in
20 operation full-time. Who wants to live right next door to
21 a crematorium? So that's going to drop my property value
22 to zero.

23 It's not just myself, but I have concerns about it as
24 far as family or children because there are other people
25 in that neighborhood who have small children. There's a

1 church right there. I don't know if they were contacted.
2 I don't think they were within the 250 foot radius. But I
3 had spoke to the pastor of that church and they had voiced
4 some concerns. I don't know if they -- apparently they
5 weren't able to make the meeting.

6 When all of this first started, come up in front of
7 the inspectors, I voiced my concerns then. It was
8 basically too bad we're going to push this through for
9 commercial regardless of what I had to say. Come up in
10 front of the mayor and town counsel, they listened
11 unfortunately their hands were tied due to usage.

12 So now I'm up in front of you folks stating that I
13 don't feel that this is right. I do have a legit concern
14 as far as pollution, as far as my grandchildren, the
15 health and well-being of my grandchildren. I've lived
16 there 11 years. I've known Mr. Phillips the better part
17 of that 15 years that he's talking about. We used to work
18 together so I know Mr. Phillips.

19 He's had a couple of businesses ran out of there.
20 Unfortunately, not due to him but there were shading
21 dealings that went on in those -- in that building, not on
22 his part. It was just the tenants he rented to, they were
23 shading characters, I'll put it to you like that. And he
24 had no control or would I have. So this is why we're
25 here.

1 I don't understand why he can't put the crematorium
2 in up where he has the funeral home. To me it would make
3 more sense. It's not like he doesn't have the space
4 available to him. He wouldn't be transporting bodies
5 clear across town from the funeral home to the proposed
6 crematorium. I don't know if there would be a safety
7 concern there transporting or what. I'm not familiar with
8 the regs on that, how that would go.

9 You're talking probably I'm going to say it's going
10 to be within a ten-mile radius from his funeral home to
11 the crematorium. I'm sure it's less but I'm going to say
12 no more than 10 miles. So you have that issue right there
13 as well. Be it one service being conducted there, that's
14 going to be one service too many.

15 There's no insulation, no ventilation in this
16 building at this point in time. What type of incinerator
17 is he going to use, is it gas, is it electric? What -- if
18 it's gas, what size is the gas line going to be? I know
19 it's not going to be a regular home gas line coming in.
20 Because you have to have an influx of so many pounds of
21 pressure to maintain a proper burn. So that there is a
22 concern.

23 What if there's a crack in the gas line? Homes are
24 going to go up, that's a given. I tried to bring this to
25 the city's attention, they didn't want to hear it. Their

1 hands were bound.

2 I'm bringing this to your attention because maybe you
3 folks have a little bit more insight because you deal with
4 the funeral homes. I've asked for an EPA study to be done
5 over there. City had to wash their hands of it. They
6 said that's out of their control, that's up to the state
7 level.

8 There's going to be chemicals. What is to be done
9 with the remains? My experience, when you cremate a body,
10 you as a person get one pound of the remains. What
11 happens to the rest? Are they set out for public
12 disposal? In other words, trash service? Is there a
13 standard that Mr. Phillips has to follow to remove those
14 remains? Or do we simply just flush them down the drain?
15 These are concerns.

16 If they're set out for public disposal, trash pick
17 up, you have children that are going to be exposed to
18 that. Be it by sight or by smell. You're still going to
19 have the smell of the burning body regardless of how many
20 filters you put in. So that's a major concern. So that's
21 about all I have for you folks.

22 MR. BOBBY THURMAN: We appreciate you stepping
23 forward and giving your concerns.

24 MR. PHIL BUNNELL: Yes, sir.

25 MR. BOBBY THURMAN: Mark, is there anything I can say

1 to clarify any of his questions?

2 MR. MARK OHRENBERGER: Sure.

3 MR. BOBBY THURMAN: Am I allowed to do that?

4 MR. MARK OHRENBERGER: Yes, sir.

5 MR. BOBBY THURMAN: Just to clarify your concerns and
6 just to give you a little bit more peace of mind. As far
7 as the cremation process, the entire body is cremated,
8 there's nothing that's disposed of in the trash or
9 anything like that. It's just not -- that would be wrong.
10 The entire body is cremated. So there would be nothing
11 like that.

12 Today's crematories, there are no odors that are
13 emitted out. There would be some safety standards he has
14 to do to retrofit that building as well before it could
15 ever be -- before us ever giving the permit, we have to go
16 back and inspect everything. It's not up to state
17 standards or our standards, he can't even operate it until
18 it gets to a certain point.

19 So the units that they have today are far different
20 than what they used to be. He's going to refurbish it to
21 make it a today unit. The cost of a brand new unit can
22 run well over \$100,000, so lots of funeral homes around
23 the United States, they do find some that are older but
24 then they can buy them at a lesser price and have them
25 retrofitted to become more of a today's unit. It's like

1 you might take an old car --

2 MR. PHIL BUNNELL: Right.

3 MR. BOBBY THURMAN: -- and hot rod it out or
4 something along those lines, the same kind of -- along
5 those same lines.

6 As far as any -- hearing anything like that, you
7 shouldn't be able to hear it run and the stack, lot of
8 people say smoke stack that comes out, actually there is
9 no smoke stack that even comes out of it. If smoke does
10 come out of it, he has a problem something is not being
11 done correctly with inside the unit. He doesn't want
12 smoke, no crematory wants smoke so nothing like that is
13 emitted as far as an exhaust. So it's part of the
14 ventilation.

15 So that's some of the things I think you were talking
16 about. I just wanted to at least address those to help to
17 give you a peace of mind. Now, proximity of -- are you
18 talking you said within five feet, is that building to
19 building?

20 MR. PHIL BUNNELL: Yes, sir. No, sir. My wall -- we
21 run north/south, okay? As an example. The end of my
22 building be facing north towards Jonesboro. Mr. Phillips
23 would be facing more towards Marmaduke. The south side of
24 my building and the north side of his building is less
25 than five feet, we're talking 4'7".

1 MR. JERRY ADAMS: Is there a set back rule -- is
2 there not a zoning -- is there a zero set back here on the
3 zoning?

4 MR. PHIL BUNNELL: What are you talking about zero
5 set back?

6 MR. JERRY ADAMS: I mean, set back line -- is there
7 not a -- does Paragould city not have a --

8 MR. PHIL BUNNELL: If you're asking boundary line,
9 I'm not aware of it. As long as I've lived there, that
10 building has been there. Kale has already told you he's
11 had that building there for 15 years. That home has been
12 there -- I don't want to lie to you but I'm going to say
13 back in the 60s.

14 It used to be a grocery store, then it was converted
15 and all of this. So that building has been there since
16 the 60s. As far as memory recollects off my mortgage
17 papers. So that building has been there quite a while.

18 The offsets, if there was any, I'm sure that they were
19 nonexistent when that building went in next door to my
20 house. You talking about offsets, the highway department
21 owns 25 feet of my property and Mr. Phillips property,
22 from center line of 69 over down 25 feet. I do know that
23 for a fact because I've gotten in to it with the highway
24 department over it.

25 MR. BOBBY THURMAN: And then you have another

1 question about the type of fuel that would be used and
2 just to also clarify that, normally a crematory would use
3 the city natural gas.

4 MR. PHIL BUNNELL: Okay. And is that four inch line,
5 standard line?

6 MR. BOBBY THURMAN: Whatever would run through that
7 area, whatever they would T off the main line to that,
8 whatever would be required. That would be a question I
9 couldn't answer.

10 MR. PHIL BUNNELL: In other words, whatever the
11 incinerator demands as far as working capacity?

12 MR. BOBBY THURMAN: That would be more correct.

13 MR. PHIL BUNNELL: Okay. So if they called for a
14 four inch gas line, it would have to be redone to a four
15 inch gas line, okay. Now, you did say he did not want
16 smoke coming out? Smoke, I take it is an "ops"?

17 MR. BOBBY THURMAN: It means there is something --

18 MR. PHIL BUNNELL: Something wrong?

19 MR. BOBBY THURMAN: -- in the crematory that may have
20 -- like there's couplings in there, there's filters and
21 things like that to keep everything within and keep it hot
22 to keep it combustible to keep it to where it stays within
23 so to speak.

24 MR. PHIL BUNNELL: And if that smoke --

25 MR. BOBBY BURNS: It's a self-contained unit.

1 MR. PHIL BUNNELL: Right.

2 MR. BOBBY BURNS: It's not really an incinerator, I
3 guess, if that's what you want to call it, that would be
4 left up to you but it's really called a cremator.

5 MR. PHIL BUNNELL: Okay.

6 MR. BOBBY BURNS: And it's a self-contained unit made
7 to cremate people that have passed away.

8 MR. PHIL BUNNELL: Right.

9 MR. BOBBY BURNS: It's not just an oven, it's more
10 sophisticated than a boiling pot out there that --

11 MR. PHIL BUNNELL: Right. I know what you're saying.

12 MR. BOBBY BURNS: I'm just trying to educate you a
13 little bit about it. It's not like you open up a wood
14 stove at your house and you throw a piece of log on there
15 or something.

16 MR. PHIL BUNNELL: Right. I understand what you're
17 saying. I've been around an incinerator, okay?

18 MR. BOBBY BURNS: We don't like the term incinerator
19 in our profession because it is somebody's loved one.

20 MR. PHIL BUNNELL: And I understand what you're
21 saying it's more of a self-contained unit. Excuse me.
22 Turn this thing off. I understand you're saying it's a
23 self-contained unit. Things happen, I understand that.
24 We're all human. Mistakes happen. That's part of life.
25 What I'm saying is if there's an "ops," we get smoke

1 bellowing, we're too late. Okay? We've done released
2 chemical into the air. What's --

3 MR. BOBBY THURMAN: Not so much chemical or fluids.

4 MR. PHIL BUNNELL: Mercury?

5 MR. BOBBY THURMAN: Well, mercury would only be if
6 there's any kind of dental but that's if there is.

7 MR. PHIL BUNNELL: I'm sure he's not going to not
8 going to check to see if the deceased has had his teeth
9 removed.

10 MR. BOBBY THURMAN: It's not required by the state,
11 by the dental profession or anything like that.

12 MR. PHIL BUNNELL: Right.

13 MR. BOBBY THURMAN: And as far as the quality of the
14 air that comes out, mercury is not even traceable on
15 emissions. We've been dealing with this for a long time.

16 MR. PHIL BUNNELL: These are just some of my
17 concerns.

18 MR. BOBBY BURNS: The company that he deals with,
19 I'll tell you that they're -- ADEQ or whatever, you said
20 quality.

21 MR. PHIL BUNNELL: Well, I've worked with filters and
22 scrubbers and things to help reduce pollution. They're
23 great on paper. They're great on paper, but they're
24 flawed. You have to change these suckers out every 30, 90
25 days depending on usage. If it's continuous usage, be it

1 once every six months, you still have to change them out.
2 So you know, these are my concerns. And I'm a fool if I
3 don't ask questions.

4 MR. BOBBY THURMAN: Sure. You need to ask the
5 questions and we just want to clarify to you for peace of
6 mind and we're not trying to sway anything one way or the
7 other, you just have a question and we want to make sure
8 that you get a proper answer. Some things we don't know,
9 Mr. Phillips may have to address on some of the functions
10 toward what he's talking about because that's a little
11 different. And he'll have a chance to come back up in a
12 few minutes and address some of these concerns that maybe
13 you and some of the other would have.

14 MR. PHIL BUNNELL: Okay.

15 MR. BOBBY THURMAN: If you don't have any other
16 questions, we'll go on through our list.

17 MR. PHIL BUNNELL: That's it. That's all I have.

18 MR. BOBBY THURMAN: Thank you, sir. I appreciate it
19 very, very much.

20 MR. PHIL BUNNELL: Yes, sir. Thank you.

21 MR. BOBBY THURMAN: Next on our list is Connie
22 Covington. Hi there.

23 MS. CONNIE COVINGTON: Hi. Connie Covington. C-O-N-
24 N-I-E, C-O-V-I-N-G-T-O-N. I'm a homeowner and I was not
25 notified. And my property is 150 feet from the proposed

1 crematory. And how I found out about it was I was a
2 fundraiser and someone asked me how I felt about it and
3 they had read it in the newspaper so I went and purchased
4 the newspaper and seen it in there and I was floored.

5 I've been really really upset about this because there's
6 a school bus of children. There's 10 to 12 I've been
7 trying to keep count of it on a daily basis and they get
8 out within 250 feet even though the church is about 350
9 feet away but there in and around that area every day
10 during school. And they're from five years old to 14 but
11 the majority of them are under six.

12 I've been doing a lot of research on this for the
13 last few months that I've known about this. I've called
14 the mayor. Mike told me, he said, "Connie, if I had known
15 -- if I had known that that proposal would have been
16 within a block of your property, I would have refused it."
17 But he said, "I have no idea," and that's his exact words
18 he said to me. He said, "I lived in that community."
19 I've lived there all of my life. I mean, I don't live
20 there now, but I was raised there.

21 My family has owned that property for over a hundred
22 years. Mike was raised two blocks from me. We grew up
23 together. We were friends all the way through high
24 school. He understands my concerns about this. It's a
25 fear, it's a stigma. You know, death, anything to do with

1 it. I don't have as much problems with the funeral homes
2 as I do the idea of burning of a body from a Jewish
3 decedent in my family, my grandparents talked about the
4 Holocaust and I just -- I have bad feelings about it. I
5 just shake when I think about it.

6 And then when I research, I've got -- there was 11
7 states that, you know, have the same feelings I did. Even
8 though you say there's no emissions, there's vapors.
9 There's vapors, there has to be and no matter how many
10 filters you put in there, what you do and I know that
11 you're trying to improve, I know everything but I want to
12 know what the benefit to my community is for this
13 crematory. What is the benefit? It's not going to
14 benefit me. It's not going to benefit these people here.
15 It's going to benefit Mr. Phillips because he's in it for
16 profit.

17 I mean and the fact is that he bought the old fire
18 station in the 60s, the early 60s or maybe the late 60s,
19 the place where he's at was another town. It was a city.
20 It was called Center Hill, Arkansas. Okay. In the early
21 70s they took it in. Okay.

22 He bought the church, he put the funeral home in
23 there and it's going great. He bought the fire department
24 which is like within 40 feet of that. It's in the same
25 parking lot like a little strip mall there, a little bitty

1 area. From what I understood and this may not be a fact,
2 but I was under the impression and was told that that's
3 where he was going to propose it to be. It would be
4 perfect. It's a block building, concrete. I mean, it has
5 a two-car garage. It would have been with 40 feet of the
6 funeral home. But then he has to drive six miles, over
7 six miles across town.

8 And my theory is it is the east side of town. I was
9 raised there and it is a poor side of town, it's not the
10 worst, but it is. But it's working class people. And
11 most of the people that live there have died and left it
12 to their children, but when I grew up, it was my home.
13 And it was a good decent place to live. And I went to
14 church there on the corner, the Baptist church there. I
15 did go there and all those people, they go there for
16 years, they don't want it there. But, you know, what do
17 they do? They're older people. Most of these people that
18 live in that area are older, they're scared to death,
19 they're terrified. And they don't understand all of it.
20 I don't understand. I'm learning more about it. But I
21 can't understand -- well, I do understand. It's cheaper.
22 It's cheaper. He didn't -- they don't think that nobody
23 worries about -- I mean, what are they going to do about
24 it? Those people don't have the money to hire lawyers to
25 fight this and stop it. So they just sit there and say,

1 okay, well, I can't do nothing about it. I'll just let it
2 go there.

3 I have an extra lot over there and I grow a garden.
4 My family has grown a garden there forever. I don't want
5 to eat something off that ground that I know that there
6 could be something even though everybody is trying to make
7 it as safe as possible. It's the not knowing. I mean,
8 everyday new statistics come out.

9 In Gwyneth, Georgia, there was people that came down
10 with illnesses and there's tremors, the mercury, the
11 dioxides, there were 50 different things that come out.
12 The other thing is 90 percent of the people has got
13 fillings in their teeth. The silver fillings, the
14 mercury, there's people who has pacemakers, they have hip
15 transplants. I mean, they have all these things, metals
16 in their bodies. And you know, I have documents where six
17 doctors that say that for elderly, for children, for
18 pregnant women, for autism has been linked to it. I just
19 don't want that. I'm sorry.

20 And these are nice folks. I mean, I know his wife
21 bought -- my step son bought her business, the house where
22 she was at. He's an attorney here. And she's a nice
23 person and Mr. Phillips is a nice person. I just don't
24 think it's the proper place. It has nothing to do with
25 them. It's just the fact that I don't want it over there

1 and I think that because it's such a, you know, the
2 property is not real great over there, but there have been
3 some improvements.

4 My dad built a house there 12 years ago and they
5 downsized. There used to be an old Victorian house there
6 that was my family's and it was going to cost more to redo
7 it than to fix it. They were older, they built a smaller
8 home, it was around \$80,000. There are two new houses
9 across the street that's been built in the last five
10 years. But they're within 300 feet approximately. Yeah,
11 exactly 300 feet away. So you know, there are being some
12 improvements.

13 The church tore down a couple of houses and built a
14 bigger parking lot. I don't know what else to say. It's
15 just that it's just not right. It's just not. He could
16 build where he was at, over there at his wife moved her
17 flower shop next door where the building that was going to
18 be for the crematory which would have been perfect. But
19 there's still another building there. She could put her
20 flower shop in or they could even put it in the funeral
21 home.

22 But I really don't -- I think they would have a lot
23 more trouble out of the community there because those
24 people would not put up with that. I just wouldn't. They
25 could put it anywhere but not there. I don't even really

1 want it inside the city limits to be honest. But the fact
2 that it's going within a 150 feet of my property, I hate
3 that, I hate that. I just -- makes me sick.

4 MR. BOBBY THURMAN: And can I ask you, what's the
5 address of that property?

6 MS. CONNIE COVINGTON: My house is 700 South Third
7 Avenue. It's on the corner of Locust and Third Avenue.
8 And there proposed is on Second or 69 and the corner of
9 Locust. I mean, it's . . .

10 MR. BOBBY THURMAN: Where is Campground Road?

11 MS. CONNIE COVINGTON: Campground is where I live, my
12 home.

13 MR. BOBBY THURMAN: Okay. And so you say you were
14 not notified but you signed for the letter?

15 MS. CONNIE COVINGTON: No, I didn't. Let me see.

16 MR. JERRY ADAMS: Is that not your signature?

17 MS. CONNIE COVINGTON: May I see that please?

18 MR. MARK OHRENBERGER: Ms. Covington, can I direct
19 your attention to page 51 of Board Exhibit No. 1. Is that
20 your signature?

21 MS. CONNIE COVINGTON: That is my signature, but this
22 was after the fact that I found out about it. This was
23 not -- this was November 10th. But prior to this, I never
24 got a notice. I mean, when I'm saying when the city was
25 going to do this, I apologize for that. I did sign for

1 that but I was never -- because I called and talked to you
2 and you sent it to me. I apologize for that. But I was
3 never notified by the city because I would have been to
4 the meeting.

5 MR. MARK OHRENBERGER: Let me just ask you a couple
6 of questions to clarify. So you're not saying you did not
7 receive notice from this board of this hearing today; is
8 that correct?

9 MS. CONNIE COVINGTON: Yes.

10 MR. MARK OHRENBERGER: So you do agree with me you
11 did get notice of this hearing?

12 MS. CONNIE COVINGTON: Yes. I apologize for that.

13 MR. MARK OHRENBERGER: That's all right. Thank you.
14 That's all the questions I have.

15 MS. CONNIE COVINGTON: So if you could tell me what
16 the benefit for this crematory could be in my -- my
17 property, near there and with all the children, and you
18 can tell me the benefits from it, I may have a change of
19 heart but I can't see any -- who's going to profit from
20 it?

21 I have worked so hard to better this town. I flip
22 houses. I buy them. I don't always buy in the best of
23 neighborhoods but I can guarantee you you can ask anybody
24 here that knows me, when I get through with these houses,
25 they look very good. I even go as far as landscaping and

1 doing, and you know, like I said, my family has been here
2 for over 150 years, the Austin's, the Clark's. They've
3 all been here.

4 MR. BOBBY THURMAN: And to clarify one thing you were
5 asking about pacemakers have to be removed before
6 cremation.

7 MS. CONNIE COVINGTON: So what about the removal of a
8 --

9 MR. BOBBY THURMAN: Because they would be --

10 MS. CONNIE COVINGTON: What about the removal of the
11 dental work? What about, you know . . .

12 MR. BOBBY THURMAN: That is not, that is not
13 required. Pacemakers are required to be removed because
14 it would damage --

15 MS. CONNIE COVINGTON: It would damage the
16 incinerators, I understand. And another thing, the fact
17 that he's going to use a refurbished, how do I know and
18 who's going to regulate this thing? Who would regulate
19 it? The city?

20 MR. BOBBY THURMAN: It's inspected every year by the
21 -- or twice a year.

22 MS. AMY GOODE: It will get to twice a year.

23 MR. BOBBY THURMAN: Twice a year, it will be
24 potentially be inspected by this board actually.

25 MS. CONNIE COVINGTON: What role does the city play

1 in this?

2 MR. BOBBY THURMAN: That would be up to the zoning
3 and the building inspectors to make sure that the building
4 was structurally sound but also he would have to maintain
5 a level of standard there as well.

6 MS. CONNIE COVINGTON: This is a older metal building
7 and it sets on a corner and he was saying the state is 25
8 feet. This building sets almost on the road and as far as
9 where this man lives, that was a grocery store and it was
10 built actually in the late 50s and Jack Griffin put it in
11 and his home was in the back of it.

12 And I frequented that store everyday after school and
13 his property is -- the building, I mean, is no wider than
14 this table from the building. And those children are
15 there.

16 And I also did look at videos and I also went by a
17 crematory. And you can hear that noise from that
18 crematory. You can. I've looked at -- I should have
19 brought it with me. It's horrifying. It's just
20 horrifying.

21 MR. BOBBY THURMAN: I do appreciate your concern. We
22 have a little bit of a time crunch. I'm not trying to cut
23 you off.

24 MS. CONNIE COVINGTON: No. You're fine because I'll
25 keep going. I'm sorry.

1 MR. BOBBY THURMAN: But we've got others that want to
2 speak as well.

3 MS. CONNIE COVINGTON: Sure. Thank you very much. I
4 appreciate your time. Thank you.

5 MR. BOBBY THURMAN: Thank you. Next on the list is
6 Anita and Terry Moore.

7 MS. ANITA MOORE: My biggest concern is I have
8 grandchildren also and what I'm really concerned about is
9 them seeing them taking them in.

10 MR. BOBBY THURMAN: I have may have Mr. Phillips
11 address that. A lot of times, a door will be there and a
12 vehicle will go inside and nothing will be done on the
13 outside to going inside. That would be something I would
14 have to let Mr. Phillips address that but a lot of times
15 there will be a garage door and pull into the building and
16 everything would be done out of sight. That would be the
17 norm but again I would have to let Mr. Phillips address
18 that question.

19 MS. ANITA MOORE: Well, that's my biggest concern is
20 my grandkids.

21 MR. TERRY MOORE: Mine is the safety like Mr.
22 Phillips said or Mr. Bunnell said of all the gas lines and
23 all that, you know. With all the kids out, you've got the
24 church and school buses and everything out there.

25 MR. BOBBY THURMAN: As far as gas lines go, any city

1 has gas lines running all over town because that's how all
2 the homes get their natural gas. It wouldn't be any
3 different than your home or anyone else's home as far as
4 running a gas, the natural gas to the building. It would
5 be the same code, the same inspections and everything.

6 MR. TERRY MOORE: It would be regulated how -- of
7 when it's being used is what I'm asking.

8 MR. BOBBY THURMAN: Ask that question again.

9 MR. TERRY MOORE: Like if they're using it, they will
10 have to -- it will have to be maintained, someone would
11 have to come in and check it?

12 MR. BOBBY THURMAN: Well, if they're using the
13 crematory, someone is there.

14 MR. TERRY MOORE: Yeah. That's what I'm asking.

15 MR. BOBBY THURMAN: Someone is operating it.

16 MR. TERRY MOORE: That's what I'm asking.

17 MR. BOBBY BURNS: I think what he's asking Bobby is
18 how often would it be inspected to see how the property is
19 maintained?

20 MR. BOBBY THURMAN: As far as the gas lines go,
21 that's a city issue and not this board's issue.

22 MR. BOBBY BURNS: But as far as the cremator goes,
23 that would be.

24 MR. BOBBY THURMAN: That would be more of a -- the
25 crematory itself would be inspected by us and also I

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1 believe Mr. Phillips may have to correct me but ADEQ or
2 someone like that has to inspect it annually; is that
3 right?

4 MR. KALE PHILLIPS: Yes, sir.

5 MR. BOBBY THURMAN: Annually, it's inspected by a
6 state department as well.

7 MR. TERRY MOORE: All right. Thank you.

8 MR. BOBBY BURNS: If you would, state your name?

9 MR. TERRY MOORE: Terry Moore.

10 MR. BOBBY BURNS: Can you spell that please?

11 MR. TERRY MOORE: T-E-R-R-Y, M-O-O-R-E.

12 MR. BOBBY BURNS: Terry Moore, okay. Thank you, sir.

13 MR. BOBBY THURMAN: Next is Charles Covington.

14 MR. CHARLES COVINGTON: My name is Charles Covington.
15 C-H-A-R-L-E-S, C-O-V-I-N-G-T-O-N. I have some questions
16 that I've heard some answers but not fully. The
17 emissions, that's handled by ADEQ?

18 MR. BOBBY THURMAN: I believe that is correct.

19 MR. CHARLES COVINGTON: Do we know if that's an
20 annual inspection, a random inspection? Do we have any
21 way of knowing do they show up nothing going on and they
22 pass it on or do they have to be notified of when a
23 cremation is going on to check for emissions?

24 MR. BOBBY THURMAN: It is inspected annually. As far
25 as it being a random or anything like that, I would have

1 to refer that question to Mr. Phillips. He already should
2 be dealing with that and know more information on that
3 than I do.

4 MR. CHARLES COVINGTON: Okay. Because my concern is
5 that on paper, it could show that there was an annual
6 inspection but if there's nothing going on at that time
7 how would they know what emissions were there?

8 MR. BOBBY THURMAN: Sure.

9 MR. CHARLES COVINGTON: So the air quality and
10 everything is done by them?

11 MR. BOBBY THURMAN: Yes, sir.

12 MR. CHARLES COVINGTON: My wife did make the comment
13 about the 250 feet. I'm just here on weekends so I just
14 came in from Little Rock to find out all of this stuff
15 too. So do you have a standard that you go by if you have
16 20 cremations or 50 cremations a year or is your
17 inspections done on an annual basis no matter what as far
18 as checking of the cremator itself?

19 MR. BOBBY THURMAN: Annually but we're moving towards
20 every six months or twice a year at least to inspect it.
21 There should be paperwork or documentation that they have
22 to have that would be gone through as well.

23 MR. CHARLES COVINGTON: Okay. The comment was
24 brought up about refurbished and that will be after it's
25 refurbished will that -- is that signed off by the company

1 that does that or is that something that y'all come in to
2 make sure that it meets current minimum standards?

3 MR. BOBBY THURMAN: It will be signed off by the
4 company. It would not be signed off by us. We have to
5 inspect it to make sure that it's functional, that there's
6 minimums there but there's not a whole lot in the state
7 law that tells us what that minimum is just to be brutally
8 honest.

9 MR. CHARLES COVINGTON: That's the reason I'm asking.

10 MR. BOBBY THURMAN: But we always want to make sure
11 it's functioning correctly and that the other inspections
12 are being take care of as well. Like from ADEQ and
13 there's paperwork that they have to do every time. So we
14 want to make sure all of that is taken care of.

15 MR. CHARLES COVINGTON: So is this company -- where
16 are they located at?

17 MR. BOBBY BURNS: Chicago area?

18 MR. JERRY ADAMS: Matthews?

19 MR. BEN BRAZZEL: I thought they were New Jersey.

20 MR. CHARLES COVINGTON: So we don't know what kind of
21 standard they're going by?

22 MR. BOBBY THURMAN: Matthews Cremation division is a
23 huge company. All of us are very much aware of who they
24 are. If I was going to put in a crematory, I would look
25 to them as well. They are capable of doing all sorts of

1 features. They're actually capable -- and I don't know if
2 this is the extent that you would go to, but they are
3 actually capable of running that crematory from New
4 Jersey.

5 MR. CHARLES COVINGTON: Okay.

6 MR. BOBBY THURMAN: These units are that
7 sophisticated. I don't know the extent that he's going
8 with that but I'm saying that they are a very reputable
9 company, they're a world wide company and all of us are
10 very familiar with them.

11 MR. BOBBY BURNS: And before he ever did the first
12 cremation, we would probably be standing right there to
13 make sure he's functional on how to operate it.

14 MR. BOBBY THURMAN: They actually, I believe, send
15 someone out to train. Matthews sends a rep there to go
16 over everything and I think our inspector will be there as
17 well during the whole process.

18 MR. CHARLES COVINGTON: So when that first operation
19 is a dry run or use the word dry run, somebody is going to
20 be there. But my concern is this, we don't have a minimum
21 standard in Arkansas. And I heard the word "cost" so that
22 tells me that basically we don't have standard to go by.
23 It's according to how much money you want to spend. I
24 deal with enforcement in the State of Arkansas myself.
25 And my standards, I have by the Department of Labor, we

1 have standards to go by. But it's a minimum standard but
2 I'm sitting here looking at this and we don't have a
3 standard to go by. And I'm not being negative but how do
4 I know what we're going to put in?

5 Now the building is another issue. That will
6 probably be a city issue but that building is changing
7 it's occupancy now. So when it changes occupancy it has
8 to be rolled up to current State Fire Marshall standards.
9 Is that going to be an issue?

10 MR. BOBBY THURMAN: It would be an issue for him.
11 For us this would have to be met before he could even
12 operate it. We would have to do another inspection to
13 make sure all of that stuff is taken care of and that's a
14 whole different permit.

15 MR. CHARLES COVINGTON: So all of that's got to be
16 done before you can issue the final?

17 MR. BOBBY THURMAN: Correct. This is just for the
18 application to construct but then there's another step
19 after this you would have to get an operating permit and
20 that has to be done after all of the inspections are done
21 and codes are met and things of that nature.

22 MR. CHARLES COVINGTON: So if the building standards
23 are not met, if the clearances are not there, if the other
24 issues do not meet minimum standards of the State, then
25 that permit will not be issued?

1 MR. BOBBY THURMAN: Correct.

2 MR. CHARLES COVINGTON: Okay. Thank you.

3 MR. BOBBY THURMAN: You're welcome. Mr. Phillips
4 you've kind of said your side. We let the opposition
5 speak. And I think there's some questions that they have.

6 Do you want to take this time to address those
7 concerns that they have?

8 MR. KALE PHILLIPS: On the question of dumping the
9 remains in the garbage, that will never happen. I mean,
10 that's not part of the process.

11 MR. BOBBY THURMAN: You may have to turn around where
12 they can hear you as well.

13 MR. KALE PHILLIPS: As far as what's left over after
14 the cremation, there's nothing but ashes left. There's
15 only like three pounds of ashes and they are gathered and
16 given back to the family. There's nothing to be dumped
17 down the sewer system or anything like that. And from
18 what I can understand from Matthews, there's almost no
19 emissions. It's less than cooking a hamburger. And let's
20 see, what else? What was your question, ma'am?

21 MS. ANITA MOORE: I was concerned with the kids
22 seeing them being took in.

23 MR. KALE PHILLIPS: Oh, no, ma'am. We will back into
24 the building. The building is big enough to back into and
25 unload. And we would shut the door. And Matthews, I was

1 going to have the contract with them. They're going to
2 come check it every year and after so many cremations,
3 they will check it anyway. And ADEQ is supposed to check
4 every year.

5 MR. BOBBY BURNS: How old is the unit that you're
6 buying that you're going to have?

7 MR. KALE PHILLIPS: It's about 12 year old. It's
8 computerized and everything. It is a newer unit. It's
9 not one of the older ones.

10 MR. BOBBY BURNS: Okay. That kind of gives us -- we
11 just trying to grasp what type of system.

12 MR. KALE PHILLIPS: It's an ALL unit. It's a very
13 well built unit. But it's been used and the inside needs
14 to be rebuilt before I start operation. And as far as the
15 gas line, I mean, it uses a one inch gas line. It's not
16 going to suck the area dry of gas down there.

17 MR. PHIL BUNNELL: That wasn't a concern, Kale. The
18 concern was a cracked line or a leaky line.

19 MR. KALE PHILLIPS: Well, I've got gas there already.
20 It's already in place. All I've got to do is run a line
21 from that to the oven.

22 MR. BOBBY THURMAN: And I think there was another
23 question and I want to ask a question myself as well. Why
24 have you chosen that location rather than at the funeral
25 home?

1 MR. KALE PHILLIPS: Well, I own that location and I
2 can't do anything with it. Everybody I rent it to, it's
3 just a mess and our funeral home, we're pretty well, we
4 haven't got any extra room there and I don't have anywhere
5 I can build on other than my parking lot and I hate to
6 take up my parking lot. As far as the fire department
7 next door I bought, my wife is running her flower shop out
8 of that and the other part is the garage.

9 MR. BOBBY THURMAN: But the garage is not suitable to
10 --

11 MR. KALE PHILLIPS: No, it's not. It's open on both
12 ends and it's just . . .

13 MR. BOBBY BURNS: Would there be enough room to put a
14 privacy fence up around this building?

15 MR. KALE PHILLIPS: Down at that one, yes, sir.

16 MR. PHIL BUNNELL: No, no. There would not be.

17 MR. BOBBY BURNS: You could make it eight feet high
18 where the kids couldn't see over it, I mean?

19 MR. PHIL BUNNELL: I'd like to answer that because
20 there's less than five feet distance between buildings. I
21 have gas -- not gas lines, I'm sorry. My main water lines
22 are on the outside of the house in that little alley in
23 between so if you was to put a fence up right there, me
24 and my big behind couldn't get through there if I had to,
25 you know, if a water line burst.

1 MR. KALE PHILLIPS: I think he's talking about maybe
2 from the corner of the building out to the street.

3 MR. BOBBY BURNS: Yeah. I'm just trying to get to if
4 there is anyway you could obscure . . .

5 MR. KALE PHILLIPS: I know we can't put one down
6 between there because they're too close but we could put
7 one on the corner of the building out to the street over
8 on my property and around back we could do the same.

9 MR. BOBBY THURMAN: Kale, right now, is this metal
10 building old looking? Are you planning on doing anything
11 to the exterior and make it look like a nicer place?

12 MR. KALE PHILLIPS: Yeah. We're going to have
13 everything cleaned up. It's -- I owned a cleaning
14 business for years and I cleaned down at Emerson and
15 that's where I stored my equipment. And that's all I've
16 done with it for all these years.

17 MR. BOBBY THURMAN: I think one of the concerns is
18 the esthetic look, well, not really concerns but a comment
19 was made, how is this going to benefit that area or
20 anything like that? As far as esthetics go that would be
21 a benefit if you're going to fix the place up and make it
22 look nice, keep it well-maintained. At least it would not
23 be --

24 MR. KALE PHILLIPS: It's not right now. I keep it up
25 but it's not maintained -- there's nobody there.

1 MR. BOBBY THURMAN: What somebody would consider an
2 eye sore?

3 MR. BOBBY BURNS: And it has been established within
4 your city codes, the city gives you permission to do this?

5 MR. KALE PHILLIPS: Yeah. I'm re-zoned C3 so the
6 city has no problem with the zoning of it anyway.

7 MR. BOBBY THURMAN: Has the fire department had any
8 issue with the close proximity between the two buildings?

9 MR. KALE PHILLIPS: I haven't talked to the fire
10 department.

11 MR. BOBBY THURMAN: The building inspector didn't
12 have any?

13 MR. KALE PHILLIPS: Well, the code inspector. He's
14 been down, but he hasn't told me anything.

15 MR. BOBBY THURMAN: Anything else y'all want to add?

16 MR. JERRY ADAMS: No.

17 MR. BOBBY THURMAN: Are there going to be other
18 things you're going to have to come up with from the city
19 before you can actually start construction?

20 MR. KALE PHILLIPS: Yes. Go to the city and get
21 everything done. We're going to remodel the inside of the
22 building. It used to be a car wash. They washed cars in
23 there. We're going to have to redo some work inside and
24 probably do rewiring and plumbing.

25 MR. BOBBY THURMAN: So there's going to be extensive

1 work that will have to be done to meet city code?

2 MR. KALE PHILLIPS: Yeah.

3 MR. BOBBY THURMAN: And fire codes and everything?

4 MR. KALE PHILLIPS: Uh-huh.

5 MR. BOBBY THURMAN: I think that was another question
6 that it would have to be retrofitted, the building itself
7 would have to be remodeled and it sounds like it would
8 have to be --

9 MR. KALE PHILLIPS: Yes.

10 MR. BOBBY THURMAN: And that's what your plan is to
11 do?

12 MR. KALE PHILLIPS: Yes, sir. We're going to do all
13 that. We're going to work on the parking lot too. We're
14 going to pave the parking lot. It's not got a whole lot
15 of parking lot.

16 MR. BOBBY THURMAN: So to recap, you're going to redo
17 the inside and outside. There is room enough for the
18 vehicle to be put inside the building where a body is
19 unloaded. No bodies will be kept there. All the bodies
20 that will be cremated will be kept at the funeral home.

21 MR. KALE PHILLIPS: They would be brought there the
22 day they were cremated.

23 MR. BOBBY THURMAN: So a deceased human body will not
24 be held there. When they get there, it's to be cremated?

25 MR. KALE PHILLIPS: Yes.

1 MR. BOBBY THURMAN: So there's no chance of -- some
2 people were wondering about odors, someone said fluids and
3 stuff like that. So really in no particular case, as
4 funeral professionals, we know that you're coming there to
5 unload, the next step is to go ahead and place the body in
6 the crematory.

7 MR. KALE PHILLIPS: And at a later date, if we have
8 to, we may put in a little small cooler over there.

9 MR. BOBBY THURMAN: All right.

10 MR. JERRY ADAMS: Okay. One question. You take a
11 body over there for cremation, there will be somebody to
12 stay there until that cool down process is done and
13 everything is brought out and that's cleaned out?

14 MR. KALE PHILLIPS: Uh-huh. That's required.

15 MR. JERRY ADAMS: Right. Do you have somebody there?
16 You might do two a day?

17 MR. KALE PHILLIPS: Yeah.

18 MR. JERRY ADAMS: You would start early but there
19 would be somebody there the whole time?

20 MR. KALE PHILLIPS: Yes, sir.

21 MR. BOBBY THURMAN: So for you, your plan is right
22 now you do about 20 to 30 cremations a year?

23 MR. KALE PHILLIPS: Yes, sir. At our facility we do.
24 And I've talked to a couple of other funeral homes in the
25 area and I may get some from them.

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1 MR. BOBBY THURMAN: So in all actuality, probably
2 less than one a week?

3 MR. KALE PHILLIPS: Yes, sir. I would say one maybe
4 two some weeks.

5 MR. BOBBY THURMAN: But on average?

6 MR. KALE PHILLIPS: Probably 50 a year, I would
7 think.

8 MR. BOBBY BURNS: Is there another crematory in
9 Greene County?

10 MR. KALE PHILLIPS: No, sir. Not that I'm aware of.
11 There's two in Jonesboro. I think it will be the only one
12 in Greene County.

13 MR. BOBBY THURMAN: So the funeral homes here have to
14 take the bodies out of town?

15 MR. KALE PHILLIPS: Yeah. We have to take ours to
16 Jonesboro.

17 MR. BOBBY THURMAN: To be cremated?

18 MR. KALE PHILLIPS: Yes, sir. As far as the hauling,
19 they have to be hauled anyway if they are cremated.

20 MR. BOBBY THURMAN: So the benefit of having a
21 crematory here for the families that here is that the
22 loved ones are not being taken.

23 MR. KALE PHILLIPS: Yeah. One of the first
24 questions asked is: "Will they be in your care?" And I
25 can say, yes, all the way through the process.

1 MR. BOBBY THURMAN: And that would be a benefit of
2 having a crematory here, it kind of addresses your
3 concerns Ms. Covington about a benefit. And I at least
4 wanted to bring that out. I don't know that I have any
5 other questions.

6 MR. BOBBY BURNS: Your operating hours, they talked
7 about the kids getting off the school bus. You know, I
8 don't know, wouldn't nobody tell you how to run your
9 business but when -- have you ever thought about since it
10 might be in a residential neighborhood, hours that you
11 might operate it or anything like that?

12 MR. KALE PHILLIPS: I figure most of our hours will
13 be from eight until noon. I don't think we'll be over
14 there in the afternoons or at night.

15 MR. BOBBY BURNS: I just wanted -- that might help
16 them out maybe when it would be operational. I wouldn't
17 say you would be open for business hours, you know what I
18 mean?

19 MR. KALE PHILLIPS: I've been around several
20 crematories and there's not -- you can't really tell when
21 one is running or not from outside.

22 MR. BOBBY BURNS: And you're right. I just thought I
23 might . . .

24 MR. BOBBY THURMAN: And to remind everyone, this is a
25 hearing to deny or grant a permit to construct. It does

1 not mean that it's for operation or anything of that
2 nature. I just want to make sure everyone knows there is
3 still another process that has to be gone through and I
4 believe -- Yes, ma'am.

5 MS. CONNIE COVINGTON: I have another question. The
6 property where his building sets, he was talking about a
7 parking lot. Actually, there's some confusion in all the
8 zoning -- I mean, the area where the property is. My
9 uncle owned property behind it. He's deceased now. It's
10 just an empty lot there.

11 MR. KALE PHILLIPS: I own it now.

12 MS. CONNIE COVINGTON: You own it now? Okay. Well,
13 at the time it was -- I was going to buy it but I didn't
14 buy it because it's not more than 7,500 square feet. His
15 house sits on part of the property and since I just found
16 out he owns that, he didn't have a full lot there and his
17 building sets on the greater portion of that lot where his
18 building is. And so prior to that -- I didn't know he
19 owned the lot behind him, there would be no parking, you
20 know.

21 And also, Highway 69 there, there is a lot of
22 traffic, a lot of traffic. Even though they've got the
23 new bypass but there is 18-wheelers that go down through
24 there 24/7 because several blocks down the road is a
25 factory, several factories and there are semis constantly.

1 Actually where my property is I had to get the mayor
2 to put up signs because they were coming down Third Avenue
3 and they were taking down -- they took down my chain link
4 fence there seven times in three years. So they actually
5 -- and they were having to pay to put it back up and pay
6 to put it back up so there is a lot of traffic up and down
7 through there and if you look at the property, there's no
8 clearance for something to pull in there. And it was not
9 a car wash. It was a detail shop. It was a metal
10 building, just a blue metal building and it was a detail
11 shop.

12 MR. BOBBY THURMAN: And he's just going to address
13 the parking issue there but there won't be very many cars
14 there. It's not -- the families aren't going to be coming
15 there. It will just be staff only so there really isn't a
16 need for a huge parking area.

17 MS. CONNIE COVINGTON: But actually pulling in there,
18 you know, going on up the highway and pulling in there
19 with the horse or whatever they take the bodies there
20 with, there will be getting off of 69 on to there.

21 MR. BOBBY THURMAN: As little as they will use that
22 place, that's not a concern for this board.

23 MS. CONNIE COVINGTON: I understand.

24 MR. BOBBY THURMAN: Thank you though for bringing
25 that up. At this time, I guess, we need to decide what

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we're going to do now. If we're going to grant, deny?

MR. MARK OHRENBERGER: Mr. Thurman, I think the process that has been used in the past, this has been separately noticed for public hearing and a board meeting to follow. So we would need to adjourn the public hearing and then open the noticed board meeting to take up the issue.

MR. BOBBY THURMAN: So a motion to adjourn the public hearing?

MR. JERRY ADAMS: I so move.

MR. BEN BRAZZEL: Second.

MR. BOBBY THURMAN: All right. We have a motion to second. All in favor, say aye.

(THEREUPON, a vote was given by a verbal response of aye.)

MR. BOBBY THURMAN: The public hearing is now closed.

(THEREUPON, the proceedings in the matter were concluded at 1:09 p.m.)

(HEARING ADJOURNED)

* * * * *

CERTIFICATE

STATE OF ARKANSAS)

) ss

COUNTY OF GREENE)

I, DONNA MILLER, Certified Court Reporter, Notary Public and Certified Stenomask Court Reporter No. 732 before whom the foregoing testimony was taken, do hereby certify that the same is a true and correct transcription of proceedings before the Arkansas State Board of Embalmers and Funeral Directors, that the same was heard by the board on November 25, 2014, that said testimony was reduced to typewritten form under my direction; and that the foregoing pages constitute a true and correct transcription of all evidence heard and proceedings had in said matter.

I FURTHER CERTIFY, that I am not a relative or employee of any attorney or employed by the parties hereto, nor financially interested or otherwise, in the outcome of this action, and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original deposition transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

WITNESS MY HAND AND SEAL this 1st day of December 2014.



Donna Miller

Certified Court Reporter #732

Arkansas Supreme Court

