



APPROVED
CEMETERY SYSTEM BOARD OF TRUSTEES
MINUTES OF SPECIAL VIRTUAL MEETING
CITY OF FORT LAUDERDALE
CITY HALL 7TH FLOOR CONFERENCE ROOM
100 N. ANDREWS AVENUE, FORT LAUDERDALE, FL 33301
MONDAY, AUGUST 31, 2020 – 3:30 P.M.

Members	Attendance	Cumulative Attendance	
		03/2020 through 02/2021	Present
Dennis Ulmer, Chair	P	3	0
Richard Kurtz, Vice Chair	A	2	1
Pamela Beasley-Pittman	P	3	0
Paul Gitnik	P	3	0
Chelsea Krebs	P	1	1
John Lilli	A	0	3
Fred Nesbitt	P	2	1
Michael Watson	A	2	1
Patricia Zeiler	A	1	2

City Staff

Stacy Spates, Cemetery Administrator
D'Wayne Spence, Assistant City Attorney
Susan Grant, Finance
Lucretia Penrow, Parks and Recreation
Diana McDowell, Parks and Recreation
Lisa Tayar, Recording Secretary, Prototype, Inc.

Guests

Mark Hall, Truist (Sun Trust)

1. CALL TO ORDER

Chair Ulmer called the special meeting to order at 3:30 p.m.

A. Roll Call

B. City Ordinance No. C-09-05, Quorum Requirement 9

Roll was called and it was determined a quorum was present.

Ms. Krebs introduced herself as a new Member of the Board of Trustees.

2. NEW BUSINESS

A. City of Fort Lauderdale v. CFS Funeral Services -- Case No. 18-CV-62708 – Notice of Settlement (Discussion/Motion)

Mr. Spence gave an overview of the litigation between the City and CFS Services. In the course of the litigation, the City has gone through discovery which yielded a better indication of the case. The Commission felt it was in the best interest of the City that this case be settled. The action today is not the approval of the Settlement Agreement, which has already been approved by the City Commission, but that certain funds are due to CFS which would have normally been approved but for the litigation putting a hold on the funds until the conclusion of the litigation. Two actions sought from the Board is to pay the reimbursement of \$55,000 in maintenance expenses, plus \$112,000 in reimbursement for overpayment made by CFS to the City's Perpetual Care Trust (total \$167,000).

Chair Ulmer asked about the term "with prejudice." Mr. Spence explained that means the case can not be reopened under the same issues once settled. The accounts claimed in the City's complaint are now closed as well as CFS's counter claims. The settlement was discussed with the City Commission in several private sessions with outside counsel. When the case concludes, those sessions will enter into public domain to any who wish to know the particulars.

Chair Ulmer gave a history of the case. Basically, when CFS was in charge of the cemetery system (prior to 2018, no one currently on the Board was involved), actions occurred such as selling services in non-approved areas; a lift station in Sunset Park was not repaired, but rather pumped out, which was a serious violation; and a litany of maintenance issues which resulted in the cancellation of the contract.

Chair Ulmer opened the meeting to public comment; hearing none, the floor was closed.

Chair Ulmer summarized the action needed is a motion for \$167,000; Mr. Nesbitt added it would come from the Perpetual Care Trust Fund to reimburse CFS according to the Settlement Agreement (attached). Discussion followed on the allocation of funds and reimbursements.

Ms. Beasley-Pittman asked how much the City was initially suing for. Mr. Spence did not have that figure but noted that the auditor had raised an issue re: calculation of 19%.

Motion made by Mr. Gitnik, seconded by Ms. Beasley-Pittman, to pay CFS \$55,000 for reimbursement for cemetery maintenance expenses plus \$112,000 for reimbursement of overpayments made by CFS to the City's Perpetual Care Trust. In a roll call vote, the motion passed unanimously (5-0).

Discussion: Mr. Nesbitt asked if something should be in the motion that this action will conclude the lawsuit; Mr. Spence said no, this is only authorizing the reimbursement. The City already has authorized the settlement and concluded the lawsuit. (See attached Settlement Agreement for the conditions of the settlement.) The contract was between the City and not this Board.

B. Other Business

Chair Ulmer asked for discussion on ways to improve the virtual meeting experience. General consensus was positive; Mr. Spence added that this Board handles the meeting with good practices for a virtual meeting.

C. Communication to the City Commission – None

3. ADJOURNMENT

NEXT SCHEDULED MEETING DATE: THURSDAY, SEPTEMBER 10, 2020 – 3:30 P.M.

There being no further business to come before the Board, the meeting was adjourned at 3:46 p.m.

Attachments: City of Fort Lauderdale Proposal for Settlement
Approved Minutes September 13, 2018