

**Minutes of the Special Meeting  
of the Clark County Drainage Board  
Clark County, Indiana**

**June 2, 2021**

The Clark County Drainage Board met in Special Session on June 2, 2021 in Room 418 of the Clark County Government Building, Jeffersonville, Indiana at 11:30am. Present at the meeting were President Mike Killen, Vice president Jack Coffman, Member Tim Hunt, Attorney Ron Culler, and Secretary Talaina Taff. Ex-officio non-voting member Clark County Surveyor David Blankenkbecker and Non-voting advisor Clark County Engineer Brian Dixon were absent.

Mr. Killen opened the meeting by stating that the Drainage Board had a special (appeal) hearing at the last meeting and after the motion was made to adjourn and go to executive session, it was determined that no notice of an executive session was given, and therefore, in order to properly discuss and take action on the appeal of Wooldridge Homes, Inc. of the Board's prior determination, this special meeting was called.

For the first order of business, the definition of the terms "disturbance" and "land disturbing activity" as used in the Clark County Ordinance 2010-11 were discussed. Mr. Killen stated that pursuant to the authority granted to the Clark County Drainage Board to administer Clark County Ordinance 2010-11, the Clark County Drainage Board hereby adopts the following:

For the purposes of Clark County Ordinance 2010-11, "disturbance" shall include "land disturbing activity" and the Clark County Drainage Board hereby adopts the definition of land disturbing activity as set forth in 327 IAC 15-5-4 (17), as meaning "any manmade change of land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading," EXCEPT THAT, for purposes of Clark County Ordinance 2010-11, land disturbing activity shall not include agricultural conservation practices as defined in 327 IAC 15-5-4 (1) or agricultural land disturbing activity as defined in 327 IAC 15-5-4 (2), and for purposes of Clark County Ordinance 2010-11, "grading" shall have the meaning set forth in 327 IAC 15-5-4 (12).

Mr. Hunt moved to adopt. Mr. Coffman seconded the motion. Motion passed unanimously.

In the next order of business, the Board considered the appeal by Wooldridge Homes, Inc. of notice of the violation of County Ordinance 2010-11. The appeal by Wooldridge Homes, Inc. was based upon the presentation made at the appeal hearing that Wooldridge Homes, Inc. did not disturb more than one acre of property located at 15002 Railroad Street, Memphis, IN 47143.

After discussion, Mr. Hunt read the findings of fact. They were as follows:

I did inspect the site from an adjoining property. I reviewed the report provided to the Board by the Clark County Surveyor and the report given by the Clark County Engineer and believe that more than one acre of the property at 15002 Railroad Street, Memphis, IN 47143 has been impacted by manmade changes of the land surface, including removing vegetative cover that exposes the underlying soil, excavating, filling, transporting, and grading, which was not agricultural conservation practices as defined in 327 IAC 15-5-4 (1) or agricultural land disturbing activities as defined in 327 IAC 15-5-4 (2).

Mr. Hunt then moved to accept this into the record. Mr. Coffman seconded the motion. Motion passed unanimously.

In the next order of business, Mr. Killen stated that the Clark County Drainage Board having heard, at a special meeting of the Board on May 25, 2021, the appeal of the prior determination that Wooldridge Homes, Inc., on the property located at 15002 Railroad Street, Memphis, IN 47143 was conducting redevelopment or land disturbing activities without complying with the Clark County Ordinance 2010-11 now finds that:

1. The Property is within the jurisdiction of Clark County, Indiana, and subject to the Ordinance.
2. The Board has administrative responsibility under the Ordinance.
3. The purpose of the Ordinance is to prevent redevelopment or land disturbing activity on land which may cause adverse drainage from such land without the development of, submission to, and approval by the Board of a Drainage Plan, and submission to the Clark County Engineer of a Storm Water Pollution Prevention Plan.
4. The activities of Wooldridge Homes, Inc. on the Property is redevelopment of the Property or land disturbing activity on the Property which is a manmade change of the land surface, including removing vegetative cover that exposes the underlying soil, excavation, filling, transporting, and grading that are not agricultural conservation practices as defined in 327 IAC 15-5-4 (1) or agricultural land disturbing activity as defined in 327 IAC 15-5-4 (2).
5. Based upon reports provided to the Board by the Clark County Surveyor and the Clark County Engineer, which reports are part of the Board's record, the area on the Property upon which redevelopment or land disturbing activity has been conducted by Wooldridge Homes, Inc. is in excess of one acre.
6. Wooldridge Homes, Inc. has not submitted to the Board for approval a Drainage Plan or presented to the Clark County Engineer a Storm Water Pollution Prevention Plan as required under Ordinance 20-2004.
7. The appropriate submission of a Drainage Plan, prepared in accordance with the standards set forth in the Ordinance, to the Board is a requirement for compliance with the provisions of the Ordinance prior to conducting redevelopment or land disturbing activity on more than one acre.

It is therefore the determination of the Board that:

1. Wooldridge Homes, Inc. has conducted redevelopment or land disturbing activity on the Property in violation of the Ordinance.
2. Wooldridge Homes, Inc. shall immediately, upon receipt hereof, cease any redevelopment or land disturbing activity on the Property until such time as a Drainage Plan prepared in accordance with the standards set forth in the Ordinance has been properly submitted and approved by the Board.
3. Should Wooldridge Homes, Inc., after receipt hereof, conduct any redevelopment or land disturbing activity on the Property prior to obtaining approval of the Board of a Drainage Plan prepared in accordance with the standards set forth in the Ordinance, the Board shall

assess, as allowed under the Ordinance, a civil penalty of \$2,500.00 per day for each day that Wooldridge Homes, Inc. conducts further redevelopment or land disturbing activity on the Property.

4. The effectiveness of this determination shall commence upon the date hereof and remain enforceable notwithstanding any subsequent appeal of the Board's determinations made herein.
5. The Board may seek, in the event of further non-compliance with the provisions of the Ordinance by Wooldridge Homes, Inc. and the orders contained herein, any other remedy allowed under the Ordinance, or any applicable federal, state, or local law.

This determination and findings, and the order hereof, is made on June 2, 2021.

Mr. Hunt moved to accept. Mr. Coffman seconded the motion. Motion passed unanimously.

In the next order of business, Mr. Hunt moved that Mr. Culler issue a denial of appeal to Wooldridge Homes, Inc. and his attorney, and that they be put on notice that a cease and desist order will go into effect at the time of delivery. Mr. Coffman seconded the motion. Motion passed unanimously.

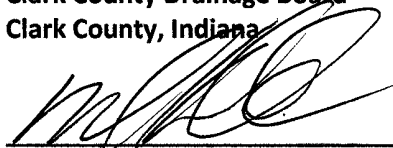
In the next order of business, Mr. Killen stated for the record that two members were in the audience that signed the public comment sheet.

Next, **Mr. Kenneth Humphrey, 15016 Silver Plains Trace, Memphis** addressed the Board asking for clarification of the motions. **Mr. Joe Nalley, 15002 Silver Plains Trace, Memphis** did not have any further comments.

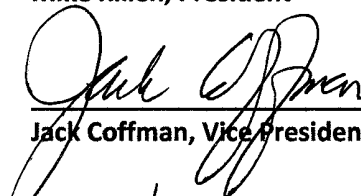
In the next order of business, Mr. Coffman moved to amend the previous motion to include the parcel number in the letter sent to Woodridge Homes, Inc. and his attorney. Mr. Hunt seconded the motion. Motion passed unanimously.

There being no further business before the Board, on motion made, seconded, and passed, the meeting was adjourned at 11:45am.

**Clark County Drainage Board  
Clark County, Indiana**



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**Mike Killen, President**



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**Jack Coffman, Vice President**



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**Tim Hunt, Member**