

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

May 25, 2021

The Clark County Drainage Board met in Special Session for an Appeal Hearing on May 25, 2021 in Room 418 of the Clark County Government Building, Jeffersonville, Indiana at 5:00pm. Present at the meeting were President Mike Killen, Vice president Jack Coffman, Member Tim Hunt, Ex-officio non-voting member Clark County Surveyor David Blankenbeker, Non-voting advisor Clark County Engineer Brian Dixon, Attorney Ron Culler, and Secretary Talaina Taff.

Mr. Killen opened the meeting by stating: This is an Appeal Hearing on the determination by the Clark County Drainage Board related to land disturbing activities conducted by Wooldridge Homes on more than one acre during development activities without the submission of a Drainage Plan or Storm Water Pollution Prevention Plan as required by Clark County Indiana Ordinance 2010-11 and/or Ordinance 2004-20. With the authority given in the Ordinances to the Clark County Drainage Board for administration, a copy of the Ordinances are being presented to Wooldridge and is hereby made part of the record of this Appeal. Based on the report given to the Board by the County Engineer, after a visit to the site, and based upon findings presented by the County Engineer, which indicates that there was land disturbing activities occurring on more than one acre, which a report is of the Board's records, the Board at a hearing determined a violation of the Ordinances existed, requested that the Board's attorney send a letter of violation, and that Wooldridge should cease further land disturbing activities, and further requested that a Drainage Plan and a Storm Water Pollution Prevention Plan be submitted to the Board. The Board has supplemented its file with a report of the Clark County Surveyor, with accompanying aerial photos, which report is part of the Board's records. Following the receipt of the Letter of Violation, Wooldridge filed a Notice of Appeal. Wooldridge is represented by Mr. John Kraft.

Mr. Killen continued, stating: The Board has allocated one hour for this hearing. We respectfully request the parties to use the time in an appropriate manner. Should additional time be required, we may have to continue the hearing. Hearings before the Board are informal, but we do ask you not interrupt another's presentation. While the initial action of the Board was taken after review of certain complaints submitted to the Board regarding apparent Wooldridge activity, it was determined by the Board that it had no authority to address any of the concerns raised or take any other action requested in such complaints. Therefore, this Hearing is limited to the compliance by Wooldridge with the Ordinances for the submission of a Drainage Plan and Storm Water Pollution Prevention Plan and obtaining approval of such Plans from the Board prior to conducting land disturbing activities on more than one acre.

Mr. Jason Wooldridge was present at the meeting. **Mr. John Kraft** with the law firm of **Young, Lind, Endres, and Kraft, 126 West Spring Street, New Albany** was also present at the meeting.

Mr. Kraft stated that he is representing the appellant, Wooldridge Homes, Inc. and that Jason Wooldridge is the Vice President of that entity. Mr. Kraft stated that he is filing in accordance with the notice sent by Mr. Culler dated April 27, 2021 specifically addressing land disturbing activities on more than one acre of land without having been granted approval. Mr. Kraft stated that this is the sole notice given to Mr. Wooldridge and that is what they are here on, specifically as it relates to whether or not there has been one acre of land disturbed.

Mr. Kraft gave a history of the property. He then presented 2 signed and notarized affidavits - Denny Andres and Treves Lanham. They were made part of the record as Exhibit 1 and 2, respectively.

Next, Mr. Kraft gave the Board a 7 page packet. This was entered as Exhibit 3. Mr. Kraft stated that Mr. Wooldridge, after purchasing the property, experienced some vandalism and gunshots specifically at the property, and as a result of that, put in a berm. Mr. Kraft stated that the berm sits 22 feet from the property line and that berm ultimately conceals the lot from any adjacent property owners and that Mr. Wooldridge did not move any dirt, and then stated again that the berm was placed 22 feet off the property line for protection. Mr. Kraft stated that one of the items specifically laid out in the application for the Appeal primarily deals with the issue of one acre and the only thing that has been done is represented on the first page - that berm that has been placed in (referencing Exhibit 3). He continued by saying that the only other piece of it is that there have been millings that is covering the slate, but from the standpoint of any earth moving activities, there have been none other than the berm which he reported measures 8400 square feet.

Next, Mr. Wooldridge gave a sworn statement that he is the Vice President of Woodridge Homes, Inc. and that he is the individual that signed the Notice of Appeal before the Clark County Drainage Board. Mr. Wooldridge stated that he cleaned up the property after purchasing a little over a year ago. Mr. Kraft asked Mr. Wooldridge if he has disturbed more than one acre of land during the time period since he has owned it. Mr. Wooldridge responded that he had not. Mr. Kraft asked Mr. Wooldridge if he had placed the berm along the outer edges, to which he responded that he did. After Mr. Kraft's questioning, Mr. Wooldridge confirmed that the berm is represented by the area that has been highlighted on page 1 of Exhibit 3 and is 22 feet off the property line. Mr. Kraft then asked Mr. Wooldridge if he believed the citation to him was incorrect, that he had not disturbed more than one acre of land at this property at this address. Mr. Wooldridge responded, 'Absolutely'. Mr. Kraft had no further questions. Mr. Culler asked Mr. Wooldridge to clarify what the 'junk' was he spoke of that was on the property. Mr. Wooldridge said it was culverts, water line pipe, 4 - 5 lift stations without the pumps/ pre-casts that go in the ground. Mr. Culler also asked when the millings were deposited. Mr. Wooldridge said he didn't remember when the previous owner (Graf) put millings down, but that he (Wooldridge) put millings down last spring. Mr. Wooldridge marked on Page 6 and Page 7 of Exhibit 3 where the millings were placed. He used a blue sharpie marker to denote and label the Graf millings and a yellow highlighter to extend where he placed millings. Mr. Wooldridge confirmed that all millings were on top of existing slate.

Discussion of the following ensued: 1) previous property owners 2) slate on the property 3) land disturbing activity 4) contents of the berm 5) height of berm 6) clarification that the 8400 square feet referenced the berm only and to the south of that, Mr. Wooldridge put millings over the slate 7) berm is 12 feet wide at the base and 22 feet off the property line 8) millings and 9) concrete chunks.

Next, Mr. Culler asked Mr. Kraft to make a statement for the record. Mr. Kraft stated that the second photo of the packet (Exhibit 3) reflects the base of the berm in the natural state between the berm and the property line that reflects those trees that run the property line, and likewise, the natural state from the trees to the base of the berm.

Next, **Mr. Kenneth Humphrey, 15016 Silver Plains Trace, Memphis** addressed the Board. Mr. Humphrey made a sworn statement that he has lived (this September) at this property for 12 years and the level from the plateau behind his property has, in the last year, been raised 6 – 7 feet and now, after the berm, is even higher. He also stated that more than one acre has been disturbed and that in this past year, close to 1,000 dump truck loads have been brought in on top of broken concrete and debris from dumpsters, etc. He also stated that 25 feet from his house, he is now dealing with storm water that never used to be there until this past year when all the land was disturbed.

Next, **Mr. Ray Gomez, 15018 Silver Plains Trace, Memphis** addressed the Board. Mr. Gomez made a sworn statement that all 5 acres of Mr. Wooldridge’s land have been modified.

Next, **Ms. Kathy Vervoren, 15206 Silvers Spring Court, Memphis** addressed the Board. Ms. Vervoren made a sworn statement that in March 2021 she heard load after load being dumped on the Wooldridge property. She also stated that March 27 – 28, 2021 she personally witnessed a bulldozer take down a hill on the property and a grove of trees, and a big amount of property was disturbed. She then stated that she witnessed truckload after truckload of big pieces of concrete and construction waste being brought in and dumped on the property and that this continued for weeks.

Mr. Hunt moved that the Board retire to an executive session to consider findings and make a determination on the Appeal within five days. Mr. Coffman 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 6:00pm.

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



Mike Killen, President



Jack Coffman, Vice President



Tim Hunt, Member