

Clark County Cemetery Commission

Dedicated to the protection and preservation
of cemeteries in Clark County, Indiana

FEB 6, 2006

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COMMISSION MEMBERS

Mr. Daniel F. Johnson
CCCC President
12714 Columbus Mann Road
Memphis, Indiana 47143
812-246-9853

Mr. David Abbott
CCCC Vice President
1402 Charlestown-Memphis Road
Charlestown, Indiana 47111
812-256-6080
abbottslawn@juno.com

Ms. Theresa James
CCCC Secretary
540 Madison Street
Charlestown, Indiana 47111
812-256-0295
artemecias@sbcglobal.net

Ms. Tamsie Meurer
c/o Charlestown - Clark County
Public Library
51 Clark Road
Charlestown, Indiana 47111
812-256-3337
Tmeurer@clarkco.lib.in.us

Ms. Lois Mauk
931 Colonial Park Drive
Jeffersonville, Indiana 47130
812-282-6492
LoisMauk@insightbb.com

Indiana Historical Bureau
Pamela J. Bennett, Director

Our financial report is very simple.
We started 2005 with no money.
We finished 2005 with \$320.21 in
funds through our Non-Reverting fund
with our County Commissioners. This
contribution was from Lois Mauk and her
Cemetery Preservation Committee, no longer
in operation.

We plan to apply for grant money locally
and try once again to get into the County
Budget.

We have no big plans for 2006
except to protect and maintain that
which is.

We plan to keep you informed.

Thank you sincerely

Daniel F. Johnson Pres.

Created in 1992 pursuant to
Indiana Code 23-14-67 by the
Clark County Commissioners to
protect, preserve and restore
cemeteries that are without funds
or sources of funds for reason-
able maintenance, have suffered
neglect and deterioration and
which may be the burial grounds
for Indiana pioneer leaders or
veterans of any American war.

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2005 REPORT CLARK COUNTY CEMETERY COMMISSION

No activity this year until April 25, 2005. Clark County Courthouse Planning and Zoning. Ms Bagshaw stated, no application for a subdivision on Perry Crossing Road. The Allen Jenkins Cemetery was rumored to be removed.

April 26, 2005 Reported rumor to DNR Indianapolis. Frank Roth DNR dispatched to Perry Crossing site and with Mr. Dan Johnson President of Clark County Cemetery Commission spoke to Mr. John Young, owner of property.

May 17, 2005 Special called meeting of the Clark County Cemetery Commission by Dan Johnson who requested to be named President Pro-Tem and permitted to address the Clark County Commissioners in regular meeting May 19, 2005. (Copy of my presentation notes included.) The result of this meeting was Clark County Commissioner Resolution 6-2005 giving us all items requested except money. (Copy of said resolution attached.)

June 8, 2005 Clark County Planning and Zoning Meeting. The request of Lenfert and Young LLC to develop a PUD Development on the Allen-Jenkins Cemetery property was turned down, with a disapproval recommendation to the Clark County Commissioners.

June 17, 2005 Second meeting of the Clark County Cemetery Commission. Welcome Theresa James, New Commissioner. Thanks to Lois Mauk for eight years of dedicated work. Officers assigned. Review of Allen-Jenkins Cemetery.

June 22, 2005 Lois Mauk was notified by Koetter Construction Company that during excavation of a site behind MKM Plant Jeffersonville they found six (6) burial shafts. Dale Popp, Jeffersonville Township Trustee, has been notified. This cemetery turned out to be Dils Cemetery. More later.

August 8, 2005 Dan Johnson and David Abbott along with Mr. Ernie Thompson, Charlestown Township Trustee, visited the property of Eric and Bridgitte Delandy, 318 Hampton Court, Charlestown. The Hester-Rowland Cemetery is located on this property and marked on the deed as part of it. Several stones were there and a metal plaque for a Matias Hester. We informed the owners of the existing State Laws, including failure to upkeep and safeguard cemeteries, need for a fence, etc.

August 25, 2005 Dan Johnson went before the Clark County Commissioners at their regular meeting. Request was made to be placed under the Commissioners tax-exempt account to cover the Cemetery Commissions finances. Result, Commissioners Ordinance 14-2005 establishing a non-reverting fund for our Commission on cemeteries signed 9-21-2005.

September 14, 2005 Scheduled Clark County Cemetery Commission meeting. Discussed the progress on Dils Cemetery. (A separate report will be filed on Dils Cemetery). It is our biggest project of the year, in that disinterment and reinterment was involved. Discussed other cemeteries. Oak Grove Subdivision...already passed by Commissioners. Hester-Rowland Cemetery... We will assist the owners if they clean up the mess that has accumulated over the last eight years. A fence is a requirement for liability reasons. Colston Park, Ohio River Bridge...Already under investigation by the River Bridge Board and the engineers for the ramps to be built.

September 30, 2005 Permit granted by DNR Indiana to AMEC of Louisville to disinter Dils Cemetery.

October 4,5, 2005 Dan Johnson visited Dils Cemetery site where work was in progress. Met Melinda King of AMEC in charge of archaeological discovery. I was very impressed with the dedication to detail of this group of workers. I called all of the Commissioners and told them to try to observe this work. (Dils Cemetery info already in your hands from AMEC Louisville.)

November 19, 2005 Received two copies of AMEC results about Dils Cemetery. I am pleased with this discovery. It confirms all of Lois Mauk's work done there three years ago.

December 14, 2005 The forth meeting of the Clark County Cemetery Commission met at 6:30 pm at the Sellersburg Town Library. All five of the Commissioners were present. This is the first time in Mr. Johnson's 9 years on the board to see all five together. We have come a long way in 7 months.

Review was made of Dils Cemetery. An interment service is forthcoming.

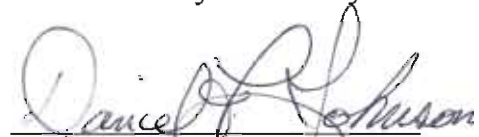
Reviewed our new banking procedures. See Clark County Commissioner's Ordinance 14-2005.

Reviewed end of year report 2005. This is the first report we are aware of in 9 years. Reviewed pending Salem-Noble Road Project.

Thank You letters will be sent our shortly to all who helped us this year. Mr. Johnson requested permission to go before the Clark County Commissioners and give them a personal "thanks" for making this year a new beginning for us.

We ended this year with grateful unanimous accord.

Clark County Cemetery Commissioner


Daniel F Johnson, President

2-6-06

CLARK COUNTY COMMISSIONER'S MEETING
May 19, 2005



Dan Johnson – Member of the Clark County Cemetery Commission since January 20, 1998

Thank you for your time and patience.

1. I want to be put on record that I am not opposed to any improvements to Clark County which includes building subdivisions, businesses, etc.

I want to state that I will abide by all county and state laws and statutes.

2. Removing Cemeteries:

- a. CASE 1 – WHALEN CEMETERY, Sterling Oaks

Three interments – Request to Disinter & Reinter

Case No. 10-CO1-0105-MI 311 May 22, 2001

Order entered May 29, 2001, signed by Daniel F. Donahue, Judge

As of this date, three reinterments are lost. No markers are placed at Ebenezer Cemetery. We have requested six or more times of Mr. Pyke. He keeps giving us assurances that he will have this completed by ____ ?? All promised dates not met.

We have lost three people!

- b. CASE #2 – ALLEN-JENKINS CEMETERY

July 29, 2004 – Clark Co. Commissioners. Right-of-way to above cemetery. Submitted list of questions to Commissioners. Including request for legal support for the Cemetery Commission. No answers have been given to date.

Provide copy of questions 2004 and minutes signed by B. B. Haas on 8/26/2004.

April 24, 2005 – Rumors started around the subdivision on Perry Crossing Road that developers Brian Lenfert and John Young were going to move the cemetery.

April 27, 2005 – Met with Mr. Guthrie regarding developers' intentions.

April 28, 2005 – Visited cemetery. There were red flags in the cemetery. We called Mr. Pyke. He got hot under the collar. He said the bodies would go to Mt.

Zion Cemetery. He tried to get free space at Millers Cemetery three times and was repeatedly refused.

April 29, 2005 – Mrs. Hudgens said they already have been told they might receive the Allen remains.

April 30, 2005 – Legal Notice: 15-foot easement omitted.

May 1, 2005 – Visited Mt. Zion Cemetery. Ms. Balkar and Betty Johnson.

May 2, 2005 – Requested Auditor, Recorder, Planning and Zoning: “How did the easement get lost?” Reply: “Oh, nobody reads those things!”

May 11, 2005 – Planning & Zoning Meeting. Several infractions of statute law were related. They include bulldozing before primary approval. Draining of pond which caused a formal inspection by DNR and Corps of Engineers. Work going on all night. Fires burning all night. Many notified remarks by Zoning Board members. There is no basic oversight of these building developers when they work in darkness.

STATE LAW AND PROBLEMS

Problem 1 – Protecting residents in Clark County by enforcing all state and local laws.

Problem 2 – Giving adequate notice to all interested neighbors as to building plans in accordance with said laws.

Problem 3 – Removal of cemeteries by the will and pleasure of disinterested developers, not by state statute, but by local opinion that “we can’t stop this.”

Problem 4 – Transfer of legal properties by warranty deed without or removing all legal easements, with special notice and those that refer to public cemeteries.

Problem 5 – Notifying the Clark Co. Cemetery Commissioners of every case of properties that plan to be developed which have a known cemetery on said property.

Problem 6 – Providing oversight and legal authority of all Township Trustees who have the responsibility for cemetery maintenance to follow the state law regarding upkeep, or suffering the penalties under IC 23-14-74-2 and violation of care.

Problem 7 – Posting a bond to guarantee proper disinterment and reinterment.

SUMMATION:

We, the Clark County Cemetery Commissioners, would like:

- (1) A seat on the Planning & Zoning Board of all properties which have cemeteries.
- (2) A review privilege of all builders plans where they claim intent of disinterments and moving cemeteries.
- (3) A notification by County Ordinance to all personnel working in and through the County Courthouse of Clark County, including all legal authorities (*i.e.*, lawyers, judges, paralegals, department heads, those handling all legal property documents such as deeds, transfers of title, quitclaim deeds, that any cemetery disinterments and reinterment plans or transfers must be provided to the Clark County Cemetery Commissioners and that all state and county laws will be abided by throughout.
- (4) A notification by County Ordinance to all Township Trustees that all laws pertaining to the upkeep and maintenance of cemeteries will be done in accordance with Indiana state law (IC 23-14-74).

Read letter to newspaper – Courier-Journal 3/19/1992

- (5) I am requesting a budget for this year of \$5,000 to be held for possible legal assistance in regard to the Cemetery Commission and cemetery questions or lawsuits.

RESOLUTION NO. 6-2005

**A Resolution Establishing The Policy of the County
Commissioners with Respect to Subdivision and
Building Requests in Areas that Might Contain Cemeteries**



WHEREAS, the Board of Commissioners of Clark County, Indiana (the "Board") is the County Executive under I. C. 36-2-2-2 and also functions as the County legislative body under I. C. 36-1-2-9(1):

WHEREAS, the Board believes it necessary and helpful to the public interest that all functions of the Clark County Office of Planning & Zoning ("County Office") be mindful of existing cemeteries, whether abandoned or not, that may have been located upon real estate in the County whereon any aspect of building or subdivision planning or platting may take place from time to time;

WHEREAS, the Board has established a Cemetery Commission pursuant to I.C. 23-14-67-2 and the Cemetery Commission, itself, has elected a president ("the President") from its membership to oversee and regulate the duties of the Commission.

WHEREAS, the Board desires to establish a policy that the Cemetery Commission should have some level of interaction with the Office of Planning & Zoning of Clark County, Indiana, the Clark County Plan Commission and the Clark County Board of Zoning Appeals (each jointly and severally also referred to hereafter as a "County Zoning Agency");

NOW, THEREFORE, be it resolved by the Board of Commissioners of Clark County as follows:

1. That each and every recital as set forth hereinabove is incorporated into this Resolution;

2. That this Resolution shall be deemed to be a *Policy Resolution* of the Board, setting forth the policy of the Board that the Cemetery Commission shall be notified, in writing, of filed applications to build buildings and/or plat new subdivisions in areas of the County wherein no prior buildings exist and/or no prior subdivision has been platted and approved by any County Zoning Agency. In this regard, the Board states a policy that a written notice should issue from the County Office to the President of the Cemetery Commission as to any application for new construction, platting, new subdivisions or requests for variance or special exception upon or real estate planned for first-time building or development, advising the president of the Cemetery Commission that such application has been filed with any County Zoning Agency;

3. That the president of the Cemetery Commission, upon receipt of such notification, shall review and inspect the application on file at the Executive Director's office and shall, upon affirmative majority vote of the Cemetery Commission, notify the County Office, in writing, as to facts and details verifying the existence or likely existence of a current or abandoned cemetery on the real estate that is the subject of the application ("affirmative notification"). This affirmative notification must be received by the County Office within fourteen (14) days after the first notice issued to the President of the Cemetery Commission in order for the notification to be considered by any official action decision of any County Zoning Agency.

4. If no such current or abandoned cemetery is found to exist on the real estate that is the subject of the application, then each County Zoning Agency should continue processing the application at hand, as would occur in the ordinary course of business after expiration of fourteen (14) days notification period described in the preceding paragraph. If no written response is received by the County Office within the time prescribed, then, in this case as well, the County Zoning agency should continue processing the application at hand.

5. In such cases wherein an affirmative notification is timely received by any County Zoning Agency, establishing the facts and details described in paragraph 3 above, a hearing should occur before that agency to verify the existence/nonexistence of such current or abandoned cemetery and how the application being considered may be affected thereby. The County Zoning Agency conducting the hearing described in this paragraph shall further take all steps necessary to comply with the requirements of law with respect to the rights of family members of persons interred on such cemetery so identified.

6. Nothing contained in this Policy Resolution is intended to change or modify an existing Indiana State Code provision or any provision of any Clark County Ordinance concerning planning, zoning or subdivision control. However, the Board believes it is a high priority for the business of Clark County government that each County Zoning Agency of Clark County to be aware of the possible existence of current or abandoned cemeteries upon real estate that is the subject of applications for building or platting future subdivisions. It is the Board's policy to treat all abandoned or current cemeteries verified to exist on such sites with dignity and respect. By passage of this Resolution, the Board requests full cooperation from each County Zoning Agency of Clark County with respect to the subject matter hereof;

7. For purposes of calculating time and the phrase "fourteen (14) days" in paragraph 3 above, this shall mean fourteen (14) consecutive working days (excluding Saturdays, Sundays and holidays when the County offices in the City-County Building, Jeffersonville, Indiana are closed). Day number one (1) of such fourteen (14) day period shall be the day after the Executive Director of the Plan Commission first mails a dated notification to the president of the Cemetery Commission, as outlined in paragraph 5 above;

8. The affirmative notification required by the Cemetery Commission in this Resolution (paragraph 3) must contain facts and details supported by documentary proof when possible, and shall not be based on conjecture, speculation or hearsay only;

9. The Board states its appreciation for the cooperation of all involved to meet the intent and requirements of this Policy Resolution. The authorization granted to the Cemetery Commission by the Resolution is for advisory notification purposes only and is not to be construed as a granting of authority over any official actions of any County Zoning Agency.

THIS RESOLUTION PASSED by a 3-0 vote of the Board of Commissioners of Clark County, Indiana on May 19, 2005 with the President authorized to sign hereon outside of/after the meeting;

Ed Meyer, President

ATTEST:

Auditor of Clark County

cc: Ramona Bagshaw, Executive Director
David Nachand, Plan Commission/BZA Attorney

ORDINANCE NO. 14-2005



**AN ORDINANCE ESTABLISHING A NON-REVERTING FUND
FOR CLARK COUNTY CEMETARY COMMISSION**

WHEREAS, the Board of Commissioners of Clark County (“Board”) is the County Executive and serves, as well, as the County Legislative body pursuant to the Indiana Code,

WHEREAS, the Board is empowered to establish non-reverting local funds for various governmental purposes from time to time,

WHEREAS, a need exists to establish a non-reverting fund for the receipt and disbursement of donations and other miscellaneous revenues directed to, or contributed to, the Clark County Cemetary Commission,

NOW THEREFORE BE IT ORDAINED BY THE BOARD AS FOLLOWS:

1. That each and every recital above is incorporated into this Ordinance;
2. That there is hereby established a non-reverting fund to be known as the “Cemetery Fund,” into which contributions or donations may be received from time to time;
3. That the Auditor of Clark County shall keep records and monitor the activities of all receipts into this fund. Disbursements may be made from this fund, without appropriation, upon a valid claim being presented, subject to processing and publication requirements of Indiana law;
4. That all monies remaining in this fund at the end of every budget year shall not revert to any other source; rather, monies shall continue to be held in this non-reverting fund, from year to year;

SO ORDAINED THIS 21ST DAY OF SEPTEMBER, 2005 .

ATTEST:

Barbara Haas
AUDITOR OF CLARK COUNTY

Mr. Edward Ray
COMMISSIONER

Robert D. Miller
COMMISSIONER

V. J. Kent
COMMISSIONER

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CLARK COUNTY CEMETERY COMMISSION MEETING DECEMBER 14, 2005

A meeting of the Clark County Cemetery Commission was called to order on December 14, 2005 at 6:30 P.M. in the meeting room of the Sellersburg Library by President Dan Johnson, who chaired the meeting.

Commission Members Present: President Dan Johnson, Lois Mauk, Tamzy Murer, David Abbott and Theresa James. Also, present at the meeting were Jack and Betty Briles.

President Johnson began the meeting with a thank you to all for what they have done this year for the Commission and reported that Paul Coffman could not attend the meeting because of a fall that he sustained.

OLD BUSINESS....

Dils Cemetery: President Johnson reported that he met with Walnut Ridge Cemetery Officials on Monday 11, 2005 and that the remains of the Dils Family will be buried in Section 1a lot 21. The cost of the interment and grave will be eight hundred dollars (\$800.00) which will be paid to Walnut Ridge Cemetery, Incorporated. The cost of the monument will be eight hundred sixty one dollars and twenty-five cents (\$861.25) which will be paid to Orwick Monument Company, Incorporated. President Dan Johnson explained that the remains could not be buried in the existing Dils plot in Walnut Ridge Cemetery because there wasn't sufficient proof of a family connection. After the interment is completed and the monument has been set there will be a service with a Minister present. Lois Mauk agreed to ask Reverend John Jones to officiate the service at the site of the interment. Lois Mauk agreed to give the deed to Dale Popp, Jeffersonville Township Trustee. President gave a list of the following persons to thank for help in the success of this project: Melinda King, Dale Popp, Jeffersonville Township Trustee, Frank Ballard, Attorney for Jeffersonville Township Trustee. Vision Land Development, and Clark County Attorney Daniel Moore. A copy of the report will be provided to the Clark County Council and the Clark County Commissioners for their review.

Bank Account: President Dan Johnson reported that the County Commissioner have, as agreed, set up a non-reverting fund for the Clark County Cemetery Commission. President Johnson turned the bank account over to David Abbott, Treasurer for the Clark County Cemetery Commission. The members discussed possible fundraisers such as a tour of the cemeteries in the INAAP Plant to build funding needed to continue the work of the Commission serving Clark County. Tamzy Meir reported that there are grants available through Walmart that we could check into.

Colston Park Cemetery: President Johnson reported that the project has been finished and there was no need for further discussion.

Colgate Property: Possibly a cemetery on the property where the Colgate Plant is currently located. If they move as planned, we need to be aware of future construction on that site.

NEW BUSINESS....

Year End Report: President Dan Johnson passed out a copy and read aloud the Year End Report for 2005.

Salem Noble Road Widening: President Johnson reported that he is on the team and will keep the Cemetery Commission updated.

Thanks for County Commissioner's Support: President Dan Johnson acknowledged the support of the Commissioners in 2005 and plans for a request for funding in 2006.

Improvement Projects for 2006: President Dan Johnson reported that there is stone available for upkeep and improvements at the cemeteries as needed. Plans were made to enlist local Boy Scouts to paint the fence around the McClintock-Sylvester Cemetery on Coopers Lane and check with Walmart or Home Depo with a request that they donate the paint and supplies for this project.

Reimbursement to Lois Mauk: President Dan Johnson suggested reimbursement to Lois Mauk for all her expenses such as e-mail and contact work in 2005. Lois Mauk graciously declined any reimbursement.

The meeting was adjourned at eight o'clock with plans to meet in March of 2006.