



## Indiana Scenic Byway Committee Minutes

Meeting held on March 2, 2018 at 10:00 a.m. in the Auditorium at Falls of the Ohio State Park  
201 W. Riverside Drive, Clarksville, Indiana

The following are minutes not intended to be a verbatim transcript.

### Members Present (voting):

Amy Marisavljevic, Indiana Department of Natural Resources  
Karen Avery, Association of Indiana Counties  
Jay Mitchell, Indiana Department of Transportation  
Noelle Szydyk, Indiana Office of Tourism Development

### Members Present (non-voting):

Joyce Newland, Federal Highway Administration – Indiana Division

### Members Absent (voting):

Matt Greller (Aim)

### Brief Summary of the Scenic Byway Program

Mr. Mitchell provided a brief review of the history of the Indiana Scenic Byway Program. He noted that the program had been somewhat dormant in recent years. The Committee previously met only when called upon. The most recent request involved a Scenic Byway Passport program that was requested in conjunction with the State's Bicentennial community projects. The Committee was meeting on this date to review and act on the application to designate State Road 265 as part of the existing Ohio River Scenic Byway. The application was submitted to INDOT by the Kentuckiana Regional Planning & Development Agency (KIPDA). Ms. Marisavljevic provided an explanation of what agencies make up the Committee and why each agency is represented on the Committee.

### Review of the Application for the Inclusion of SR 265 into the Ohio River Scenic Byway

Mr. Mitchell began the discussion of the application review. He asked Ms. Marisavljevic to review the criteria that make up the application. Ms. Marisavljevic then explained that the basic criteria, if met, is the basis used to determine the approval or denial of a request for scenic byway designation. The Committee then reviewed the application, section by section to determine if each of the criteria had been met.

### Questions, Comments and Discussion from Those Present

Mr. Mitchell then opened the floor to an open discussion regarding the merits of the application, providing an opportunity for those present to voice their concerns either in favor or opposed to the application.

First to speak was Mr. Hank Dorman with the Utica Development Commission. Mr. Dorman's main concern was that the citizens nor the local government of Utica were not made aware of the application. He shared that nothing had been communicated to their community. Ms. Marisavljevic asked for clarification on this front, as she understood the town of Utica is a part of KIPDA's jurisdiction. Mr. Dorman stated that the Clark County, in which the town of Utica is located, is represented in the KIPDA organization. However, they or KIPDA did not communicate about the application to the town of Utica, where the potential scenic byway addition is located.

Mr. Mitchell attempted to request a response from KIPDA, the requesting organization, but no representatives of the organization were in attendance.

Second to speak was Mr. Mike Maschmeyer, an attorney representing a number of parties from Utica that are currently opposing the application. Mr. Maschmeyer communicated that he did his research and that no state statute defining the "power" of the committee was available. He stated that he did not understand how this committee could come to a recommendation without all the facts, and in particular since this was their first meeting after being dormant. He also was concerned as to the legitimacy of the area as "scenic". He then expressed concern as to due process for the landowners property rights adjacent to this proposed byway. Lastly, he questioned whether the proper communication to all parties affected by a potential designation were met on this meeting.

Ms. Marisavljevic clarified that the actions available to the Committee regarding this application were to approve, deny, table, and/or return to the applicant for more information. She also mentioned this was the first public meeting held by the Advisory Committee, but they have met previously to review regarding this application. Their meetings and responses to the applicant resulted in changing this application from a new, stand-alone scenic byway to an addition to an existing Ohio River Scenic Byway as well as for additional information and/or clarification of other aspects of the application requirements. She noted that all agencies represented on the advisory committee are a part of the Executive branch and they have an enabling interagency agreement for the State Scenic Byway Program. Lastly, she confirmed that this meeting is not a public hearing, but a meeting of the Committee that is meeting all the requirements of the Open Door Law. Mr. Maschmeyer thanked her for her clarification and the opportunity to voice his many serious concerns.

A local land owner stated that the Utica Lime Kilns and that the INAAP Igloo Historic District could not be seen from the SR 265 roadway.

Mr. Darrell Voelker with Harrison County provided some historical information related to the formation of the Ohio River Scenic Byway and the byway program in general. He was involved in the original designation by the legislature of the committee. Voelker and Ms. Joyce Newland explained how many scenic byways did public outreach and got community support in past designations. Ms. Newland stressed the program has historically had grassroots organizations driving the application.

Mr. Rob Waiz with economic development in Clark County and Jeffersonville provided insight into the validity of the claim as the space along the road as scenic. Waiz shared that Economic Development in Jeffersonville worked with INDOT to make sure things were done to improve the way the corridor looks and that it is maintained.

Mr. Mitchell brought up the billboard portion of the designation request. He stated that INDOT had issued 6 billboard permits along the new SR 265 corridor prior to the receipt of the scenic byway application.

Apparently, three billboards have been constructed. Mr. Mitchell shared that the rule is that if any portion of the billboards are not complete if/when the designation is official, at that time no more work could be done to complete the billboard structure. Those Billboards that are completed prior to any scenic byway designation will be grandfathered in.

### **Committee Vote on Recommendation**

After a number of additional points made by gallery attendees Mr. Mitchell asked for a motion to either approve the designation, deny the application or table it for further comment.

- A formal motion was made by Ms. Marisavljevic to table the discussion to allow more public outreach to be done and to clarify answers from the applicant..
- Ms. Noelle Szydlyk seconded the motion.

The Committee then voted 4-0 to table the application to designate SR 265 as part of the existing Ohio River Scenic Byway until further public comment and additional information from the applicant could be gathered.

### **Adjournment**

In the process of wrapping up the meeting, Mr. Mitchell assured some of the public guests by stating that the Committee would be putting the information on the specific application on the website. He also mentioned keeping them up to date on the status of the application, the nature of any further discussion and what are the next steps.

Meeting was adjourned at approximately 11:30 am.