

February 5, 2015

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, February 5, 2015, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:00 p.m. Don Calvert led the Pledge of Allegiance.

Roll Call: Members present were: Terry Baker, President, Russ Ryle, Vice President, David Drake, Don Calvert, Pat Wesolowski and Sandra Hash. Scott Thomas came in just after the meeting started. Kevin Tolloty, Director of Planning, and Darla Brown, Town Attorney, were also present.

Approval of the Minutes – January 8, 2015

Terry Baker entertained a motion for approval of the minutes for the regular meeting on January 8, 2015. Pat Wesolowski so moved. Russ Ryle seconded. Motion carried.

Election of Officers

Pat Wesolowski made a motion to keep the same officers as last year. David Drake seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; David Drake – yes; Don Calvert – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 6-0.

Old Business

Ordinance to Establish Garage Sale Guidelines and Restrictions

Darla Brown, Town Attorney, made changes to the proposed ordinance based on comments from the last meeting. The ordinance was changed from yard sale to garage sale. The definition now includes yard sales, lawn sales, attic sales, rummage sales, flea markets and moving sales and items displayed for sale can be on the lawn or in a garage. Permit requirements have been deleted. There was a discussion about the number of yard sales per physical address and paragraph (A) makes it clear they are talking about the number of yard sales per physical address.

Don Calvert has a question about paragraph (A). It states “*All items offered for sale must be removed within eight (8) hours of the conclusion of the sale.*” Does this mean per site or property and what is it removed from? Ms. Brown replied it is from the site. Mr. Calvert asked if this means they cannot put it in a garage. Mr. Thomas suggested changing it to “from display”. Mr. Drake commented this provides some restrictions and guidelines without the annoyance or difficulty of having to deal with the permit process. Mr. Ryle talked to the Town Marshal and he has no pressing issues with parking and no lack of enforcement tools if cars are parked illegally. Mr. Baker noted this ordinance references the sign ordinance which doesn’t change. Ms. Brown agreed. The sign ordinance that is in effect states three signs are allowed and they must be posted on private property.

Warren Hoobyar asked how Code Enforcement is going to know someone operated three garage sales a year without having a permit. Is he to keep track of addresses? Someone is going to have to regulate how many times people have yard sales. Ms. Hash answered this is being put in the code so they have some teeth if they have a problem. He won’t have to watch or regulate the garage sales. If a garage sale becomes a problem and someone complains then the Town has something to go by. They will not police garage sales unless there is an issue. Mr. Baker added it is complaint driven. Mr. Hoobyar reiterated the ordinance states three times and this puts a burden on Code Enforcement. Mr. Ryle said the issue is going to be how do they write a letter of complaint notifying people they violated this ordinance. The letter needs to note the dates of the previous yard sales. Mr. Tolloty said although the ordinance states three garage sales, he doesn’t think having four is a huge problem. This is for continuous garage and yard sales. As they drive around they will notice if anyone is a problem. Mr. Drake thinks if someone is making an issue of it they would have an idea of when the other garage sales occurred which could be used as evidence of the violation. It is not a criminal offense and doesn’t require the same level of evidence. Mr. Wesolowski mentioned there have only been two properties in 20 years that have been a problem. He cannot foresee there being a problem every day. Mr. Drake stated if somebody has a continuous garage sale the Planning Department will watch that particular person. They are not expected to drive around and write down every garage sale in Town limits. He is not hard-set on allowing three a year but is against allowing someone to have a garage sale every other weekend because that would be excessive.

Russ Ryle asked Mr. Hoobyar when he finds a sign in violation does he take a photo of it. Mr. Hoobyar answered yes. Mr. Ryle suggested when there is a complaint of an address having excessive garage sales he could take a photo and date it for evidence. Ms. Hash doesn’t think they can take the neighbor’s word for when the yard sales are held. Mr. Thomas stated it is a good starting point and it is complaint driven. When it’s warm and someone keeps tables up all the time that should generate a complaint which gives the Town grounds to start the process. If they have

four or six yard sales and neighbors aren't complaining then it is not congesting traffic or causing a problem do they really want to get into nitpicking? He doesn't think they do. If it is causing problems and people are complaining then they have to check it out. Mr. Tolloty thinks the ordinance is sufficient

because there doesn't seem to be that much of a problem with garage sales and it will be complaint driven.

Darla Brown confirmed a change to paragraph (A) as follows: *“All items offered for sale must be removed from public display within eight (8) hours of the conclusion of the sale.”*

Terry Baker entertained a motion to send the garage sale ordinance, as amended, to the Town Council with a favorable recommendation. Pat Wesolowski made a motion to send the garage sale ordinance, as amended, to the Town Council with a favorable recommendation. Scott Thomas seconded. Roll Call Vote: Terry Baker – yes; Russ Ryle – yes; David Drake – yes; Scott Thomas – yes; Don Calvert – yes; Pat Wesolowski – yes and Sandra Hash - yes. Motion carried 7-0.

Plan Commission Comments

Russ Ryle thinks it would be a great opportunity to get back to the Comprehensive and Transportation Plans. Mr. Tolloty has been looking at what has been done so far and is not excited about some of it and the way it has been set up. He would like to go back to the beginning and start the whole process over within the next month or two. He would like to form a steering committee with people from the Plan Commission, Town Council and people in the community so there will be a variety of viewpoints. He and Denise Line, of his office, will work on putting it together so he will not be asking them to write any sections of the plan. He doesn't think this should be a task of the Plan Commission. They are welcome to add thoughts or comments and they will have a chance to review it. Mr. Ryle thinks I-69 and growth in the community need addressed. Mr. Baker thinks they need more involvement from the Town Council because they may not share the same view as the Plan Commission. Ms. Hash remarked this is why there are two Town Council representatives on the Plan Commission. Mr. Baker thinks all of Town Council needs to be involved. Mr. Ryle suggested representatives from the school system, Chamber of Commerce and Main Street. Mr. Wesolowski said in years past, a questionnaire was sent to the community. The Town should know they have a voice in what is going on. Mr. Ryle reminded everyone in 2037 the Town will be 200 years old. They need a meeting to focus on 2037 so people can feel free to express their thoughts without getting hung-up on what they're facing today or tomorrow. Mr. Tolloty noted the goal of the Comprehensive Plan is to look at 20 years in the future. Mr. Thomas suggested everyone could think of different ideas on how to reach the public. Mr. Tolloty asked them to let them know if they have any thoughts on good members for the steering committee.

Adjournment

Terry Baker entertained a motion to adjourn. Pat Wesolowski made a motion to adjourn. Russ Ryle seconded. Terry Baker adjourned the meeting at 6:30 p.m.

Terry Baker, President

Russ Ryle, Vice President

Sandra C. Hash, Secretary

Don Calvert

David Drake

Scott Thomas

Pat Wesolowski