

January 8, 2015

The Ellettsville, Indiana Plan Commission met in regular session on Thursday, January 8, 2015, in the Fire Department Training and Conference Room located at 5080 West State Road 46. Terry Baker called the meeting to order at 6:02 p.m. David Drake 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. Kevin Tolloty, Director of Planning, and Darla Brown, Town Attorney, were also present.

Approval of the Minutes – December 4, 2014

Terry Baker entertained a motion for approval of the minutes for the regular meeting on December 4, 2014. David Drake so moved. Russ Ryle seconded. Motion carried.

Old Business

Yard Sales and Garage Sales

Terry Baker advised since the ordinance for yard and garage sales was not advertised there could not be much discussion. Ms. Brown advised there could be minor discussion and the hearing notice would be published in the newspaper for the next meeting.

Sandra Hash stated the Town previously had permits for yard and garage sales. Her office is open to the public and easily accessible but it is not a cash office. It is a disruption to her office to have numerous people go in and out all of the time. She has done this before and the permits are time consuming. She understands the need but doesn't think one or two people being out of compliance should affect every citizen in the Town of Ellettsville. To say every person in the Town who wants to have a three day garage sale has to go to some office and register is not time efficient for any office.

Terry Baker commented at the last meeting they discussed doing an online application but not everyone has internet access. Those who don't could go to the Clerk-Treasurer's office and fill out a simple form. Ms. Hash asked if this is because of one problem or is the Town having a crisis with garage sales. She doesn't feel everyone should be punished if there are one or two people who are giving the Town a headache. Mr. Wesolowski concurs and thinks there are too many rules and regulations. Ms. Hash said there are not enough people to enforce it. The code enforcement officer is seasonal and has a full plate. The police will not enforce yard or garage sales. Mr. Baker said the police are to be notified in case there is a problem with traffic. Ms. Hash noted when permits were obtained in her office the cost was \$3. The police never asked if someone had a permit and she never reported the same. Have the police addressed their concerns to the Plan Commission?

Pat Wesolowski asked Warren Hoobyar, seasonal Code Enforcement Officer, if they've had more than one complaint. Mr. Hoobyar said there is more concern about posting signs than the yard sales. Most people say they don't know the rules for posting yard sales. There has never been an ordinance about yard sale signs. There are two perpetual yard sales. He doesn't have a problem with permitting but with educating the public about yard sales. It's a good idea to limit the days and to remove materials after the yard sales.

Sandra Hash doesn't have a problem with making regulations about the issues surrounding yard sales. It is difficult to educate the public and make citizens comply with small issues. She does not want to add more of a burden on Town staff by having to track permits and garage sales. It is a cumbersome task that doesn't accomplish a lot. Mr. Wesolowski noted the ordinance states yard sales can last only three days. It will be complaint driven. If they eliminate permits the ordinance will already tell them it can only be three days.

David Drake thinks the reason for the permit was to have an official starting date in which to measure the three days. It means if there is a complaint and then three days later they're still having it the same thing is accomplished without burdening someone to track permits

in the Clerk-Treasurer’s office. Mr. Baker doesn’t have a problem with doing away with permitting as long as it is defined and is on a complaint basis. Ms. Hash commented it will

be harder to track if people have yard sales more than three times a year. Ms. Brown confirmed the consensus is to remove subparagraph B regarding permitting.

Russ Ryle does not find that “permanent yard sale” has been defined. Mr. Baker noted it has not been defined because yard sale is defined as three days. Mr. Ryle said the Town code has regulations governing businesses in residential areas. He can’t believe they cannot proceed on those regulations based on “permanent yard sales”. He is concerned that rather than enforcing they’re making more rules. A retail business cannot be run out of a residence. Ms. Hash noted there are rules which allow certain home occupations. Ms. Brown advised §152.004(G) states if you have a home occupation “*there shall be no outside storage of materials or goods visible from the street or from adjoining neighbors.*” Mr. Tolloty asked if you go by that logic wouldn’t you effectively prohibit anyone from ever having a yard sale again. The definition for a garage sale just makes it cleaner. Mr. Ryle thinks a perpetual yard sale is in violation of existing regulations and home occupation needs to be defined. Ms. Brown noted the code states the businesses that can be run under home occupations. Mr. Ryle stated an ongoing property sale is not listed as a permitted use. He doesn’t want two or three different sections of code that need to be referenced. His concern is enforcement. It needs to state a garage sale is not a home occupation.

Pat Wesolowski asked the difference between a flea market and garage sale. Ms. Brown answered there are multiple vendors and it is more like a swap shop with multiple booths. She will put something in the ordinance about flea markets.

Evelyn Ryle asked what protection is available for homeowners on parking without permission during long term yard sales. Ms. Hash said it is a good point. Sometimes people park on both sides of the street where parking is not allowed. Further discussion on parking issues ensued.

Pat Wesolowski doesn’t think a permit should be required and is in agreement with the remainder of the ordinance. Mr. Ryle agrees a permit should not be required but enforcement is needed. There was further discussion on parking and home occupations versus revising the code for yard and garage sales.

Terry Baker asked the thoughts of the Plan Commission on how to proceed. Ms. Hash wants to continue with the ordinance as is except for striking the section on permits. All concurred. Ms. Brown thinks if traffic is the problem along with the perpetual display of merchandise they may want to include language about items for sale are either on the lawn or inside the garage.

Adjournment

Terry Baker entertained a motion to adjourn. Russ Ryle made a motion to adjourn. Pat Wesolowski seconded. Terry Baker adjourned the meeting at 6:55 p.m.

Terry Baker, President

Russ Ryle, Vice President

Sandra C. Hash, Secretary

Don Calvert

Pat Wesolowski

David Drake
