

*Amended 6-2
(Bansch, Sabbe)*

ORDINANCE 05-07

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
"HISTORIC PRESERVATION AND PROTECTION"
TO ESTABLISH A HISTORIC DISTRICT**

**Re: "The Fleener Building" at
112 East 3rd Street**

(Bloomington Historic Preservation Commission, Petitioner)

WHEREAS, the Common Council adopted Ordinance 95-20 which created a Historic Preservation Commission and established procedures for designating historic districts in the City of Bloomington; and

WHEREAS, the Historic Preservation Commission held a public hearing on January 13th, 2005 for the purpose of allowing discussion and public comment on the proposed historic district designation of "The Fleener Building" at 112 East 3rd Street otherwise described as:

Part Fractional Outlot #21

WHEREAS, at the January 13th, 2005 meeting the Historic Preservation Commission found that the building has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, the Commission has prepared a map and written report which accompanies the map and validates the proposed district by addressing the criteria outlined in BMC 8.08.10; and

WHEREAS, the Commission voted to submit the map and report to the Common Council which recommend local historic designation of "The Fleener Building;"

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA. THAT:

SECTION I. The map setting forth the proposed historic district for the site is hereby approved by the Common Council, and said historic district is hereby established. A copy of the map and report submitted by the Historic Preservation Commission are attached to this ordinance and incorporated herein by reference and two copies of them are on file in the Office of the Clerk for public inspection. The legal description of this property is further described as:

Part Fractional Outlot # 21

SECTION II. The Fleener Building shall be classified as "contributing."

SECTION III. Chapter 8.20 of the Bloomington Municipal Code, entitled "A List of Designated Historic Districts," is hereby amended to insert a line regarding the "The Fleener Building" which shall read as follows:

The Fleener Building 112 East 3rd Street

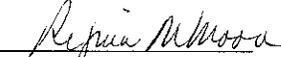
SECTION IV. If any section, sentence, or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION V. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

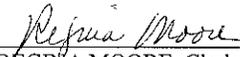
PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 16th day of FEBRUARY, 2005.


ANDY RUFF, President
Bloomington Common Council

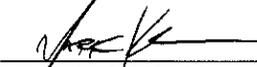
ATTEST:


REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to Mayor of the City of Bloomington, Monroe County, Indiana, upon this 17th day of FEBRUARY, 2005


REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this 17th day of FEBRUARY, 2005.


MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends Chapter 8.20 of the Bloomington Municipal Code entitled "The List of Designated Historic Districts" in order to designate the Fleener Building located at 112 East 3rd Street as a historic district. The Bloomington Historic Preservation Commission sought this designation and after a public hearing on January 13, 2005 recommended it to the Common Council. Along with the designation, it also recommended that the building be classified as "contributing." This classification was recommended because the building is a memorable part of the Third Street commercial corridor with distinctive Classical Revival details that are even now influential in contemporary architecture and that the building is one of very few surviving 1920's commercial blocks of this style. Once this ordinance has been adopted, the property would be regulated by the requirements that apply to all historic and architecturally worthy districts so designated by the Common Council. These regulations preserve and protect the property from demolition and include the review of exterior modifications.

Signed copies to:
L. Z. G. W. (S)
HPC
BRI Petitioner
HAND

BMC File
Clerk
File
BMC File
CA/CA (2)



Fleener Building 112 East 3rd Front Facade



Fleener Building 112 East 3rd camera looking southeast



New construction: 6th and Madison



S. P. Mitchell Building 1500 South Walnut c. 1930.

Bloomington's Tamale Joe died Sunday

The familiar sight of Tamale Joe ambling down South Walnut swinging his pail of hot tamales ended with his sudden death Sunday afternoon.

Buried yesterday, Joseph B. Fleener died at Bloomington Hospital after suddenly becoming ill Sunday. He was 75.

Joe Fleener used to cover the downtown and campus area in his daily sales of tamales, but when his age became a factor, he preferred to remain close to his home at 1203 South Walnut street. He could usually be seen at the corner of South Walnut and Grimes lane.

Came to Bloomington.

Joe came to Bloomington from school. He interrupted his schooling in 1912 to marry, and in 1915 he went into the restaurant business.

He stumbled on the tamale trade by accident in 1915 when Walter Woodward, one of his employees, who had come from Mexico to visit his family, traded Joe the recipe for his fare back to the west.

The recipe was in Joe's possession for almost 15 years before he considered the possibility of making a living by making and selling tamales when the "Great Depression" of the 30's hit.

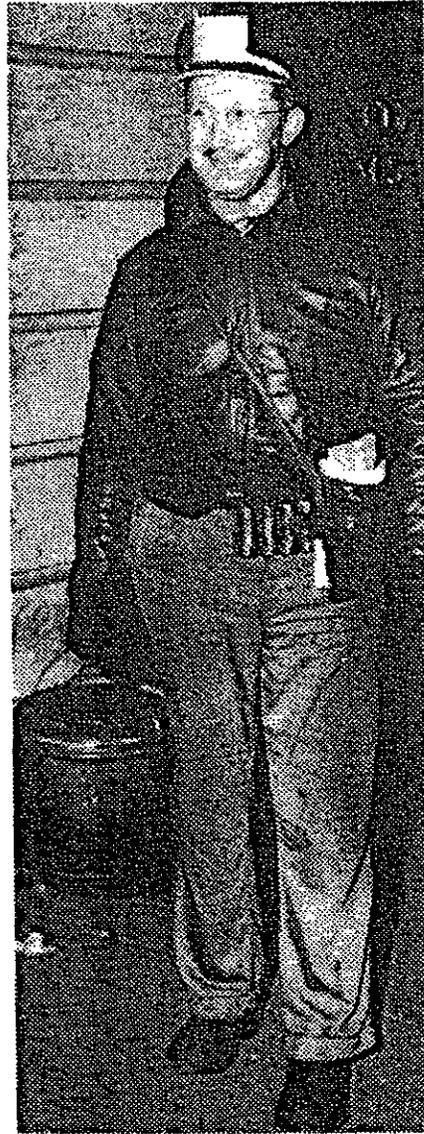
"It knocked the props out from under me," Mr. Fleener told a reporter. "I lost everything. . . my place, my wife. . . everything." He explained that his wife left because of hard times during the lean years.

Used secret recipe.

Joe made the tamales in the spotless kitchen of his large home. The recipe was a well-guarded secret, but included a basic meat mix of chicken, pork, or veal combined with over 15 spices and chili pepper which Joe ground himself.

The largest number of tamales he sold in a single day was about 300 on VJ day in 1945. He sold tamales to the crowds in the square in pouring rain from early afternoon until nearly midnight.

Aside from his occupation as vender, Joe was an avid stamp collector and possessed more than 50,000 stamps which he valued in excess of \$5,000. He was a member of the National Philatelic Society and was listed by the organization as a specialist in the field.



"Hot Tamale" Joe

For about 35 years, Joe Fleener, known as "Hot Joe, made and sold his hot tamales to scores of low and I. U. students, peddling them on the square and streets in an insulated pail. Joe died in 1966.

From: 1818-1968 History of Bloomington



PRACTICING LAW IN
THE PARIS DUNNING HOUSE
NATIONAL HISTORIC REGISTER

BAUER & DENSFORD
ATTORNEYS AT LAW

January 21, 2005

JAWN J. BAUER
THOMAS E. DENSFORD
JASON L. MCAULEY
JEFFREY A. CHALEFANT
PATRICK D. CARROLL
OF COUNSEL

Lisa Abbott
Assistant Director
Housing and Neighborhood Development Dept.
PO Box 100
Bloomington, IN 47402

RE: Historic Designation of Fleener Building

Dear Lisa:

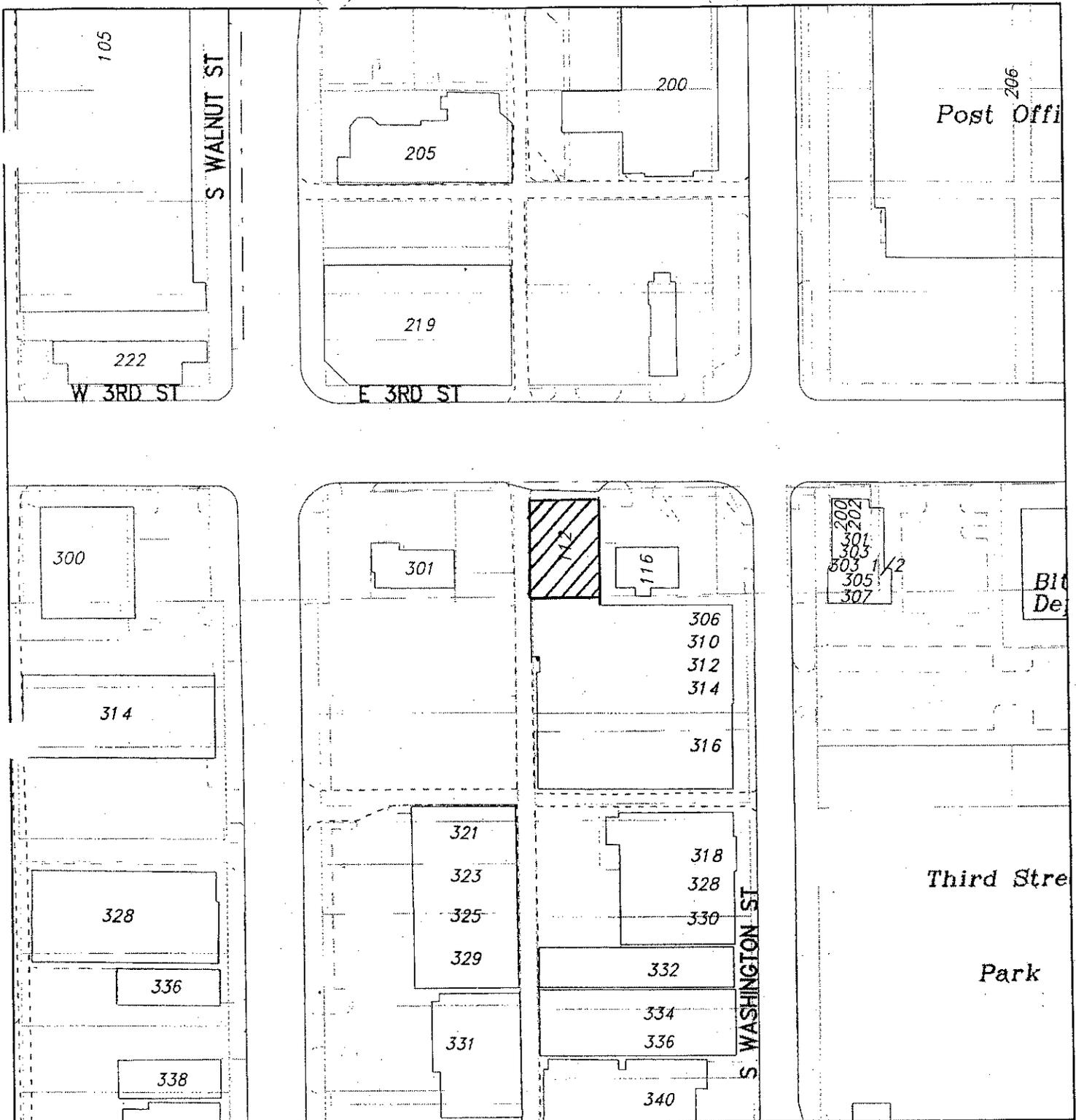
It is the intention of Phelps Properties L.L.C. to challenge the Historic Preservation Commission's recommendation before the Common Council and pursue appropriate legal remedies arising from the Commission's procedural and substantive violations of Title 8 of the Bloomington Municipal Code.

Thank you for your attention to this matter. If you wish to discuss this matter further please do not hesitate to contact me.

Sincerely,

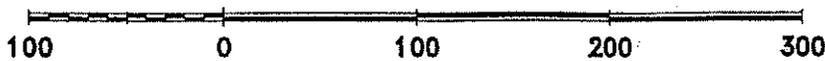
Thomas E. Densford
Thomas E. Densford

Ik/TED
CC: Phelps Properties, L.L.C.



HD-05-04
 Fleenor Building
 112 East Third Street

By: hiestann
 27 Dec 04



For reference only; map information NOT warranted.

City of Bloomington



Scale: 1" = 100'



The property at 112 East 3rd Street, also known as the "The Fleener Building," qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) c; (2) e, f, and g.

- (1) Historic:
 - a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or
 - b. Is the site of an historic event; or
 - c. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

- (2) Architecturally worthy:
 - a. Embodies distinguishing characteristics of an architectural or engineering type; or
 - b. Is the work of a designer whose individual work has significantly influenced the development of the community; or
 - c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or
 - d. Contains elements of design, detail, materials, or craftsmanship which represent a significant innovation; or
 - e. Contains any architectural style, detail, or other element in danger of being lost; or
 - f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood of the city; or
 - g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style.

The Fleener Building is a vernacular commercial block located along the East Third Street corridor between Washington and Walnut. It was built in 1928, during a period of construction in the neighborhood that also saw completion of the Coca Cola Building remodel (1924) and the Home Laundry (1922). The owner of the Fleener Building has applied for a demolition permit. The Fleener Building is one of three very similar brick commercial buildings built in the 1920's that remain in Bloomington. These include the S.P. Mitchell Building (1928) at the corner of Hillside and Walnut and the Mitchell Brothers Building at 406-408 South Walnut (1922). All are designed for retail on the first floor and residential above.

The Fleener Buildings was surveyed in 2001 and is catalogued as #155-055-90067 in scattered

sites as a contributing structure.

The Fleener Building was built on the site of the residence of Joseph Burl Fleener in 1928. His wife, Jennie, ran a beauty salon called the New York Beauty Shoppe at 112 ½ East Third in the same building through 1930. At the time a restaurant, JW Rendel's, was located in the principal store front. The Depression saw several years of vacancy but the residential units remained occupied. In the 1940's the Canton Tea Room was located in the building. In 1948, Modern Cleaners moved in and stayed until 2000: over 50 years and is probably the most familiar name associated with the building.

Joe Fleener, the building's namesake, was actually a familiar figure around town. He achieved some fame, as "Hot Tamale" Joe. For 35 years, he was a familiar figure on Kirkwood and Walnut selling hot tamales to students. During the Depression, Joe began to make tamales with a recipe from the southwest that an employee from his restaurant had brought back. In difficult times, Joe seems to have lost the building and started producing tamales from the kitchen in his home that he sold from a pail on the street. Joe's life and death were covered in the local and student newspapers. He had sold his wares on the streets of Bloomington from 1932 until his death in 1966. According to Joe, he lost everything during the Depression, his place and his wife.

The Fleener building is a brick multi-unit commercial building. The square front form has a two story façade that masks a bow truss roof attached to the façade. This form is common in early twentieth century buildings in Bloomington. The building design, the style of which is commercial vernacular, also contains some classical revival details. The tripartite front entrance is symmetrically placed between single story battered piers and two story piers that divide the bays into three. It is most similar in style to the S.P. Mitchell Building on South Walnut and like it has a limestone carved building name and date in the façade. The four piers rise to square columns capped with limestone. Soldier courses divide the building horizontally. The windows are symmetrically placed with a ribbon course of four, six over six windows on the second floor. The sash in the other windows in the building may have been replaced or they may have originally been single light double hung sash, as they appear. Also modified are the store front windows, which continue to have original proportions, but may have had transom lights.

Although there are scattered commercial buildings that remain from the twenties in the city this is one of only three that are in the larger scale and are distinctly "designed." This is also a building with possible residential uses above the retail floor, as it was used originally. This traditional building contains design details that are now being imitated on downtown commercial buildings, such as the new Bloomington Paint and Wallpaper building at Grimes and Walnut and the Building at 6th and Rogers completed by CFC.

Staff recommends approval and to adopt the rating of "contributing" as recommended by the 2001 survey.