



City of Bloomington Common Council

Legislative Packet

Regular Session

21 October 2009

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402

812.349.3409

council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Final Action:

- **Ord 09-18** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Responsible Bidding Practices and Requirements to Perform Construction Work on City of Bloomington Projects
Contact: Mike Rouker at 349-3426 or roukerm@bloomington.in.gov
- **Ord 09-19** To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” - Re: Numerous Changes Resulting from a Periodic Review of Title 7 and Also Responding to HEA 1468 which Regulates “Puppy Mills”
Contact: Laurie Ringquist at 349-3870 or ringquil@bloomington.in.gov

Please see the [October 7th Legislative Packet](#) for the legislation, background materials and summaries regarding [Ord 09-18](#) and [Ord 09-19](#).

Legislation and Background Material for First Reading:0

- **Ord 09-20** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Expanding the Bloomington Commission on Sustainability to Include an Appointment from Monroe County Government and an Ex-Officio Representative from Indiana University
- Memo to Council from Adam Wason, Assistant Director for Small Business and Sustainable Development; BMC 2.12.100 (Enabling Legislation for the Bloomington Commission on Sustainability) Annotating Changes
Contact: Adam Wason at 349-3406 or wasona@bloomington.in.gov

- **Ord 09-21** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” To Establish a Historic District - Re: Elks Lodge #446 Located at 400 North Walnut Street (Bloomington Historic Preservation Commission, Petitioner)
 - Map of Designation; Memo to Council from Nancy Hiestand, Program Manager, HAND Department; Report from the Historic Preservation Commission

Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Minutes from Regular Session:

None

Memo

Two Item Ready for Final Action and Two Items Ready for Introduction at the Regular Session on Wednesday, October 21st

There are two ordinances ready for final action and two ordinances ready for introduction at the Regular Session next Wednesday. The two ordinances ready for final action and the related material can be found online as noted above and the two ordinances ready for introduction and the related material are included in this packet and summarized below.

First Readings

Item One – Ord 09-20 – Amending Title 2 (Administration and Personnel) to Expand the Membership of the Bloomington Commission on Sustainability to Include Representatives from Indiana University and Monroe County Government

Ord 09-20 amends Title 2 (Administration and Personnel) to expand the Bloomington Commission on Sustainability (Commission) from 12 to 14 members to include a representative from Indiana University and from Monroe County government. This change comes forward from the Commission with the intention of fostering further collaboration on matters of sustainability between the City and these two entities. The member from Monroe County government would be appointed by the Monroe County Commissioners and the member from Indiana University would be the Director of Sustainability or his/her designee. All members would have a vote.

Item Two- Ord 09-21 - Amending Title 8 (Historic Preservation and Protection) in Order to Designate The Elks Lodge #446 at 400 North Walnut Street as a Historic District

Ord 09-21 amends Title 8 of the BMC by establishing The Elks Lodge #446 at 400 North Walnut Street as a historic district at the request of the Historic Preservation Commission, which undertook deliberations on this designation after the property owner submitted a request to demolish the building this Spring.

Historic Preservation Ordinances

Before describing this district, the next few paragraphs provide a brief overview of the Title 8 regarding Historic Preservation and Protection. The provisions of that title conform to State law (I.C. 36-7-11 et seq.) and are intended to protect historic and architecturally-worthy properties that either impart a distinct aesthetic quality to the City or serve as visible reminders of our historic heritage. These provisions are intended to:

- ensure the harmonious and orderly growth and development of the City;
- maintain established, but endangered, neighborhoods;
- enhance property values and attract new residents; and
- ensure the viability of the traditional downtown area and to enhance tourism.

The Historic Preservation Commission is authorized to make recommendations to the Council regarding the establishment of historic districts. It also promulgates rules and procedures for reviewing changes to the external appearance of these properties. This review takes the form of either granting or denying certificates of appropriateness for the proposed changes.

The code provides for various levels of historic designations, areas, and ratings which largely correspond to various levels of protection. There are two forms of designations. The first form is the Conservation District, which is a less restrictive (and often interim form of) designation (initially for three years), and the second is the full historic district. Within each district, properties may be divided into the more regulated primary or less regulated secondary areas. Each property within a district may be rated as either outstanding, notable, contributing, or noncontributing, according to its significance.

According to the BMC, the Historic Preservation Commission must hold a public hearing and submit a map and Report to the Council. The map identifies the district and the Report explains the designation in terms of the criteria set forth in the

ordinance. The criteria address the historic or architectural importance of the property.

As was the case here, the Commission may impose interim protection on the district that remains in effect until the Council acts on the designation and protects the property from exterior alteration.

Demolition Delay

In January of 2005, the City amended the local code in order to impose a 90 - 120 day delay on permits to demolish exterior portions of buildings and structures listed as “contributing,” “notable,” or “outstanding” on the Bloomington Survey of Historic Sites and Structures (Historic Survey). This delay is intended to give the Commission time to consider whether or not to recommend designation and impose an interim protection for the property in order to preserve the status quo until the Council makes the ultimate decision regarding the designation. In the event the Commission does not pursue the designation within the period of delay or the Council denies the designation, then neither the Commission nor Council may interfere with demolition permit for one year after that decision or action.

The Elks Lodge #446 - Actions of the Property Owner and Historic Preservation Commission

The owners of the Elks Lodge #446 filed an application to demolish this building in March of this year. Under the City’s demolition delay provisions, the Historic Preservation Commission reviewed the application on April 9th and forwarded the matter to its May 14th meeting for a hearing on historic designation and asked staff to start researching national register nomination at the Commission’s expense. If successful, this nomination makes tax credits available for the restoration of certain properties.

At the request of the property owner, the Commission forwarded the public hearing from May 14th to June 11th and on that date:

- removed the parking area on the north of the building from the scope of the designation,
- recommended designation by a vote of 4-1-1, and
- imposed interim protection which, as noted above, protects the property until action by the Council.

The memo from Nancy Hiestand, Program Manager, HAND, indicates that even though the owners reported withdrawing the application for demolition on the day before the hearing, City Legal advised the Commission that the Demolition Delay provisions did not provide for withdrawal. This meant that failure to proceed with the designation would result in the risk that the property could be demolished for a period of one year, in the event the Commission did not designate and impose interim protection on the property.

The memo also indicates that one of the Commissioners and staff met on site with representatives of the owner to discuss the potential reuse of the building. That discussion covered the need for repair of electrical and plumbing, better accessibility, including wheel-chair access to several floors, and also the potential for reuse of the large, open, third floor area.

Designation Criteria

The Report sets forth the grounds for supporting this designation based upon historic and architectural criteria. The following paragraphs briefly summarize those grounds.

Historic Criteria

The Elks is one of a number of fraternal organizations (like the Odd Fellows and Knights of Pythias) that provided an important aspect of social life in Midwestern small towns during the 19th and early 20th centuries. Commonly started for the benefit of its members and often characterized by secret rituals, these fraternal organizations built some of “the largest and most elaborate buildings (Lodge Halls)” in small communities with interiors specifically designed for their ceremonies and other activities.

According to the Report, “the first chapter of The Elks was founded in New York City by men in the acting profession.” Having started as a drinking club called the “Jolly Corks,” it evolved into a “benevolent and social organization of national reputation” that, by the mid-1920’s, had a membership of 900,000 and provided civic relief for natural disasters around the Country. About that time, new, “non-secret service organizations, like the Chamber of Commerce, Kiwanis, and Lion’s Clubs” began to surpass the fraternal orders in membership and influence.

The local Elks organization began in 1898 at 205 South Walnut and moved to the current location in 1938. Unlike the nine or more other fraternal orders that started

downtown, the Elks and the Knights of Columbus, are the only two that remain there today. The Elks are known for the Fourth of July Fish Fry and Thursday night dinners. They helped start raising funds for Bloomington Hospital in 1905, sponsored circus parades and minstrel shows and have had, over the years, prominent citizens as their members.

For these reasons, the Commission found that the property:

- has significant value as part of the cultural characteristics of the City; and
- exemplifies our cultural, political, economic and social heritage.

Architectural Criteria

The Lodge was constructed in 1938. It was designed by McGuire and Shook which, after a merger in 1990, moved to Indianapolis and is “one of the oldest continuing architectural firms in Indiana.”

The design is in the “moderne” style. The “moderne” style was “popular mostly in commercial and institutional architecture (from)...1925 to around 1980” and can be seen in its rectangular forms, (vaguely, in this case) horizontal orientation, glass block windows, “flat roof, incised cornice design, and smooth limestone finish.” The Home Laundry Building, the heavily modified May Agency on 17th, and several buildings on the IU campus are in this style, but none are in the downtown, nor at the intersection of three national register districts.

Both the limestone and its many carvings are due to the local limestone industry. There is an art deco carving over the entrance onto Walnut and a carving of a clock over the entrance onto 8th Street (with the hands set a 11:00 to indicate a moment of remembrance for members who have died). There are also limestone memorials in the yard which may be moved in the event The Elks relocate. Many of these carvings are done by the Donato brothers who immigrated from Italy and “brought a new level of sophistication to the local industry.”

The Report also notes that the exterior has been modified by an enclosed front porch, replaced windows, and replaced exterior lighting.

With this and other facts in mind, the Commission found that the property:

- embodies distinctive characteristics of architectural or engineering type;
- is the work of a designer whose individual work has significantly influenced the development of the community

- contains architectural features that are endanger of being lost; and
- exemplifies the distinctive architectural style of the built environment of a particular era of the community's history.

Rating of Property

At its meeting on July 14, 2009, the Commission approved this designation by a vote of 4-1-1 and rated the structure as “notable.”

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, OCTOBER 21, 2009
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: None

IV. REPORTS FROM:

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Ordinance 09-18 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” – Re: Responsible Bidding Practices and Requirements to Perform Construction Work on City of Bloomington Projects

Committee Recommendation: 8 – 0 - 1

2. Ordinance 09-19 To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” – Re: Numerous Changes Resulting from a Periodic Review of Title 7 and Also Responding to HEA 1468 which Regulates “Puppy Mills”

Committee Recommendation: 6 – 0 – 3

VII. LEGISLATION FOR FIRST READING

1. Ordinance 09-20 To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Expanding the Bloomington Commission on Sustainability to Include an Appointment from Monroe County Government and an Ex-Officio Representative from Indiana University
2. Ordinance 09-21 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: Elks Lodge #446 Located at 400 North Walnut Street (Bloomington Historic Preservation Commission, Petitioner)

VIII. PRIVILEGE OF THE FLOOR (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

IX. ADJOURNMENT



**City of Bloomington
Office of the Common Council**

To: Council Members
From: Council Office
Re: Calendar for the Week of October 19-24, 2009

Monday, October 19, 2009

12:00 pm Bloomington Entertainment and Arts District Advisory Meeting, McCloskey
5:00 pm Farmers' Market Advisory Council, Parks
5:30 pm Bicycle and Pedestrian Safety Commission, Hooker Room
6:00 pm Poor Club/SCCAP, Council Chambers

Tuesday, October 20, 2009

4:00 pm Board of Public Safety, McCloskey
5:30 pm Animal Control Commission, McCloskey
5:30 pm There's No Place Like Home: Affordable Housing and Emergency Shelters Town Hall Meeting, Council Chambers

Wednesday, October 21, 2009

9:30 am Tree Commission, Rose Hill Cemetery Office, 930 W 4th Street
2:00 pm Hearing Officer, Kelly
5:00 pm Mitchell - Southdowns Traffic Calming Project, Council Chambers
5:30 pm Bloomington Community Arts Commission, McCloskey
7:00 pm Council of Neighborhood Associations, Hooker Room
7:30 pm Common Council Regular Session, Council Chambers

Thursday, October 22, 2009

4:00 pm Community Development Block Grant Agency Training, McCloskey
5:30 pm Board of Zoning Appeals, Council Chambers
7:00 pm Environmental Commission, McCloskey

Friday, October 23, 2009

No meetings are scheduled for this date.

Saturday, October 24, 2009

9:00 am Bloomington Community Farmers' Market, Showers Common, 401 N Morton

Posted and Distributed: Friday, October 16, 2009

ORDINANCE 09-20

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED
“ADMINISTRATION AND PERSONNEL” -**

**Re: Expanding the Bloomington Commission on Sustainability to Include an Appointment
from Monroe County Government and an Ex-Officio Representative from Indiana
University**

WHEREAS, on May 4, 2005 the City of Bloomington adopted Ordinance 05-15, which established the Bloomington Commission on Sustainability; and

WHEREAS, the purpose of the Bloomington Commission on Sustainability is to promote sustainable socio-environmental-economic well-being of Bloomington and all its inhabitants; and

WHEREAS, since collaboration among local entities is important to the overall goals of a sustainable community, the Bloomington Commission on Sustainability would like expand its membership to include an ex-officio representative from Indiana University and a representative from Monroe County government appointed by the Monroe County Commissioners;

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

Section 1. Section 2.12.100(3) of the Bloomington Municipal Code entitled “Appointments and residency” shall be deleted and replaced with the following text:

(3) Appointments and Residency. The commission shall consist of fourteen members. Six of the members shall be appointed by the mayor and six shall be appointed by the common council. No more than two of the mayor's appointments and no more than two of the common council appointments may be citizens who live outside the corporate city limits of Bloomington and within Monroe County. One of the six council appointments shall be a member of the common council. One of the members shall be appointed by the Monroe County Commissioners from Monroe County government. And, the Director of the Indiana University Office of Sustainability or his/her designee shall serve as the ex-officio member from Indiana University. All members shall have a vote and shall serve without compensation.

Section 2. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance 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.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2009.

ANDY RUFF, President
Bloomington Common Council

ATTEST:

REGINA MOORE, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this ____ day of _____, 2009.

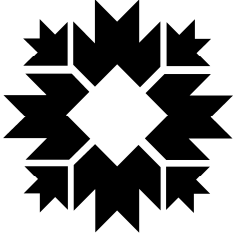
REGINA MOORE, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this ____ day of _____, 2009.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

In order to foster further collaboration between the City, Indiana University and Monroe County government on matters of sustainability, this ordinance amends BMC 2.12.100, which established the Bloomington Commission on Sustainability, by adding a member representing Indiana University and a member representing Monroe County government. Under this ordinance, the Monroe County Commissioners would appoint one member from Monroe County government and the Director of the Indiana University Office of Sustainability or his/her designee shall serve as the ex-officio member from Indiana University. All members would have a vote.



Memorandum

To: City Council
CC: Dan Sherman, Danise Alano, Maria Heslin, Mark Kruzan
From: Adam Wason, Assistant Economic Development Director, Office of the Mayor
Date: October 14, 2009
Re: Ord 09-20 – Updates to Bloomington Commission on Sustainability

As the staff liaison to the Bloomington Commission on Sustainability (BCOS), I am submitting this memo as an explanation of the desires of BCOS to update its enabling legislation. (BMC 2.12.100)

One minor change is being proposed to the enabling legislation. It is the desire of BCOS to add two members in an effort to further their collaborative approach to sustainability with Indiana University and Monroe County Government.

Membership from Indiana University and Monroe County Government:

BCOS requests the support of the Bloomington City Council through the approval of this amendment that will create one (1) new ex-officio position to be filled by the Indiana University Director of the Office of Sustainability or his/her designee, and one (1) new member to be appointed by the Monroe County Commissioners.

Bloomington Municipal Code 2.12.100 Bloomington Commission on Sustainability

~~strike~~ – proposed deletion

bold – proposed addition

▶ -- relevant section

2.12.100 Bloomington Commission on Sustainability.

(1) Public Policy and Purpose. A sustainable community seeks to enhance the socio-environmental-economic well-being of the community while taking precautions not to compromise the quality of life of future generations. Toward that end, it reduces its use of nonrenewable natural resources and its production of wastes, while at the same time improving livability. The mission of the Bloomington Commission on Sustainability is to promote sustainable socio-environmental-economic well-being of Bloomington and all its inhabitants.

(2) General. This chapter is subject to the general provisions of Section 2.08.020 of the Bloomington Municipal Code.

▶

(3) Appointments and Residency. The commission shall consist of ~~twelve~~ **fourteen** members, ~~with~~ ~~s~~ Six of the members **shall be** appointed by the mayor and six **shall be** appointed by the common council. No more than two of the mayor's appointments and no more than two of the common council appointments may be citizens who live outside the corporate city limits of Bloomington and within Monroe County. One of the six council appointments shall be a member of the common council ~~who shall serve as an ex-officio member with a vote~~. **One of the members shall be appointed by the Monroe County Commissioners from Monroe County government. And, the Director of the Indiana University Office of Sustainability or his/her designee shall serve as the ex-officio member from Indiana University. All members shall have a vote and** ~~Members shall serve without compensation.~~

(4) Qualifications. Sustainability is an interdisciplinary concept. As such, the commission's membership shall reflect environmental, social and economic perspectives, unified by the common interest of sustainability. The commission shall draw its members from government, business, academia, not-for-profits and neighborhood associations.

(5) Officers. Officers shall be selected by vote of the commission members annually.

(6) Meetings. The commission shall meet one time each month, every month of the year, unless it decides to cancel the meeting.

(7) Staffing. The city's assistant director of economic development shall serve as staff liaison to the commission. The liaison will research and pursue funding

opportunities for sustainable development, engage in education and outreach, and identify "best practices." The city administration shall provide general administrative support for the commission.

(8) Powers and Duties. The commission shall have the following powers and duties:

- (A) To coordinate ongoing and to propose and promote new sustainability initiatives among residents, businesses, governmental, nongovernmental agencies and educational organizations through education and outreach programs;
- (B) To advise and make recommendations to the Bloomington common council, city administration, and city boards and commissions on policies and programs that infuse the work of city government with an operating philosophy based on sustainability;
- (C) To determine, in cooperation with other city boards and commissions, Bloomington's current and future sustainability status by developing and monitoring a set of sustainability indicators;
- (D) To provide, in cooperation with other city boards and commissions, an annual "sustainability assessment" based on said indicators. The assessment shall be included in an annual report and provided to the common council, mayor and the public;
- (E) To advise, consult and cooperate with other agencies, boards and commissions of the city of Bloomington, the state, other local governments, industries, other states, interstate or interlocal agencies, and the federal government, and with interested persons or groups on matters of sustainability;
- (F) To adopt administrative rules and regulations for the conduct of its business;
- (G) To research and apply for grants or other funds or gifts from public or private agencies for the purpose of carrying out any of the provisions or purposes of this chapter.

(Ord. 08-02 § 1, 2008; Ord. 05-15 § 1, 2005).

ORDINANCE 09-21

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”
TO ESTABLISH A HISTORIC DISTRICT -
Re: Elks Lodge #446 Located at 400 North Walnut 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 public hearings on May 14 and June 11, 2009 for the purpose of allowing discussion and public comment on the proposed historic district designation of the Elks Lodge #446 located at 400 North Walnut Street; and

WHEREAS, at the June 11, 2009 meeting the Historic Preservation Commission found that the district has historic and architectural significance that merits the protection of the property as a historic district; and

WHEREAS, at that same meeting the Historic Preservation Commission also placed the property under interim protection pending action by the Common Council under BMC 8.08.015.”

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 said property;

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

SECTION 1. 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 Elks Lodge #446 District is located at 400 North Walnut Street and is further described below:

Lot #1 (one) and also 45 (forty-five) feet off the south side of Lot #3 (three) in Bollman Place Addition

SECTION 2 The property within “The Elks Lodge #446 Historic District” shall be classified as “Notable.”

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled “List of Designated Historic Districts,” is hereby amended to include the “The Elks Lodge #446 Historic District” and such entry shall read as follows:

The Elks Lodge #446 400 North Walnut Street

SECTION 4. 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 5. 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 ____ day of _____, 2009.

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 ____ day of _____, 2009

REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ____ day of _____, 2009.

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 Elks Lodge #446 at 400 North Walnut as a historic district with a rating of “notable.” The Bloomington Historic Preservation Commission pursued this action as a result of an application for demolition by the property owner and, after public hearings on May 14 and June 11, 2009, recommended this designation to the Common Council based upon certain historic and architectural criteria set forth in Title 8 (Historic Preservation and Protection). In the event that this ordinance is adopted, the regulations under Title 8, which are intended to preserve and protect the property, will require the Commission to review exterior modifications before they are made.

MEMO

October 9, 2009

RE: Historic Designation
Elks Lodge #446

To the Common Council

The Planning Department received a demolition permit application for Elks Lodge #446 which was duly noticed for the demolition delay process on 3/17/09. The application was a request for total demolition and according to the Title 08 and Title 20 of the Municipal Code, should be forwarded to the Historic Preservation Commission for review because the building is classified as a “notable” historic property in the 2001 *Historic Sites and Structures Inventory* or “survey.”

A review of this demolition application was held at the April 9th Historic Preservation Commission meeting and at that meeting the Commission unanimously requested that the property be forwarded to a hearing for designation in May and a staff report be drawn up. Members also directed staff to begin research on a national register nomination at the Commission’s expense, in order to assist in obtaining funding for future repairs.

At the May 14th meeting the Commission received a request for continuance from the Elks and the hearing was continued to the June 11, 2009 regular meeting.

At the June 11th regular meeting, the Commission removed the parking area north of the building from the tract to be designated in agreement with the Elks. Commissioners were told that the application for demolition had been withdrawn on June 10th. The legal department advised that halting the designation would put the building at risk for the year following the current demolition delay process. Commissioners voted to recommend designation by a vote of 4-1-1 and they placed interim protection on the property to protect it until Council action.

Other issues:

The membership of the Elks must meet in order to discuss future actions regarding the building. These meetings are held once a month on the day before the Commission meeting. It has been difficult to communicate in a timely way.

City Staff and Commissioner Newman met on site to discuss potential reuse issues with the building. Some of those include electrical and plumbing repair, restroom accessibility and wheel chair access to several floors of the building. It was thought that the open third floor room would be a valuable space for reuse.

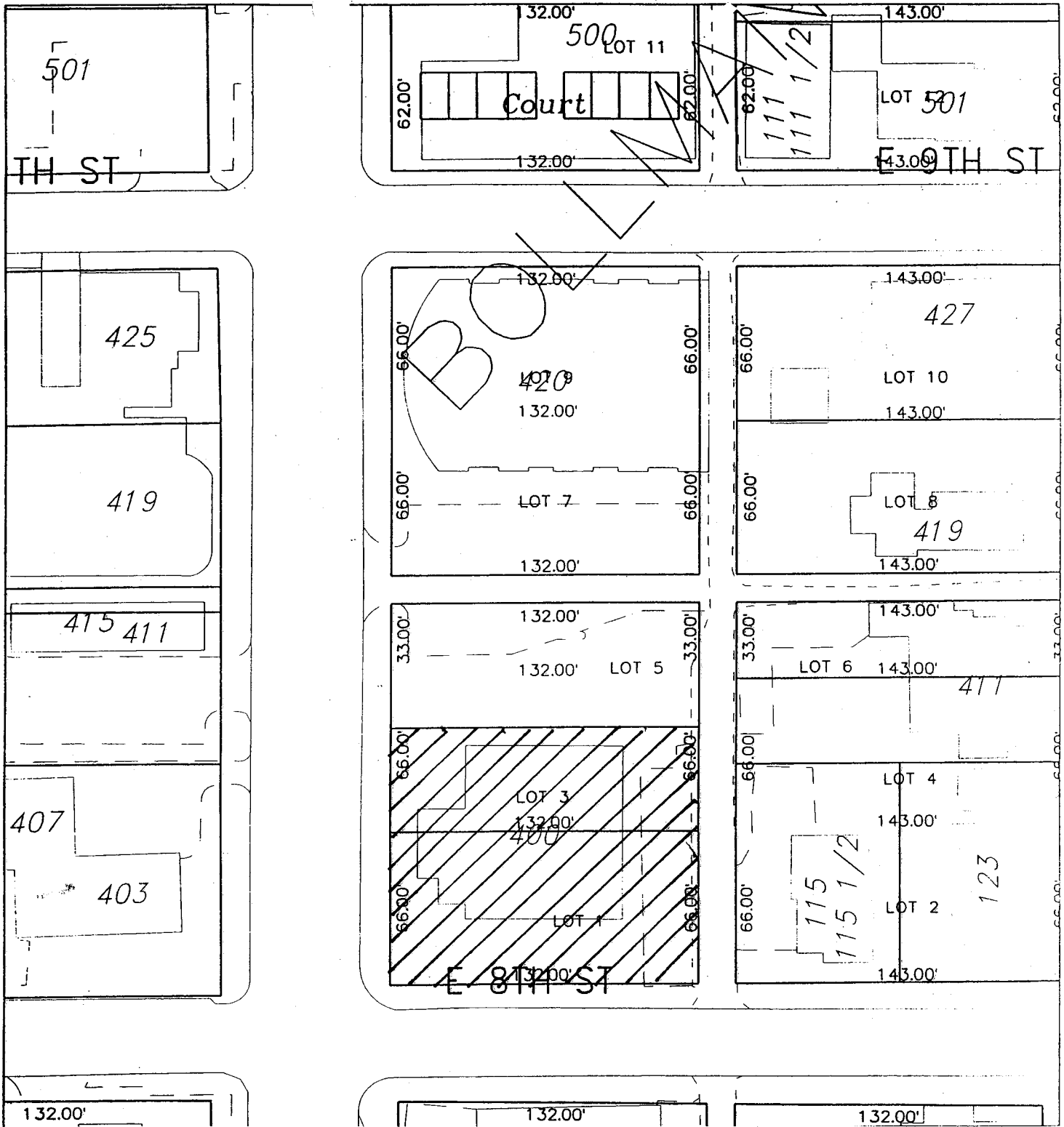
An intern has completed research towards the nomination of the building to the National Register of Historic Places and an RFP has been circulated for completion of the nomination.

On October 7th, the Elks membership voted to remain in the building and begin repairs. The Commission was notified on October 9th. The Commission is meeting with the Elks House Committee on October 14th in order to respond to questions.

Summary

At its June 11th meeting, the Commission voted to recommend designation to Common Council on the basis of the building's historic and architectural importance. It is their purview to analyze and identify buildings that are worthy of preservation within the City of Bloomington and by doing so invite the public to engage in a discussion about the merit of the building and its potential loss. On some occasions, the Commission's decision is not in complete agreement with the owners of the building. In this case, the owner is, in fact, a national organization and the method by which this arm of the organization communicates to the local constituency is unclear. The strength of the case for preservation is grounded in the length of the Elks history in Bloomington and the merit of the building itself which represents the work of a long standing local architectural firm as well as containing examples of uniquely local limestone craft.

Nancy Hiestand AICP
Program Manager Historic Preservation



Elks Building
 HD-01-09
 400 North Walnut Street
 Map of proposed designation

Generally it is the Commission's statutory mission to identify and attempt to preserve worthy historic buildings. This building was first listed on the Bloomington Survey in 1986 and classified as "Notable." It was resurveyed in 2001.

The property at, 400 North Walnut Street known as the Elks Lodge #446 qualifies for local designation under the following highlighted criteria found in Ordinance 95-20 of the Municipal Code (1) a and c and (2) a, b, e, and g:

Below are the criteria under which the commission is recommending designation for the Elks Building:

- (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**
 - 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**
 - e. **Contains any architectural style, detail, or other element in danger of being lost; or**
 - g. **Exemplifies the built environment in an era of history characterized by a distinctive architectural style**

105-055-90040 N **Elks Lodge**, 400 North Walnut; Moderne/Deco, c.1938;
Art, Social History

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**

The building exemplifies a movement in social history that was national in scope and played itself out most impressively in small towns across the Midwest. These

buildings constitute a significant resources that illustrates late nineteenth and early twentieth century small town culture.

The national Elks organization dates from 1868, and was founded during a period following the Civil War when fraternal organizations were characterized by secret rituals and ceremonies. Many of these organizations were formed to guarantee death benefits or other charitable efforts to their membership. In small towns all over the Midwest, the largest and most elaborate buildings were often built as Lodge Halls which ordinarily contained large open rooms on one floor and ceremonial space tailored to the ritual of the organization along with characteristic small space like the extensive closets for wardrobes and raised platforms seen in the Bloomington building. Other organizations formed during this era include the Odd Fellows (1825) and the Knights of Pythias (1864). In all of these organizations, membership was originally limited to men and initially served a social and later a philanthropic purpose.

The first chapter of the Elks was established in New York City by a group of men in the acting profession. At first a drinking club called the “Jolly Corks”, the Elks evolved over time into a benevolent and social organization of national reputation before the turn of the century. By the mid-1920’s Elks membership stood at 900,000 and they were known for their many charitable enterprises.

Relative to similar organizations, Elks are characterized by their adaptability. In the early 20th century Elks reduced the emphasis on rituals and converted their buildings to a club house format that often included dining, and athletic facilities. Elks were early participants in civic relief programs for several major disasters including the 1906 San Francisco earthquake and 1904 Galveston flood.. In the 1970’s and later the organization was integrated and began to include women as members.

In the early twentieth century traditional fraternal organizations were being challenged by a new group of non-secret service organizations like the Chamber of Commerce, Kiwanis, and Lion’s Clubs. These were more business-oriented and later pejoratively identified with what Sinclair Lewis called the spirit of “boosterism” in early twentieth century American society. As part of a national trend in the latter part of the twentieth century, membership in fraternal organizations are down.

c. Exemplifies the cultural, political, economic, social, or historic heritage of the community

The Elks have played a significant role in the development of Bloomington through charitable gifts and traditional celebrations that the community has enjoyed for many years at this location.

The Elks Lodge Building is unique in Bloomington in that it is still occupied by the same fraternal



organization for which it was built in 1938. Almost all of the fraternal organizations that are still viable are meeting in other locations or have sold their downtown sites. The Elks are a fraternal order of long-standing in Bloomington, appearing locally in 1898.

An early home of the Elks was located at 205 South Walnut which is now occupied by Jones, McGlasson, and Benckart. This structure was built as a residence, but has been used commercially for almost 100 years. The downtown business block just north of that site hosted at least two other fraternal organizations, including the Knights of Columbus.

Nationally, Elks identify “Flag Day” as their most significant holiday. Locally they are memorable for the Fourth of July fish fry that followed the downtown parade and a Thursday night dinner. There were seven organizations meeting downtown in 1913 and at least 9 by 1927, including the Moose Lodge, the Odd Fellows, the Redman and the Knights of Pythias only two of them (Elks and Knights of Columbus) remain in locations downtown.

The local Elks also assisted with the establishment of Bloomington Hospital in 1905, donating \$100 to the drive spearheaded by the Local Council of Women.

In the early days the local Elks sponsored circus parades in collaboration with their famous members: Henry, Wallace, Will and Frank Gentry as well as minstrel shows in the local theaters. The collaborators for these productions were a who’s who of Bloomington businessmen of the era: George Bollenbacher, Lyman Fulk, Wallace Pauley, Claude Harris, Will Louden, Harry Orchard, Judge Batman and Walter Bradfute.

Architecturally worthy:

- a. **Embodies distinguishing characteristics of an architectural or engineering type; or**

The architectural style of the building contains both Deco and Moderne elements, both in its details and basic form. Much more clear is its contribution to local limestone heritage. This is a building more usually seen in larger cities. Its exterior quality of design and heavily crafted materials are a product of the Bloomington indigenous limestone industry.



Interior and exterior details express the carvers art including the entrance carving above the door facing Walnut, which is one of the few limestone deco carvings of this style located outside the IU campus.

There are other significant historic objects in the yard which may be transported, as the entrance carving may be to the Elks new site. Included in this collection, are memorials carved by the Donato brothers, who were pivotal in the evolution of the limestone industry. Immigrated from Italy and trained at Cooper's Union, they brought a new level of sophistication to the local industry and evidence of their enthusiasm is illustrated on their homes and properties in Vinegar Hill. Those carvings comprise substantial supporting evidence of the significance of that district. Harry Donato's name is on the dedication stone and on an interior memorial.

b. Is the work of a designer whose individual work has significantly influenced the development of the community; or

Bloomington is a small town with few architect designed buildings from early eras. McGuire Shook was founded locally.

The architectural firm that designed the Elks Building was McGuire and Shook (1916-1958). The firm was founded in Bloomington. It survives as Odle McGuire and Shook and is one of the oldest continuing architectural firms in Indiana. They now have offices in Indianapolis after a merger in 1990. Their heyday corresponds with the rise of art deco and later, moderne styles. Their web site illustrates the sheer volume of work that the firm accomplished in Masonic and institutional buildings before 1950. Still a thriving company, Odle McGuire Shook recently completed the Multi-Disciplinary Science Building on the IU campus. It was the designer for the Showers Brothers Furniture Factory rehabilitation in 1996. Its history in Bloomington has now spanned 80 years.

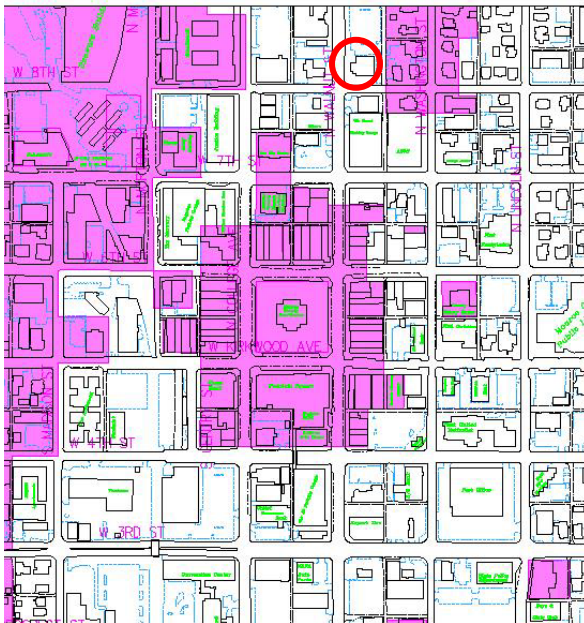


- d. Contains any architectural style, detail, or other element in danger of being lost; or

The Lodge was built in 1938 and identified as notable on the 2001 survey. It is considered notable because it is an example of the moderne style of which there are few remaining resources in Bloomington. Also rare is that the building was designed specifically for a fraternal organization.

Other moderne examples include the addition to the Home Laundry Building, The May Agency Building on 17th (now heavily modified) and several buildings on the IU Campus. The building stands on a prominent corner surrounded (but not included) in 3 different National Register listed districts: North Washington (1991), Courthouse Square (1990), and Near West Side (1997). None of these districts contains representative examples of this style.

The design of the Elks building is based upon layered rectangular forms and veneered with dressed limestone block. There are two dramatic entrances, on either street elevation.



The layered cornices are corbelled with three belt courses and the coping is curved. Windows are large industrial metal windows which seem to have been modified from the original design.

Exterior light fixtures have been replaced. From photographic evidence, it appears that the original windows may have been wood double hung with permanent transoms. There

is a relief limestone clock carved above the 8th Street entrance showing 11:00 when members customarily remember their fellow Elks who have died.

The current Elks Building was built in 1938 in the same block face as the homes of several prominent Bloomingtonians. The homes of JD and WN Showers were at 416 and 424 North Walnut in 1900. The building was built on the site of the Henry B. Gentry home. This block between 8th and 9th was once part of an affluent and visible residential corridor that extended past 12th Street and included the General Morton Hunter House, the property that started the preservation movement by its demolition in the early 1970's.

g. Exemplifies the built environment in an era of history characterized by a distinctive architectural style

This is an example of a style of building that is rare in Bloomington generally and has almost no examples with the integrity of the Elks Building.

Although the carved frontpiece panel at the entrance of the building is definitely a tour de force in Art Deco ornamentation, the sparer style of the building architecture can be described as Moderne or WPA Moderne. Art Moderne is a style that was popular mostly in commercial and institutional architecture in the United States beginning in 1925 to around 1980. This type of architecture is sometimes confused with Art Deco. The primary difference between the two styles is that Art Moderne uses horizontal orientation and Art Deco uses vertical orientation. In the Elks building this orientation is less pronounced, but the build up of cubistic shapes is definitely derived from Moderne influence. The rounded limestone coping on the cornice is also a characteristic treatment. The building utilizes characteristic glass block (original on the south side, although not the west) The flat roof, incised cornice design and smooth limestone finish are also elements of the Moderne style. Although the original windows have been replaced, the current aluminum windows are compatible with the original design. The open Walnut Street porch was enclosed after 1970.

General Characteristics of Art Moderne

- Asymmetrical
- Flat roof
- Cubic form with flat, untextured walls in stucco or concrete
- Simple geometric shapes
- Little ornamentation
- Rounded corners
- Wrap-around windows, often using glass block
- Metal framed windows arranged in a horizontal band
- Metal trim around doors and windows
- Decorative elements in aluminum and steel often applied in horizontal banding as well as railings, and balusters

Staff recommends approval.