

REGULAR MEETING

March 7, 1961

THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, INDIANA, met in the Council Chambers in City Hall, on Tuesday, March 7, 1961, at the hour of six-thirty o'clock (6:30 P.M. C.S.T.) in regular session.

Members present: Sikes, Peace, Graves, Chitwood, Faucett, Hickman, and Shertzer.

Members absent: None.

The meeting was opened with a prayer by Councilman Graves.

In the absence of Mayor Thos. Lemon the Clerk-Treasurer entertained a motion to appoint a presiding chairman for Council meeting.

Councilman Hickman moved, seconded by Councilman Shertzer that Councilman Sikes be appointed Presiding Chairman of the Council meeting; motion unanimously carried.

Councilman Graves moved, seconded by Councilman Chitwood that the minutes of the last regular meeting of February 21, 1961 be approved as submitted to each individual councilman; motion unanimously carried.

Councilman Peace moved, seconded by Councilman Chitwood that Ordinance No. 8, 1961 be referred to Council Committee as a whole for further study and report; motion unanimously carried.

Councilman Peace moved, seconded by Councilman Chitwood that Ordinance No. 9, 1961 be advanced to second reading by title only. Upon a roll call vote the motion was unanimously carried. Councilman Hickman moved, seconded by Councilman Graves that Ordinance No. 9, 1961 be duly adopted. Upon a roll call vote Ordinance No. 9, 1961 was unanimously adopted.

Councilman Peace moved, seconded by Councilman Hickman that Ordinance No. 10, 1961 be advanced to second reading by title only. Upon a roll call vote the motion was unanimously carried. Councilman Chitwood moved, seconded by Councilman Hickman that Ordinance No. 10, 1961 be duly adopted. Upon a roll call vote Ordinance No. 10, 1961 was unanimously adopted.

Councilman Peace moved, seconded by Councilman Hickman that Ordinance No. 11, 1961 be advanced to second reading by title only. Upon a roll call vote the motion was unanimously carried. Councilman Graves moved, seconded by Councilman Peace that Ordinance No. 11, 1961 be duly adopted. Upon a roll call vote Ordinance No. 11, 1961 was unanimously adopted.

Councilman Chitwood moved, seconded by Councilman Hickman that the application for the I. U. Taxicab Company license for 1961 be approved; motion unanimously carried.

Councilman Graves presented an oral petition from the Stork Shop requesting that they be allowed to make off street parking in front of their business on South Grant between 4th and 5th Streets and moved, seconded by Councilman Hickman that this request be referred to the City Engineer, the City Building and Property Committee, and Captain Fox of the Safety Division for investigation; motion unanimously carried.

Councilman Graves moved, seconded by Councilman Peace that the petition for a street light at First and Clifton be included in Project No. 2 that had previously been passed by the Common Council and that the street light at Second and Clifton be referred to the City Utilities Committee for further study; motion unanimously carried.

Monthly reports were received and placed on file for the month of February, 1961, from the Humane Officer, Sanitarian Officer, Milk Sanitarian, Fire Department, Street Department, Sanitation Department, and Water Department.

The annual report for 1960 was received from the Sanitation Department.

The following letter from the Mayor was read by the Clerk-Treasurer:

March 7, 1961

MEMO TO MEMBERS OF THE COMMON COUNCIL:

Dear Councilmen:

HAAGI

Since I could not be with you tonight for further discussion of the proposed Building Code, I would like to leave some observations for your consideration.

The need and the idea of a Building Code for Bloomington is not new. In 1955 and again in 1959 during the two campaigns for City Hall, the Building Code program was one of the major goals and campaign promises. The people of this city are well aware of the fact that I have never put an item in my program during a campaign that I did not intend to activate. The majority of the people of this city, regardless of personal politics, voted for that program which included the adoption of a comprehensive Building Code. We have an obligation to fulfill our promise in spite of the opposition of the very, very small minority of the voters who, as always, oppose those things that benefit all the citizenry of Bloomington. We must never let small, selfish, and special interest groups deter us from our obligations to the people of this city. We must ever remember that such things as regulations, building codes, and taxes are small prices to pay for democracy and civilization. There are no taxes, building codes, and regulations in the jungles of this world.

The need for a fair and workable Building Code for the City of Bloomington is acceptable by most of the people of this community. There are, however, strong feelings that such a code must not be overly restrictive, arbitrary, discriminating or costly to administer.

It is most unfortunate that a Building Code - that is needed - thought about for years - and asked for by many people; and which should have wide public support has been engulfed in misunderstanding and negative alarm by some people.

Obviously in the presentation of an ordinance of this scope there would be a need for minor and even major revisions before an acceptable and workable Building Code can be adopted for Bloomington.

Obviously also some people do not seem to realize that the City Administration and the Common Council, while not necessarily looking forward to the work and time involved, also realized that hearings and discussions and contributions from the general public are necessary to their actions in amending, changing and correcting the original draft of the ordinance to make it acceptable.

No such code of this magnitude and importance should be adopted without advance public hearings at which time further consultation and advice from crafts, contractors, and general public are invited and necessary. Furthermore it can be considered a grievous affront to the intelligence and integrity of the Common Council, and disservice to the Mayor's office to have intimated that this code or any other ordinance would be passed without full opportunity for public discussion, scrutiny and criticism.

It is evident to me (after the discussions that have already been held) that the proposed ordinance covers more ground than it should. It is equally clear that it establishes questionable rules, regulations, fees and administrative procedures. In many instances the proposed code that was introduced for first consideration is unrealistic and unworkable. These observations come not as a result of selfish, unreasonable, and absurd objections as presented by Dr. Mathers and his ilk, but rather from sensible and constructive ideas and objections from good citizens who appreciate the importance of building codes as being necessary for health, safety and community well being.

SUGGESTIONS

1. My first suggestion is that the licensing section of the proposed Building Code be completely eliminated from the ordinance. The Building Code, itself, seems to have nearly universal support, not only here in Bloomington but all over the country. Don't permit a licensing program to cloud the code issue. I am now convinced that a licensing section has no part in the actual Building Code.

Licensing of any craft, business, or industry that does not cover all areas is always open to question. The general public has reason to believe that partial licensing is the result of pressures by certain businesses, industrial groups, or crafts for special privileges at the expense of the public.

I, therefore, recommend that licensing be separated from the code entirely.

HAAGSI

2. Eliminate as far as possible all cross references in the code that tend to confuse the general public, the building industry, the crafts, and the administration of the code. Adopt the simplest minimum basic Building Code possible. Since all the suggested codes, to be adopted by reference, seem to have merit and in all probabilities are equally good instruments, then decide upon the code that seems to have more appeal to our own people -- whether it be the code of the "Building Officials Conference of America", the "FHA Code", the "Indiana State Code" or others.
3. Eliminate the installation of antennae as a part of the code. The antenna does not seem to me to be an intricate part of building and certainly is not a problem in Bloomington as of this date.
4. Instruct the Engineer to work out a more acceptable fee system. The fee schedules in the proposed ordinance give the impression of trying to nickel and dime the general public to death. There should be fair minimum fees plus simple flat fees tried in to the area and/or space and/or installation plus penalties for unnecessary inspection trips caused by negligence on the part of workmen or contractors.
5. Write code so that its administration can be efficient and inexpensive. We are fortunate in having the services of a highly qualified City Engineer. Make the City Engineer the active head of the Building Code. He has the qualifications necessary for interpreting the technical and building details. He should be in charge of all inspectors, including the plumbing inspector, regardless as to the department such person is assigned to or as to the source of his pay. In order to grow with the code and to hold down costs, only one new person should be added to our present staff -- an overall building inspector to work under the City Engineer. I would recommend that you consider the use of our Fire Department's fire inspectors for electrical inspections until such time as time and experience proves this is not adequate.
6. Adopt an ordinance subject to the overall policies of the administration. Regardless of politics, any administration is responsible to the electorate that mandated the policies of the elected officials. Efficient administration of any code or program cannot be attained by silent or direct opposition by employees to administration policy. The administration of the Building Code cannot be construed as something above or apart from this administration or any succeeding administration. Tax dollars and services go farther when an administration is coordinated and productive without friction. The elected administrative representative of the voters should have the prerogative of overall policy, selection of employees and direction.
7. Finally, use all the constructive advice and criticism available -- but don't be swayed or intimidated by attorneys who are being paid to represent special or selfish interest groups and don't be swayed by property owners who make profits from deterioration and delapidation and who are responsible for the growing death of downtown and blighted areas of our city. Our No. 1 responsibility is to the general public - the taxpayer - the citizen who merits, wants, and deserves the protection of a good building code.

Ample time has been given for hearings. Be ready to use all the facts and adopt a Building code by the first Council meeting in April.

S/ Thos. L. Lemon  
 Thos. L. Lemon, Mayor  
 TLL:st

The following letter was read:

March 2, 1961

Honorable Mayor Thomas L. Lemon  
 and Members of Bloomington City Council  
 Bloomington, Indiana

Gentlemen:

Workingsmens Federal Savings and Loan Association wishes to commend the city council on their action of postponing action on the building code until all interested groups have had a chance to voice their opinions.

After years of experience we believe in the principle of a building code for the city of Bloomington. We believe, however; that the council must see that a code is passed which will be a fair code to all concerned. It should be a code that is easy to live with and administer with a minimum cost. A

very restrictive code with high costs for permits and inspections could invite mass violation of the code.

We trust the council will give much consideration to the suggestions and complaints of the citizens of Bloomington and adopt a code which will meet the needs and demands of the community.

Very truly yours,  
S/ W. E. Baldrige  
W. E. Baldrige  
Executive Secretary

WEB:js

Councilman Chitwood moved, seconded by Councilman Faucett that the claims presented for payment March 8, 1961 be allowed as submitted; motion unanimously carried.

Councilman Hickman thanked all those attending in behalf of the Building Code and Graves commended Mr. Baldrige of Workingmens on his fine letter as read by the Clerk-Treasurer.

Meeting adjourned.

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Presiding Officer

ATTEST:

Margaret Dunlap  
Clerk-Treasurer

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