

City of Bloomington Common Council

Legislative Packet

**19 February 2014
Regular Session**

*For background material and legislation regarding Resolution 14-02,
please consult the [12 February Legislative Packet](#).*

*For background material and legislation regarding Ordinance 14-01,
please consult the [05 February Legislative Packet](#).*

All other material contained herein.

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401 North Morton Street
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Packet Related Material

Memo

Agenda

Calendar

Notices and Agendas:

None

Legislation for Second Reading:

- **Res 14-02** To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2014
Contact: Lisa Abbott at 349-3401 or abbottl@bloomington.in.gov

Please see the [Weekly Council Legislative Packet](#) prepared for the 12 February 2014 Regular Session for the legislation, summary and materials.

- **Ord 14-01** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish Local Historic Designation of a “Conservation District” - Re: Matlock Heights Conservation District (Bloomington Historic Preservation Commission, Petitioner)
Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Please see the [Weekly Council Legislative Packet](#) prepared for the 5 February 2014 Regular Session for the legislation, summary and materials.

Legislation and Background Material for First Reading:

- **Ord 14-02** To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District - Re: University Courts Historic District (Bloomington Historic Preservation Commission, Petitioner)

- Map of District; Map of Parcels and Zoning; Memo to Council from Nancy Hiestand, Program Manager, Historic Preservation; Report to Council with Depictions of Housing Styles and Lot Configurations; Guidelines (Available in the Council Office Next Week); Summary of BMC Title 8
Contact: Nancy Hiestand at 349-3507 or hiestann@bloomington.in.gov

Minutes from Special Session:

- January 22, 2014

Memo

Two Items Ready for Second Reading and One Item Ready for Introduction at Regular Session on Wednesday, February 19th

There are two items ready for second reading and one item ready for introduction at the Regular Session next Monday. The legislation, material and summaries related to the items ready for second reading can be found online as indicated above. The information relating to the item ready for introduction can be found in this packet.

Sole Item Ready for First Reading – Ord 14-02 – Amending Title 8 (Historic Preservation and Protection) to Establish the University Courts Historic District

Ord 14-02 amends Title 8 of the BMC entitled “Historic Preservation and Protection” to establish the University Courts Historic District.

Since the Council is currently considering another historic designation and has recently spent time deliberating on amendments to Title 8, this summary will dispense with an overview of the provisions of local code. However, an overview is included in the latter part of this packet.

That said, please know that the ordinance typically:

- Describes the historic district and classifies the properties within it;
- Attaches the map and the report prepared and submitted by the Historic Preservation Commission
- Approves the map;
- Establishes the historic district and amends the local code to insert the newly established district into BMC 8.20;

- May waive review of paint colors (which it does for this district); and
- Upon adoption or rejection, has the effect of terminating any interim protection order put into place by the Historic Preservation Commission.

Once a historic district is in place, changes to the exterior of properties within the district are subject to review and may require the granting of a Certificate of Appropriateness by the Commission in advance of those changes.

Genesis, Boundaries, and Zoning of the University Courts Historic District

In her memo to the Council and the Staff Report, Nancy Hiestand, Program Manager - Historic Preservation, sketches the decades of attention paid to recognizing and preserving this early urban neighborhood.

Built principally from 1906 – 1938 to “capitalize on its proximity to the University, (the University Courts area) underwent a series of devastating changes starting in the 1960s” when the original owners left and the “properties were converted into rentals or departmental annexes for the university.”

The City first surveyed the historic features of the area in 1977. In 1992, it was listed in the State Register of Historic Places and, in 2007, on a second attempt,¹ it was listed on the National Register. Around 1996, the State-owned properties in this area appeared on lists kept by the Indiana Division of Historic Preservation and Archeology. Since 1992, walking tours and brochures have also highlighted this area.

According to Hiestand, the brick-paved streets are “the last continuous brick streets extant in the city limits...and ...provide a good illustration of how the historic streetscape looked.” In 1982, the City adopted an ordinance intended to control their method of repair and in 2004, another ordinance designated them as historic. Since that time the City has budgeted \$10,000 each year for their repair and, as a result of a \$130,000 State grant, will repair the portion of Park Avenue between 7th and 8th this spring.

The Old Northeast and Downtown Neighborhood Association (ONDHA) held the required public information sessions from October to early December, 2013 and, after a public hearing on December 16, 2013, the Commission, by a unanimous vote, took the necessary steps to bring this designation forward to the Council.

¹ The first effort in 1992 did not receive a sufficient number of votes by property owners.

The district is “residential in nature” with its outside edges touching 10th Street on the north, Woodlawn on the east, 7th Street on the south, and Indiana Avenue on the west. The precise boundaries were “established by outlining the concentration of contributing historic properties and omitting those areas where there are evident changes in dates of construction or types of buildings and alteration of buildings” and include the historic brick streets. The map appears as follows:



Statistical Overview of the District

Addresses:	65
Ratings:	11 outstanding, 9 notable, 41 contributing, and 4 non-contributing properties
Registered rentals	~ 25 / 65 properties
Zoning -	Mix of Residential Multi-Family (RM) and Institutional (IN)

Please note that the houses on East 8th Street, currently owned by Indiana University that may be demolished to make way for a fraternity house, are included in the district, but I'm told, are not subject to the City's jurisdiction. These homes would be subject to the ordinance in the event the homes ever return to private ownership.

Historic Criteria for this Designation

The Commission granted this designation based upon both the historic and architectural significance of the neighborhood and its buildings. The Commission found that the neighborhood has historic significance because it:

- (a) "has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state or nation; (and) is associated with a person who played as significant role in local history;" and
- (c) exemplifies "the cultural, political, economic, social or historic heritage of the community."

The Staff Report attributes the district's development, in part, to Indiana University's move to Dunn Woods after the fire at Seminary Square in 1884. The four additions comprising this district were platted between 1911-1913 and soon occupied by a wave of the "affluent class" who migrated from the older Victorian neighborhoods a few blocks west to the "newer and more modern homes nearer campus." The mix of leaders in business, governmental, and the university included a former Governor and Ambassador (Paul McNutt), Mayor (Joseph

Campbell), quarry owner (William B. Hoadley), and various professors and coaches.

The district is characterized by “widespread integration of duplexes, apartment(s) and flats into a neighborhood of single family homes” and is “one of Bloomington’s most consistently ‘designed’ neighborhoods with high quality building materials, integrated masonry embankment walls and brick streets.”

Architectural Criteria for this Designation

The Commission also found that the district is architecturally worthy because it:

- (a) Embodies distinguishing characteristics of an architectural or engineering type; and

Here, the Staff Report cites the brick streets, prevalence and placement of the duplexes in the midst of single-family housing forms and on corners, and the presence of brick apartment buildings of this era without commercial on the first floor.

- (b) Is the work of a designer whose individual work has significantly influenced the development of the community; and

Here, the Staff Report cites the architect, John Lincoln Nichols, who was trained by his father, practiced out west, and was later joined by his brother and sons. Together they designed 100s of buildings and homes in Bloomington and he, alone, designed over a dozen in this district. His efforts earlier in his career are credited with popularizing the Free Classic style in late Victorian Bloomington.

- (c) Is the work of a designer of such prominence that such work gains its value from the designer’s reputation; and

Here, the Staff Report mentions Alfred Grindle who, rather than take the common path of apprenticing with a practitioner, undertook formal training (in England). Buildings he designed in University Courts include the University Lutheran Church, a Prairie Style house at 725 West 8th, and a duplex at 309-311 North Park Avenue. Other distinguished designers of buildings in this district included J. Carlisle Bollenbacher and Edwin Doeppers.

....

(e) Contains any architectural style, detail, or other element in danger of being lost; and

Here, the Staff Report mentions the high percentage masonry houses which provide an illusory “atmosphere of stability, quality and permanence that few Bloomington neighborhoods rival.”

(f) Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood of the city; and

Here, the Staff Report identifies the district as a “landmark feature of Bloomington” due to its “designed plan and extant brick paving” and its listing on the National Register.

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

As mentioned previously, this was one of the City’s first urban neighborhoods with a blend of large homes, apartments, and duplexes. Styles appearing over the course of the 30 years of development (1906-1938) include the Georgian Colonial and Colonial Revival styles reflecting late 19th Century tastes and the Craftsman, Tudor Revival and Spanish Colonial styles reflecting the more modern tastes common in the first few decades of the 20th Century.

Guidelines – Review of Exterior Changes to Properties

Guidelines provide guidance to property owners about how exterior changes to property will be treated by the Commission. They are created by residents of the district and approved by the Commission (but not the Council). A draft copy may be made available to the Council Office next week and, once received, will be shared upon request. Given the similarities of the two districts, it is likely the guidelines will have much in common with the one approved for Elm Heights.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
7:30 P.M., WEDNESDAY, FEBRUARY 19, 2014
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

- I. ROLL CALL**
- II. AGENDA SUMMATION**
- III. APPROVAL OF MINUTES FOR:** January 22, 2014 Special Session
- IV. REPORTS** (A maximum of twenty minutes is set aside for each part of this section.)
 - 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. Resolution 14-02 To Approve Recommendations of the Mayor for Distribution of Community Development Block Grant (CDBG) Funds for 2014

Committee Recommendation: Do Pass 9 - 0

2. Ordinance 14-01 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish Local Historic Designation of a “Conservation District” - Re: Matlock Heights Conservation District (Bloomington Historic Preservation Commission, Petitioner)

Committee Recommendation: Do Pass 5 - 0 - 3

VII. LEGISLATION FOR FIRST READING

1. Ordinance 14-02 To Amend Title 8 of the Bloomington Municipal Code, Entitled “Historic Preservation and Protection” to Establish a Historic District – Re: University Courts Historic District (Bloomington Historic Preservation Commission, Petitioner)

VIII. ADDITIONAL PUBLIC COMMENT * (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two *Reports from the Public* opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.



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

To Council Members
From Council Office
Re Weekly Calendar – 17 – 21 February 2014

Monday, 17 February

12:00 pm Bloomington Entertainment and Arts District, McCloskey
5:30 pm Bicycle & Pedestrian Safety Commission, Hooker Room

Tuesday, 18 February

11:30 am Plan Commission Work Session, Kelly
4:00 pm Board of Public Safety, McCloskey
4:00 pm Board of Park Commissioners, Council Chambers
5:30 pm Commission on the Status of Children and Youth, Hooker Room
5:30 pm Animal Control Commission, McCloskey

Wednesday, 19 February

9:00 am Emergency Management, Council Chambers
9:30 am Tree Commission – Rose Hill Cemetery, 930 W. 4th St.
2:00 pm Hearing Officer, Kelly
4:00 pm Board of Housing Quality Appeals, McCloskey
7:00 pm Council of Neighborhood Associations, Hooker Room
7:30 pm Common Council Regular Session, Council Chambers

Thursday, 20 February

8:00 am Bloomington Housing Authority – 1007 N. Summit
5:15 pm Solid Waste Management District Citizens' Advisory Council, McCloskey
7:00 pm Environmental Commission, McCloskey

Friday, 21 February

12:00 pm Monroe County Domestic Violence Task Force, McCloskey
12:00 pm Council-Staff Internal Work Session, Council Library

Posted and Distributed: Friday, 14 February 2014

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ORDINANCE 14-02

**TO AMEND TITLE 8 OF THE BLOOMINGTON MUNICIPAL CODE, ENTITLED
“HISTORIC PRESERVATION AND PROTECTION”
TO ESTABLISH A HISTORIC DISTRICT –
Re: University Courts Historic District
(Bloomington Historic Preservation Commission, Petitioner)**

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

WHEREAS, the Commission held public hearings on December 16, 2013 for the purpose of allowing discussion and public comment on the proposed historic district designation of the University Courts Historic District, which is located roughly between Indiana Avenue and Woodlawn Avenue and 7th Street and 10th Streets; and

WHEREAS, at the December 16, 2013 meeting, the Commission found that the areas outlined on the map are related by history and development sufficiently to be considered as districts; and,

WHEREAS, at the December 16, 2013 meeting, the Commission found that the district has historic and architectural significance that merits the protection of the property as a historic district and imposed interim protection on the properties within the proposed district (which will terminate upon adoption or rejection of this ordinance by the Council); 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 said properties;

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 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 University Courts Historic District shall consist of the following addresses:

East 10th Street:	702, 704;
East 9th Street:	619, 801, 809, 714, 710-712;
East 8th Street:	701, 707, 713, 715-717, 803, 809, 815, 825, 816-820, 812, 804, 802, 716-718, 712, 622-624;
East 7th Street:	607, 703, 705, 715, 719, 801;
North Indiana Avenue:	506, 502, 422;
North Fess Avenue:	315-317, 503, 505, 509, 511, 517, 519, 525, 520, 516, 514, 510-512, 506-508, 504, 422, 420 406;
North Park Avenue:	309-311, 315-319, 405-407, 409, 415, 421, 501, 505, 513, 515, 521, 525-527, 410, 402, 310-312;
Woodlawn Avenue	309, 321.

SECTION 2. The properties within the University Courts Historic District shall be classified as follows:

Outstanding:

East 8th Street	622-624, 715-717, 825;
East 7th Street	607, 705;
North Indiana Avenue	422;
North Fess Avenue	315-317, 504, 509, 511;
North Park Avenue	405-407.

Notable

East 8th Street	718-720, 712;
East 7th Street	703, 715, 719;
North Fess Avenue	506-508, 510-512;
North Park Avenue	513, 515.

Contributing

East 10th Street	702, 704;
East 9th Street	801, 809, 710-712, 714;
East 8th Street	701, 705, 713, 803, 809, 815, 802, 804, 812, 816-820;
East 7th Street	801;
North Indiana	502, 506;
North Fess Avenue	505; 517; 519; 525, 406, 422, 514, 516, 520;
North Park Avenue	309-311, 409, 415, 421, 501, 505, 521, 525-527, 310-312, 402, 410;
North Woodlawn Avenue	309, 321.

Non-contributing

East 9th Street	619;
North Fess Avenue	503; 420;
North Park	315-319.

SECTION 3. Chapter 8.20 of the Bloomington Municipal Code, entitled "List of Designated Historic and Conservation Districts," is hereby amended to include the University Courts Historic District which shall read as follows:

University Courts Historic District (65 properties)

SECTION 4. The Commission voted to exclude the review of color changes within the boundaries of the University Courts Historic District according to 8:08.010(f) of Title 8 of the Municipal Code.

SECTION 5. 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 6. 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 _____, 2014.

DARRYL NEHER, 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 _____, 2014.

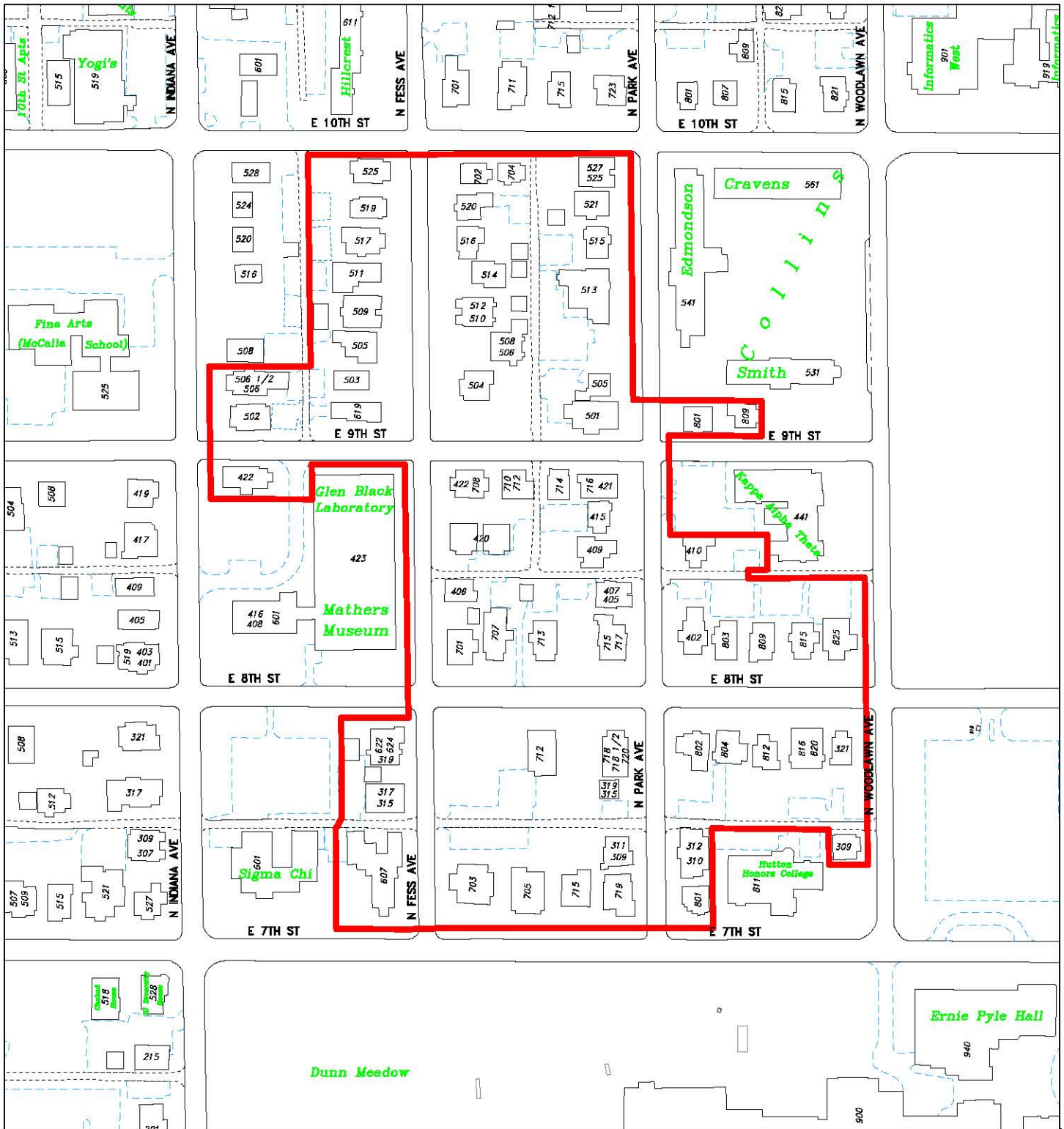
REGINA MOORE, Clerk
City of Bloomington

SIGNED AND APPROVED by me upon this ____ day of _____, 2014.

MARK KRUZAN, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends the List of Designated Historic Districts in the City of Bloomington by establishing the University Courts Historic District. In recommending this designation, the Bloomington Historic Preservation Commission (Commission): relied on a survey; held a public hearing on December 16, 2013; and submitted a map and accompanying report to the Council. The map describes the boundaries of the district, classifies the total number of properties within the district, and is approved by the ordinance. The report demonstrates how this district meets the necessary criteria. Local designation will provide the protection needed to ensure that these properties are preserved.



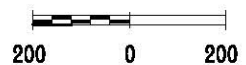
University Courts District

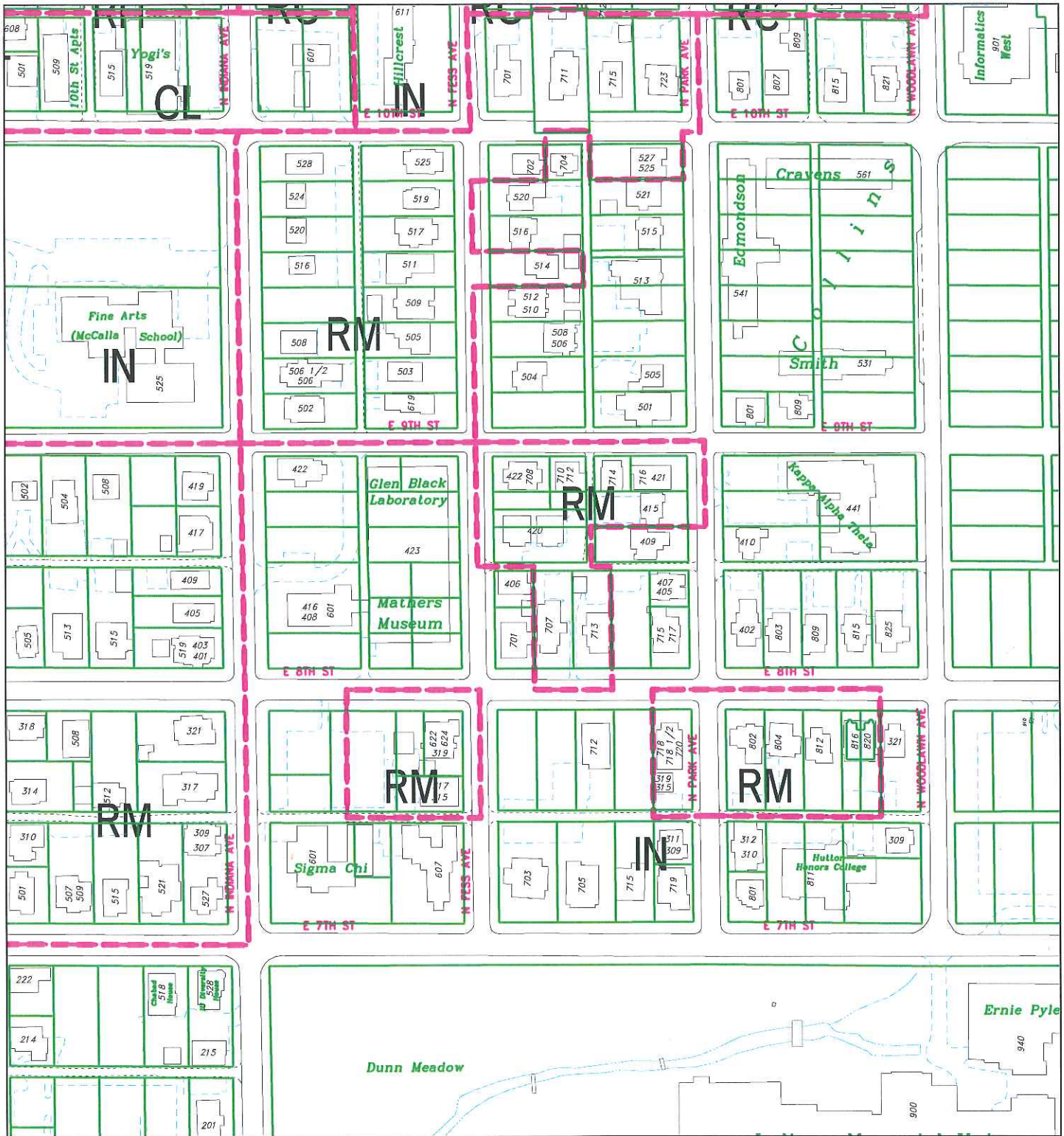
For use as map information only, information is NOT warranted.

Nov 21, 2013



Scale: 1" = 200'



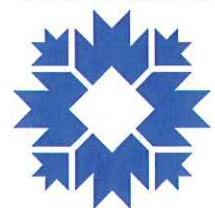


Ord 14-02 - Establishing University Courts Historic District
Zoning and Parcels

By: shermand
12 Feb 14



City of Bloomington
Clerk & Council



Scale: 1" = 200'

For reference only; map information NOT warranted.

MEMO TO THE COMMON COUNCIL

Re: University Courts Historic District Memo

Date: Jan. 10, 2014

From: Nancy Hiestand

The Bloomington Historic Preservation Commission (Commission) recommends historic district status to a distinctively designed early 20th century neighborhood known as University Courts.

In 1974, the City's first Historic Preservation and Protection Ordinance (Title 8) was adopted. With the adoption of said ordinance, the City has been able to locally designate structures and neighborhoods within the City.

In October of 2013, the Old Northeast and Downtown Neighborhood Association (ONDNHA) requested the Commission to consider locally designating University Courts as a historic district. It was nominated to the National Register of Historic Places using an Indiana Division of Historic Preservation and Archaeology HPF grant in the 1990s and finally listed in 2007. The brick streets that link the district were locally designated in 2004. A survey of the proposed district found that of the 65 structures: 11 structures are outstanding, 9 structures are notable, 41 structures are contributing and 4 are non-contributing.

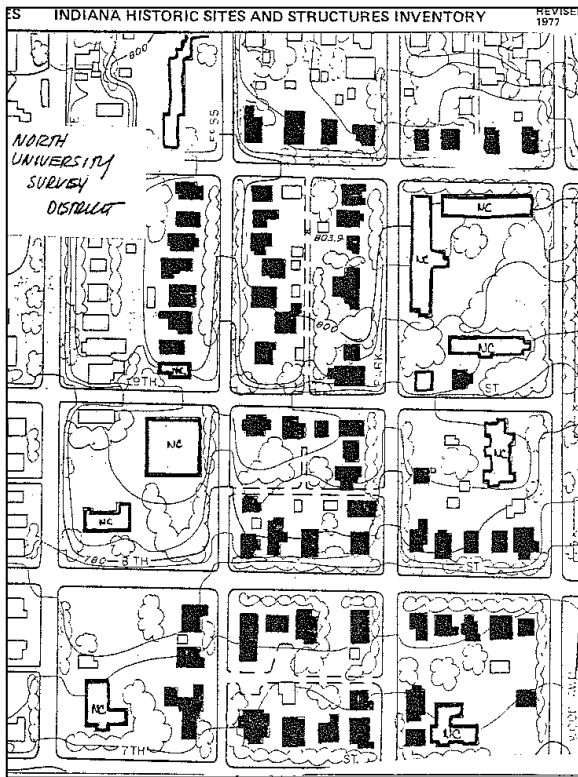
ONDNHA leadership held the required three public information sessions regarding the petition to be classified as a historic district, with said public sessions occurring on: Oct. 28, 2013; Nov. 19, 2013 and Dec. 2, 2013. The public hearing held by the Commission on Dec. 16, 2013 was duly noticed by individual letter to all property owners within and adjacent to the proposed district as well as a legal notice in the Herald Times. The Commission's vote to recommend designation was unanimous (6-0-0). Interim protection was placed upon the proposed district, classifications of individual properties approved and a map was adopted as part of the report. A subcommittee composed of City staff, commissioners and neighborhood property owners developed the University Courts design guidelines, which are now prepared for publication.

The resources to be protected in the University Courts Historic District are similar in "style" to those described in the Elm Heights Historic District, but the housing forms are exceptional and unique in Bloomington. University Courts is Bloomington's finest inventory of urban style housing: duplexes, flats and apartment houses designed in the 1920s through the 1940s. The neighborhood was developed more consistently over a shorter period than Elm Heights with fewer intrusions. This is important because it portrays an era of Bloomington's past that is not represented elsewhere in the City with the same level of integrity. It is Bloomington's only remaining historic area linked by brick streets. There is a higher concentration of architect-designed housing in University Courts than in than any other area in town.

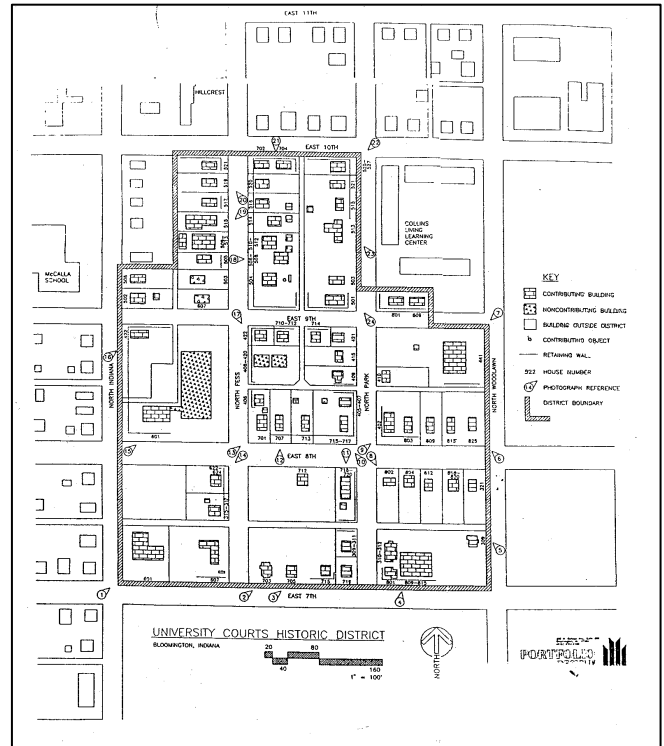
- (1) **Historic:**
 - a. **Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, or nation; or is associated with a person who played a significant role in local, state, or national history; or**
 - b. **Is the site of an 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 the city; or**
 - g. **Exemplifies the built environment in an era of history characterized by a distinctive architectural style**

University Courts is an enclave of distinctively designed housing from the early twentieth century. The dates of significance for the district are from 1906-1938. The University Courts Neighborhood was first surveyed as historic in 1977, when it was identified as the 'University Residential District.' At that time the proposed district extended to include the north side of 10th Street, but overall the boundaries look roughly as they do today. The west demarcation (Indiana Avenue) was then described as demarcating an earlier (1890-1910) housing pattern to the west. University Courts has always been bordered with dramatic changes in building fabric or major thoroughfares. University campus buildings lie to the east and south of the district. The National Register nomination also identified Indiana Avenue as a western boundary but used the three additions of University Courts as a new boundary which therefore ended on the south side of 10th street. The general nine block area is readily discernable in the nomination map from 1992. The next feature which coheres the district is the presence of Bloomington's only brick streets.



1977 Survey



1991 Nomination Map

CONTEXT

University Courts was first nominated to the National Register of Historic Places in 1992. It was defeated by a vote of owners (more than 50% of the property owners in the district opposed). Despite this, it was deemed "eligible" for both the National Register and the State Register by the State Review Board at that time. It was listed in the State Register but not in the National Register in 1992. The University Trustees had a single vote by the Park Service rules.

In 2006, Jeannine Butler and Sandi Cole, property owners in University Courts (their house is locally designated) began to survey changes in ownership and polling current owners. They decided to revisit the nomination. One property had been demolished on East 7th street in 2006. The property was located at 811-815 East 7th Street and was originally sorority house being used as an administrative building by Indiana University. The facade had been seriously modified.

The DHPA agreed to reconsider the district and sent out notification letters to owners. Sandi Clothier, as Chairman of the Commission in 2007 (June 4) officially endorsed University Courts. The district was successfully listed in the National Register on Dec.

26, 2007. At that time it included 128 Resources, but this list also represented accessory structures and artifacts.

In 1996, in anticipation of changes to the state code, a new survey of state owned properties was conducted by the Division of Historic Preservation and Archaeology. University Courts also appears in this list conducted by the University.

University Courts was the subject of a Walking Tour Brochure in 1992 and the narrative was revised in 2011. In summary, the interest in University Courts as a historic area has been constant since 1977.

University Courts neighborhood was featured on the Bloomington Restorations Inc. House Tour in 2009.

University Courts, a neighborhood originally built to capitalize on its proximity to the University, underwent a series of devastating changes starting in the 1960s. The original owners, who were mainly university professors and prominent local businessmen, began to sell their homes and many properties were converted into rentals or departmental annexes for the university. The area which once housed distinguished professors, found itself increasingly defenseless in the face of maintenance issues and the clash between student and resident occupants. The struggle to preserve University Courts continued over more than three decades.

As early as 1982 correspondence from President Ryan at Indiana University and Sybil Eakin of the Historic Building and District Study Committee, show that community concern for the restoration of the brick streets was a priority. In 1982, a local ordinance was implemented to control the method of repairing Bloomington's historic brick streets which had been patched with asphalt and cement. These are the last continuous brick streets extant in the city limits, and there are enough contiguous running feet to provide a good illustration of how the historic streetscape looked. The first ISTEA application for funding to repair them was made in 1997-98. At this time the job of repairing just the intersections was projected to cost \$800,000 and the application was not successful.

In 2004, after the streets themselves were designated by local ordinance, a modest incremental approach to the repair was initiated by Public Works. No more than 100 square feet or repair or \$10,000 worth of work was budgeted annually. An ISTEA grant was finally obtained in 2012 and \$130,000 worth of work will be performed in spring of 2014. The project will be located on Park Avenue between 7th and 8th Streets.

Case Background

A full historic district must meet significance criteria in Title 8 and will be subject to full review of external changes to the district. The district must show demonstrated quality of architecture and history. The required survey of the University Courts Historic District shows 66 properties of which 11 are classified as outstanding, 9 as

notable, 42 as contributing, and 4 are noncontributing.* Altogether 96% of the resources are considered contributing. This summary does not include a survey of detached garages as contributing structures.

Any historic district must be comprised of contiguous properties. The boundaries of the district were established by outlining the concentration of contributing historic properties and omitting those areas where there are evident changes in dates of construction or types of buildings and alteration of buildings. The district is residential in nature. The district boundaries by further refined by informational meetings.

Development History

University Courts developed as a mixed residential neighborhood in the early twentieth century. Its development was at least partially in response to the relocation of Indiana University's campus to Dunn's Woods. The land to the south of University Courts was purchased by the university in 1884, after the fire in Seminary Square the previous year. Moses Fell Dunn's land and the family farmstead was originally located where the HYPER Building now sits. The four University Courts Subdivisions were platted between 1911-13. The fourth addition was purchased by the University and never developed with housing. Sigma Chi House, built in 1906 at the corner of 7th and Indiana, predates the platting of the neighborhood. Developers Thomas Sare and Elvet Rhodes not only subdivided the land but Sare also lived in several different homes within the neighborhood during their lifetimes. The neighborhood and its residents represent a migration of the affluent classes from the earlier Victorian neighborhoods on West Kirkwood and North Walnut and Washington Streets to newer and more modern homes nearer campus.



These archival photographs are from the William H. Mathers Collection

From the left clockwise: 502 North Indiana Avenue , 719 East 7th Street, 422 North Indiana Avenue, 825 East 8th Street.

This report addresses the criteria sequentially:

Historic

a. Has significant character, interest, or value as part of the development, heritage, or cultural characteristics of the city, state, nation; or is associated with a person who played a significant role in local, state or national history.

This is Bloomington's first district with widespread **integration of duplexes, apartment**



buildings

and flats into a neighborhood of affluent single family homes. The proportion of these multi-family forms is far more concentrated in University Courts than in any other core neighborhood. There are 17 duplexes or apartment buildings in this district. It was definitely the intent of the developers to establish a more urbanized setting for this neighborhood. Two forms of duplexes are illustrated, the traditional midwestern side-by-side units that are mirrors of each other architecturally and a more urban form of one over



one flats. University Courts is one

Bloomington's most consistently "designed" neighborhoods with high quality building materials, integrated masonry embankment walls and brick streets. The northeast corner of Fess and 9th streets is a good example of this intent. There are three brick houses gathered around a central courtyard and walkway, two of these are built as duplexes.

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

Former residents of University Courts comprised the early twentieth century leadership in government, education and industry for the city, and state. Government leaders included Paul McNutt, who resided at 712 W 8th, governor of Indiana during the Great Depression and later was awarded with an ambassadorship to the Philippines; William B. Hoadley (513 N. Park) was a State Senator; James B. Wilson (402 N. Park) was a Circuit Court Judge; Joseph Hensley (803 East 8th Street) was County Treasurer; Joseph H. Campbell (815 W. 7th demolished) was Mayor of Bloomington (1930-34). Representatives of the university culture included Stith Thompson (406 N. Fess) Professor of Folklore; Kenneth Williams (702 E 10th) Professor of Mathematics Ewald "Jumbo" Stiehm (825 E 8th Street) Coach and Athletic Director; Elizabeth Sage (812 E 8th Street) Assistant Professor of Home Economics; William F. Book (504 North Fess) Professor of Psychology; Everett S. Dean (715 E 8th) basketball and baseball coach; Zora Clevenger (310-312 North Park) head of the Athletic Department; and Ivy L. Chamness (710-712 East 8th Street) Director of Publications. Among the residents is a 'who's who' list of Bloomington's prominent industrialists and business owners including Harry P. Vonderschmitt (409 North Park) theater owner; William B Hoadley (513 North Park) Quarry owner; W. Earl Sullivan (618 E 9th demolished) of Sullivan 's Clothiers; Charles, Ward and Ellis Johnson(604 East 8th, 707 East 8th, 501 North Park) owners of Johnson Creamery; Thomas G. Karsell (422 N Indiana). Boomington Milling Company and Wyatt Wicks (422 N. Indiana) owner of the long lasting Wicks Beehive.

Additionally these properties reflect the prominence of the neighborhood and the expectation of quality from those who built the neighborhood. Staff has identified more architect designed properties in University Courts than in any other Bloomington neighborhood. Certainly this reflects the fact that during its era of construction, other professionals had joined the Nichols family in the local practice of architecture. The use of limestone, brick, clay tile and slate is even more prevalent, as a percentage of the properties built, than in Elm Heights.

Architecture

a. Embodies the distinguishing characteristics of an architectural or engineering type: or

The brick pavers in University Courts were probably laid after 1911-1913 when legal subdivision was complete. The four additions that comprise University Courts were laid out within a couple years, The final or fourth addition was purchased by the University and never developed. It is located east of Woodlawn where the tennis courts are now located.

This group of streets which link the resources in the district, are the last remaining brick streets in Bloomington and were locally designated in 2004. Since that time, the Public Works Department has pledged and spent \$10,000 a year in repairs. In 1997 the city was not successful in obtaining an ISTEA grant for more comprehensive repairs, but another application submitted almost a decade later was successful in obtaining \$130,000 towards repairs. The ISTEA funded work commences in 2014 on South Park Avenue and the intersection of 8th and Park. The existing pavers are marked "Poston Block, "Poston Knobstone Block" and "Brazil." Where needed, replication of these blocks were fabricated for infill. The curvilinear patterns at the intersections (engineered to wear better than in-line designs) require exact dimensions in order to fit properly.

The city has made a long term commitment to the restoration of University Courts Streets. The designated streets link the neighborhood resources with the exception of the block on 9th between Park Avenue and Woodlawn which was asphalted before 1996.

University Courts is Bloomington's most urban historic neighborhood, originally providing housing for retirees, professionals, business owners and people who served the University. This was accomplished by a diversity of housing forms. Many of the 15 duplexes in the district are located on corners. Some are integrated into groups of houses with side entrances (9th and Fess) Some are paired on corners as are the Schuman (622-624 E 8th 315-317 N Fess) and Feltus (715-717 East 8th 405-407 North Park) duplexes. These are distinctive patterns not found elsewhere in Bloomington. The duplexes include both side by side duplexes and a smaller number of 'flats' where living space is all on one level. The prevalence of this form assures that diverse incomes could reside in the neighborhood. A survey of residents of the Schuman duplexes at 8th and Fess show instructors at IU, salesmen, RCA employees, Ben Becovitz, the owner of the Louben, students draftsmen, and John Schuman himself, who was a newspaper editor. Many Duplex owners also lived in the unit.

There are two apartment buildings, both designed by Cecil Harlos, who designed the moderne addition to the Home Laundry Building and the Spanish Colonial apartment block at 2nd and Fess. These are among a handful of brick apartment buildings of this era that do not have commercial first floors (111 E 10th, 605 South Fess, 420 E. 6th). It is instructive to remember what has been lost of these resources, specifically Arbutus Flats in the 500 block of East Kirkwood.



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

Bloomington's own John Lincoln Nichols was trained locally by his father, Hiram Nichols, but later worked in Denver and California, before completing his career in Bloomington. This kind of apprenticeship was common in the early 20th century. Within his practice, he was joined by his son (Nichols and Son) and a brother (Nichols and Nichols) in designing dozens if not hundreds of Bloomington buildings and homes. Thirteen structures in the district can be attributed to John L. Nichols, many of these verified since the National Register nomination was written. Nichols often worked with Thomas Sare, who was one of two principal developers of the University Courts Additions. The following addresses, designed by Nichols, are still standing in the University Courts neighborhood.

705 E. 7th Street

719 E. 7th Street

707 E 8th Street

712 E 8th Street

715-717 E 8th Street

718-720 E 8th Street

803 E 8th Street

815 E 8th Street

517 N. Fess Avenue

506 N Indiana Avenue

310-312 North Park Avenue

405-407 North Park Avenue

515 North Park Avenue



The numerous projects associated with the Nichols family in this neighborhood area are fraction of the impact of the Nichols designers had on Bloomington generally. J. L. Nichols is credited with bringing and popularizing the Free Classic style in Bloomington in the late Victorian era prior to his work in University Courts. Recent research suggests

that Nichols also designed smaller working class bungalows for the Showers Brothers in the neighborhoods that they developed on the west side.

c. Is the work of a designer of such prominence that such work gains its value from the designer's reputation; or

The most important designer whose work is illustrated in University Courts is Alfred Grindle. He was trained in England and most prominently responsible for the Trinity Episcopal Church, Varsity Pharmacy and Hunter School. His most important building in University Courts is the University Lutheran Church on 7th Street, although he also



designed an important Prairie Style house at 725 West 8th and a duplex at 309-311 North Park. Grindle is significant because of his formal training in an era when many were apprenticed or started as engineers. Several other prominent designers are



also represented in the neighborhood. Another Bloomington native, J. Carlisle Bollenbacher, who practiced primarily in Chicago with his firm of Lowe and Bollenbacher, designed the home of Wyatt Wicks at 422 North Indiana. Bollenbacher's other local buildings are the Sanford Teter House (528 North Walnut) and First Christian Church (205 E Kirkwood) in 1917. Bollenbacher's company also built several fraternity and sorority buildings on campus.

Edwin Doeppers designed several of the more monumental residences on 7th Street and is better known as the primary architect for the Banneker School. He designed the paired Tudor Style Schuman Duplexes at the corner of 8th and Fess. Doeppers is often identified as an engineer.



Burns and James primarily worked in the construction of campus buildings, fraternities and sororities in Bloomington. They designed the Kappa Alpha Theta house and was the third architectural firm to work on the Sigma Chi House.



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

University Courts boasts the highest percentage of masonry houses in any historic area in Bloomington. Of the 66 buildings in the district, only 11 are frame. With its resources linked by brick paved streets, the area provides an atmosphere of stability, quality and permanence that few Bloomington neighborhoods rival. Areas of comparable affluence, like Elm Heights or North Washington Street either have resources which reflect a certain preferred style that utilizes frame as in the earlier Queen Anne and Free Classic Styles (North Washington District) or enclose broader geographic areas containing later infill or have edges that are less defined (Elm Heights). It is ironic that these seemingly immutable and sturdy buildings are threatened by the University plans for expansion when similar finer historic housing is relatively unavailable to Bloomington residents.

f. Owing to its unique location or physical characteristics, represents an established and familiar visual feature of a neighborhood of the city; or

Both by its designed plan and extant brick paving, University Courts has become a landmark feature of Bloomington. Proof of this status is its listing in the National Register of Historic Places on December 26, 2007. Of Bloomington's historic districts only the West Side (Fairview 10 resources), Prospect Hill (28 resources), and Elm Heights (Vinegar Hill 64 resources) are also listed in the National Register.

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

The revival styles of architecture in University Courts are much like those represented (less consistently) in Elm Heights. In Elm Heights the streetscape is interrupted far more frequently by later construction. Another point of uniqueness is that so many examples in these styles are duplexes or apartments rather than single family homes. As early as the Philadelphia Centennial of 1876, interest in the national heritage was reinvigorated. The architectural firm of McKim Mead and White completed the Appleton House in 1877. That house set the precedent for a national interest in colonial domestic architecture. This is illustrated in University Courts by the number of brick **Georgian Colonial** and **Colonial Revival** style buildings built in the short time of development for the neighborhood 1906-1938. The second most prevalent style is **Craftsman**, showing both bungalow forms and foursquare. The **Tudor Revival** style is also represented but clearly



not as preferred as in Elm Heights. There are a handful of **Spanish Colonial** Buildings, including both examples of apartment blocks. Homes with Spanish Colonial features are also common in the district.

This academic attention to design, in the early part of the twentieth century, was coupled with massive creation of wealth for the middle classes. Exotic styles that were preferred advertised the attainment of

the new business classes. Both the National Register nomination and an early paper written by Patsy Leake (1987) document the migration of wealthy families from other areas of Bloomington east to University Courts upon its new construction. Many left family homes on North Washington and Walnut Streets. University Courts attracted residents because of its dramatically different architecture and modernity. It was one of the first neighborhoods to feature detached and semi-detached garages. Its proximity to the University and to the McCalla School (1906) were also perceived as assets.

Another early twentieth century style is the **Craftsman** or **Arts and Crafts** style. This design influenced the bungalow and four square forms. The clean lines and opposing aesthetic of these homes made the Queen Anne style of 30 years before seem obsolete. In University Courts the style is reflected in single family homes and duplexes. The Feltus Duplexes on Park and 8th are mirror images: one facing Park Avenue and the other Eighth street. Both are designed by Nichols when he was in partnership with his son.



There are also several Tudor Revival homes and duplexes. The Hoadley House is the largest of these homes, as yet it has no attribution. The Vonderschmitts

also lived in the neighborhood in a brick interpretation of the Tudor style. This house is much less ostentatious than their Chateausque style home on Hawthorne, but in some ways modestly resembles it with the steeply pitched roof, story and a half form and arched doorway.



1. Staff recommends approval of the University Courts Historic District with the following classification of properties:

(11) Outstanding: East 8th Street 622-624, 715-717, 825; East 7th Street 607, 705; North Indiana Avenue 422; North Fess Avenue 315-317, 504, 509, 511; North Park Avenue 405-407.

Notable (9)

East 8th Street 718-720, 712; East 7th Street 703, 715, 719; North Fess Avenue 506-508, 510-512; North Park Avenue 513, 515.

Contributing (42):

East 10th Street 702, 704; East 9th Street 801, 809, 710-712, 714; East 8th Street 701, 705, 713, 803, 809, 815, 802, 804, 812, 816-820; East 7th Street 801; North Indiana 502, 506; North Fess Avenue 505; 517; 519; 525, 406, 422, 514, 516, 520; North Park Avenue 309-311, 409, 415, 421, 501, 505, 521, 525-527, 310-312, 402, 410; North Woodlawn Avenue 309, 321.

Non-contributing (4): East 9th Street 619; North Fess Avenue 503; 420; North Park 315-319.

* The count was corrected: 65 Properties 11 Outstanding, Notable 9, 41 Contributing and 4 Non-contributing

2. Staff also recommends interim protection be placed upon the properties until the final action of Common Council and the Mayor

3. Staff recommends removal of paint color review from this district at the request of the Subcommittee.

ORDINANCE 14-02

**TO AMEND TITLE 8 OF THE BLOOMINGTON
MUNICIPAL CODE, ENTITLED “HISTORIC
PRESERVATION AND PROTECTION”
TO ESTABLISH A HISTORIC DISTRICT -
Re: University Heights Historic District
(Bloomington Historic Preservation Commission, Petitioner)**

**MATERIALS AVAILABLE IN THE COUNCIL OFFICE
ON OR AFTER FEBRUARY 19, 2014**

Draft Guidelines

Overview of Title 8 (Historic Preservation and Protection)

The provisions of Title 8 (Historic Preservation and Protection) 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;
- ensure the harmonious and orderly growth and development of the City;
- maintain established residential neighborhoods in danger of having their distinctiveness destroyed;
- 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 properties within these districts. Those reviews occur in the context of either granting or denying Certificates of Appropriateness for the proposed changes. Persons who fail to comply with the Certificate of Appropriateness or other aspects of Title 8 are subject to fines and other actions set forth in BMC Chapter 8.16 (Administration and Enforcement).

Districts, Areas, and Ratings

Statute and local code offer gradations of districts, areas, and ratings that, in general, tie the level of historic/architectural significance to a level of regulation and protection. In that regard, there are two levels of historic districts, two levels of areas, and four levels of ratings, which are briefly noted below:

Districts. Districts may include a “single building, structure, object, or site or a concentration (of the foregoing) designated by ordinance” and come in two forms: a conservation district and a permanent historic district.

The conservation district is a phased designation. It requires the Commission to review the:

- moving,
- demolishing, or
- constructing of any principal building or most accessory buildings that can be seen from a public way.

According to IC 36-7-11-19, the conservation district will elevate to a full historic district at the third anniversary of adoption of the designating ordinance, unless a majority of property owners submit objections in writing to the Commission within 60 - 180 days before that date. Please note that ordinances creating these conservation districts typically call for property owners to be given an opportunity to object to the elevations within this time frame and that, under local practice, the HAND staff facilitates this process.

The full historic district is the ultimate designation that, along with those restrictions noted in regard to conservation districts, also authorizes the Commission to review:

- any addition, reconstruction, or alteration that conspicuously changes the external appearance of *historic* structures, and appurtenances to those structures, viewable from a public way in what are classified as “primary” and “secondary” areas; as well as
- any addition, reconstruction, or alteration that conspicuously changes the external appearance of a *non-historic* structure viewable from a public way or any change to or construction of any wall or fence along the public way in what are classified as “primary” areas. *Please see below for the distinction between “primary” and “secondary” areas.*

Areas. Within each district, the City may distinguish between primary or secondary areas.

- The primary area is the principle area of historic/architectural significance; and
- the secondary area is an adjacent space whose appearance could affect the preservation of the primary area and is needed to assure the integrity of the primary area. *Please note that the Commission to date has not sought to establish districts with “secondary” areas.*

Ratings. Each property within a district may be rated as outstanding, notable, contributing, or noncontributing, according to its level of significance as elaborated below (per BMC 8.02.020):

- “Outstanding” is the highest rating. It is applied to properties that are listed or are eligible for listing on the National Register of Historic Places and “can be of local, state, or national importance”;
- “Notable” is the second-highest rating. It applies to properties that are of above average, but not outstanding importance, and “may be eligible for the National Register”;
- “Contributing” is the third-highest rating. It applies to properties that are at least 40 years old and are important to the “density or continuity of the area’s historic fabric” and “can be listed on the National Register only as part of an historic district”; and
- “Non-contributing” is the lowest rating. It applies to properties that are “not included in the inventory unless (they are) located within the boundaries of an historic district.” These properties are ineligible for listing on the National Register and may involve structures that are either less than fifty years old, older than that but “have been altered in such a way that they have lost their historic character,” or “are otherwise incompatible with their historic surroundings.”

Designation Procedures

According to the BMC, in order to bring forward a historic designation, the Historic Preservation Commission must hold a public hearing and submit a map and report to the Council. The map identifies the district and classifies properties, and the report explains these actions in terms of the historic and architectural criteria set forth in the ordinance.

The Commission may impose interim protection on the district that prevents any exterior alteration of the property until the Council acts on the designation. It also has an opportunity to consider historic designation of properties listed on the Bloomington Survey of Historic Sites and Structures which are slated for demolition.

The ordinance typically:

- Describes the district and classifies the properties;
- Attaches the map and the report;
- Approves the map;

- Establishes the district and amends the local code to insert the newly established district into BMC 8.20; and
- In the case of conservation districts, addresses their elevation to a full historic district at the third anniversary of the adoption of the ordinance, unless a majority of the property owners object to the Commission in writing in a timely manner.

In the Council Chambers of the Showers City Hall on Wednesday, January 22, 2014 at 7:30 pm with Council President Darryl Neher presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
January 22, 2014

Roll Call: Ruff, Sturbaum, Sandberg, Neher, Mayer, Rollo, Volan, Spechler
Absent: Granger

ROLL CALL

Council President Neher gave the Agenda Summation

AGENDA SUMMATION

It was moved and seconded that Resolution 14-01 be introduced and read by title and synopsis. Clerk Moore read the legislation and synopsis, noting there was no committee recommendation for this item. It was moved and seconded that Resolution 14-01 be adopted.

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

Susan Sandberg noted that this resolution came out of a listening session held by the council on the topic of health insurance through the Affordable Care Act, Medicaid and health care issues.

Resolution 14-01 SUPPORTING
THE FULL EXPANSION OF
MEDICAID IN INDIANA
THROUGH THE AFFORDDABLE
CARE ACT

Chris Sturbaum read the Resolution 14-01 in its entirety.

Karen Green Stone said she had worked on health care issues for a long time, and added that the US had the most expensive health care system in the world. She said that Medicaid expansion was to help people who worked minimum wage jobs. She noted that she knew people, who, if they had this coverage, would not have died for lack of medical care. They couldn't afford tests and did not want to bankrupt their families. She said not expanding Medicaid in Indiana was shocking and inhumane.

Dr. Judith Klein urged the council to vote for the resolution. She said that she was working at Volunteers in Medicine in the past month where she treated a woman with many serious health problems who ironically had a part time job signing people up for ACA coverage, but she herself was not eligible for it because she fell into the demographic of people who should have been covered by the expansion, but because our state didn't opt for it, was not eligible. She didn't make enough to be able to get insurance through the ACA marketplace. She said this story made her angry at the decision that Indiana had made in this regard.

Tom Gruenenfelder said he worked with the ACA volunteers in Monroe County and said that it was hard to rationalize telling people that he was trying to help get insurance that they were not eligible for Medicaid because our state was not doing the expansion, and that they were too poor to qualify for premium health or cost sharing health insurance that were provisions of the ACA. He applauded the council's action on this resolution.

John Tilford, who had worked for years with local veterans, said this measure would help vets who were not able to take vans to Indianapolis for health care through the Veterans' Administration. He said the number of these people who were suffering from ills related to their service was increasing as veterans come home from Iraq and Afghanistan. He said they sometimes did not have the patience to stand in lines, fill out forms and that Medicaid expansion helped to make care accessible to them where the VA may not be able to.

Glenn Carter supported expansion of Medicaid to 400,000 Hoosiers who made too much to qualify for traditional Medicaid but made too little to qualify for a subsidy under the ACA. He said that his volunteering at the Interfaith Winter Shelter allowed him to have a unique perspective,

and he said it would literally make the difference between life and death for some people, especially those who suffered from alcoholism and addictions.

Rob Deppert, an insurance agent and Chairman of Democracy for Monroe County, said he had advocated for a single payer health care system for the whole country. He added that his experience was with people who were previously uninsurable or just couldn't afford health insurance. He talked of helping people find insurance when they had gotten the message that since our state had not expanded Medicaid, they should look elsewhere for coverage. He noted that people thought that had all changed with the ACA, but that Hoosiers were in the same place they had been prior to that measure.

Deppert talked about a friend who lost his job due to illness, and the fact that this person couldn't get health care because of unpaid medical bills. His friend died. Deppert said the reason we form government was to help people like that, those who have the least.

David Meyer said he was president of the Affordable Care Act Volunteers of Monroe County Incorporated, a chartered corporation dedicated to education on the ACA which serves to get as many eligible people as possible enrolled. He said the group had held health care plan comparison forums, several informational tables and were reaching out to faith communities with information and offers of help. He related several stories of clients who were part of the 22% of people who approached the group for help but were not qualified for insurance subsidies because of the lack of Medicaid expansion in Indiana. He said it was difficult to tell people that they were too poor to get a government subsidy but would qualify if only they made a little more money. He asked the council to support this resolution, hoping that it would make a difference for those people.

Nancy Woolery, Health Projects Manager with the City of Bloomington's Community and Family Resources Department, said one of her major responsibilities was to help people get health care in the community. She reiterated what Mr. Meyer said regarding citizens who were searching for health care, telling of a mother who was elated because her child had asthma, a pre-existing condition and could now get health care. She also told of an out-of-work woman who had emergency surgery and was now faced with a \$75,000 hospital bill. She did not qualify for Medicaid or subsidies in the health insurance market place. Woolery said Medicaid expansion is really needed in Indiana.

David Wierhake said he was an advocate for a single payer health care system. He said that as he was substituting in an elementary school, the children learned a simple poem about a young boy who was ill and went to the doctor to get a pill. He said it would be wonderful if that was the simplicity of our national health care system. He also said that, "*A single voice that speaks out makes more noise than a hundred voices that remain silent,*" and urged the council to be that one single voice in the state of Indiana.

Milton Fisk talked about the HIP plan for Indiana, and that it was a competitive profit making plan for institutions and that made it the attraction for former Governor Mitch Daniels. He said the same thing was true for Governor Pence, and said that profit was the defining feature of his motivations. He said that successful health care systems were developed by a discussion with all parties, and had set limits on what everyone in the system could make. He said governors who oppose the expansion of Medicaid were also those who would be advocates of some form of corporate ownership of the medical system.

Resolution 14-01 (cont'd)

Rob Stone noted that he was the primary author of the text of the resolution that had been so greatly enhanced by community input. He noted that Bloomington was not the first community to pass a resolution of this type.

Stone told of his care of Medicare and Medicaid patients in his current and former practice of emergency medicine at the Bloomington hospital, and said that Medicaid had been described as a broken program, but it actually was more of a problematic program. He stated, *"I never in my life have seen any evidence by any wild stretch of the imagination that having Medicaid is worse than having no insurance at all."* He said that sequestering the poor in a single program would create political difficulties in getting adequate funding, as the poor don't vote in high percentages.

He responded to Spechler's question regarding arguments against Medicaid expansion in Indiana. He noted that the governor said that Medicaid promoted dependency, that it was too expensive, that we would be spending our children's inheritance. Stone said that in actual fact, taxes paid to the federal government could come back to Indiana to pay for this expansion, but instead was going to be sent to surrounding states that adopted the expansion model.

He gave the example of Ohio's Governor Kasich, a Tea Party Republican, who expanded Medicaid and announced, "when it comes down to it, when I'm facing St. Peter, they're not going to ask me what I did to shrink government. They're going to ask me what I did to help the poor."

Stone said that Pence was a visionary, but his vision for Indiana sounded a lot like Mississippi: a state with weak labor unions, poor public education, fairly good highways with terrible health and health care. He urged the council to stand up against that with this resolution.

Adrian Ziebolt, speaking in favor of the resolution, said that all the world's great religions taught compassion for the less fortunate and especially for the sick. He also noted that the ACA was, in fact, the law of the land. He urged the governor to use compassion to expand Medicaid because it was the right thing to do.

Natasha Jacobs, professor of philosophy at Ivy Tech talked about the effects of the health care issue for higher education. She said that 78% of college professors were adjunct and were experiencing cuts in their teaching hours so that the employers would not be required to offer health insurance coverage. She noted that this would result in the loss of good people, the diminishment of the quality of our education, and that we would experience a brain drain as people left Indiana to go to states where they could get health care coverage. She ended by stating, "An ounce of prevention is worth a pound of cure."

Final comments by council members:

Spechler commented that as an economist he appreciated the comments of and perspective of a philosopher, Milton Fisk and also those of Dr. Rob Stone. He said he would vote for the resolution but said it was just one small thing that needed to be reformed regarding health care in the United States. He noted there were problems with doctors accepting Medicare and Medicaid patients. He added that expansion of primary care providers was desperately needed in the US.

He said one explanation of the position against expansion of Medicaid was wide spread political opposition to the ACA and should be understood as such.

He said he spoke to former Governor Daniels about the Healthy Indiana Plan who said that the HIP plan was better than Medicaid, and that it also could be expanded by the state legislature.

Spechler said the bottom line was that there were many people

who could not afford to be covered by insurance and that we needed to do something, and while Medicaid was not perfect, more issues needed to be pursued. He added that this was just the beginning of a major political confrontation and that much more needed to be done, even if Medicaid was expanded in Indiana.

Ruff said several doctors were at the listening session that began the process, and asked that Dr. Stone to address Spechler's statement that Medicaid did not compensate doctors well and the problem of finding providers.

Dr. Stone said representatives of Internal Medicine Associates, Southern Indiana Physicians and Premier Health Care were at the listening session. He said they spoke of how their large practices had always had a consistent policy of accepting Medicaid patients. He said there was a problem statewide but less so in Bloomington where 75% of Bloomington physicians accept Medicaid. He added that almost all of those who accept Medicaid patients had to limit the number they see to have balance. He said Medicaid reimbursed 60% of what Medicare reimburses, and Medicare reimbursed 80-90% what Anthem reimburses.

He said that the better problem to have was how to get 400,000 patients seen rather than how to deal with people in the Emergency Room with 'too little, too late' care with a huge bill that they couldn't afford which might lead to financial ruin.

Rollo talked about the motivation for not expanding Medicaid and said he agreed that this issue was part of a larger political game that was being borne by the most vulnerable and poorest in society. He added that the media was so broken that they hadn't given this subject its due and had produced few reports that were full of distortions. He said that if the information in the resolution was available to them it would have an impact. Lack of federal funding and the fact that Indiana's tax dollars would be donated to other states expanding Medicaid would have an impact on Indiana's health. He said not expanding Medicaid was also a function of corporate interests, and a function of part of the Republican Party reacting to the Tea Party base and a cynical means to gain short term support. He said the bumpy rollout of the ACA was similar to the rollout of Medicaid in the 1960s, and has played into the hand of the critics. He wondered if this issue would force the working poor to leave Indiana for surrounding states and wondered if that could be the governor's motivation. He said that people should not be disheartened and that the expansion measure would eventually prevail.

Ruff said he hated to be cynical, and then referred to paying a 10% cost in future years of this program. He said that the state paid 20% of federal transportation costs immediately, not phased in as it would be with the ACA. He likened the two programs in job creation and economic activity, and said it was disingenuous to say that cost was an issue. He said that those opposed to this, because of their basic philosophy, were also wary of social security, afraid of a successful public program, and wanted a private sector, competitive, market driven, profit motivated system according to their basic philosophy. He said that a deeper look at those opposing this expansion would reveal differences in basic ideology and electoral politics as they believe government should be shrunken. He believed that the connection between a program that would improve health care and their government would create a link to political platform, and office holders, and thus was a motivator for detractors to continue to oppose this measure. He noted that other governors had taken the step to expand Medicaid. He said this resolution was an opportunity to open a discussion, expand information dissemination and possibly make a difference.

Sturbaum said that a majority of people did not like "Obamacare" but

Resolution 14-01 (cont'd)

supported the Affordable Care Act. He said this explained the confusion that people had regarding health care. He said the governor had a tremendous responsibility to the people of Indiana, and that the medical coverage of citizens was on his head. Sturbaum said that millions of tax dollars sent by Hoosiers to the federal government were not returning to Indiana because the governor would not accept the program to expand Medicaid. He said that Mr. Pence would be responsible for the closing of hospitals, the loss of good paying jobs, and that this issue was his responsibility. He asked Pence to look out for Hoosiers and added that the marketplace had a mind, but had no heart. He said it was time to hold Pence accountable for this misguided reading of this moment in time by turning down dollars for health care.

Volan said the question about the arguments against expansion of Medicare was worthwhile and appreciated the discussion on such. He said the arguments against expansion started with absolutism and zero tolerance policies that government is inherently bad and more government is evil. He added that personal morality also entered into these stances regarding worthiness, freeloading, and laziness with a zero tolerance for mistakes and frailty. He noted his longing for 'compassionate conservatism' for elderly people, children or the disabled who could not work and added that today's conservatives had a pre-emptive grudge against anyone without money. He said the governor's stance against expanding Medicaid was not compassionate. Volan said that he could not understand how someone who called themselves Christian could hold this view that was contradictory to their faith.

He said this resolution was a plea to dispose of that absolutism. He said that zero tolerance policies were a meat cleaver while the problems of a complex and interdependent modern society called for scalpels and laser beams. He hoped the resolution would send the message of understanding the war on sin, but bring back compassion in ending the war on sinners; start by expanding Medicaid.

Mayer re-read the resolution's first WHEREAS clause:

WHEREAS, Indiana ranks poorly in measures of health. We are 41st out of all 50 States in overall health, with our position falling four spots since 2011. We are a disgraceful 47th in infant mortality.

He said we couldn't get much lower than that, and we were literally 9th from the bottom in overall health care, and 3rd from the bottom in infant mortality. He asked how we could leave 350,000 Hoosiers on the sidelines when it came to health care. He asked how 4300 Monroe County residents could be told that they couldn't have health care. He asked how veterans who carried the country's flag could be left out in the cold regarding health care. He said to him it was unconscionable.

He said the financial benefits from accepting the expansion of Medicaid in the state was great and that the state should expand the program.

Neher said if one would measure the success of the expansion of Medicaid by outcomes, our state would fail miserably. He asked if it made sense to reinforce a model that had been failing, noting that no business model that failed to that extent would be rewarded. He noted that a recent article reported that Jackson Hewitt tax preparers had released a report which found that states that did not expand Medicaid would leave employers exposed to higher federal tax penalties under the ACA. He said up to \$1.5 Billion per year after 2015 could be allotted in penalties for these states. He said this did not protect the citizens of Indiana, or the businesses that were successful.

He said that states that did expand Medicaid got a return on their tax dollar at a ratio of \$5.11 returned to the state for every dollar spent in the expansion. He said for each dollar spent on the program, states not participating left \$8.03 on the table. He said that cynicism was not an

unnecessary feeling given the antics of the state legislature in moving a bill from one committee to another to ensure its passage.

Resolution 14-01 (cont'd)

Sandberg said the resolution supported full expansion of Medicaid in Indiana through the Affordable Care Act. She said that this was an incredible document that came from the citizens of Bloomington, not solely the work of the council. She noted the beginnings of the resolution with the work of Dr. Rob Stone and Karen Green Stone had been enhanced by the rich public comments from a listening session held with professionals, people who had stories to tell, and people who were trying to educate community members about the Affordable Care Act. She said this represented the values and political will of the community. She said it was now time that we all stood up and be activists.

Sandberg said that cynicism was unacceptable to her; the arc of justice would come around. She commended the Hoosiers for a Commonsense Health Plan and Stacy Jane Rhoads for their incredible help on the resolution. She thanked Dan Sherman, Council Attorney/Administrator for his help as well. She urged citizens to take the message of this resolution forward, and then concluded her remarks by saying that we needed a new governor.

Resolution 14-01 received a roll call vote of Ayes: 8, Nays: 0

Dan Sherman, Council Attorney/Administrator, noted that there was an Internal Work Session scheduled for Friday, January 24, 2014 to discuss the Matlock Heights historic designation and the CDBG funding for 2014. Neher polled the individual council members and there were enough to keep the work session on the agenda. Sherman also said that there was no meeting scheduled for the following Wednesday.

COUNCIL SCHEDULE

The meeting was adjourned at 9:20 pm.

ADJOURNMENT

APPROVE:

ATTEST:

Darryl Neher, PRESIDENT
Bloomington Common Council

Regina Moore, CLERK
City of Bloomington