Minutes of the
New Bern Historic Preservation Commission
July 18, 2012

The New Bern Historic Preservation Commission (HPC) held its regular meeting on Wednesday, July 18, 2012, in the second floor courtroom of City Hall, 300 Pollock Street.

Members Present: Peter Adolph, Chairman; Rich Frye, Vice-chair; Peggy Broadway; Johnny Harrison; Richard Parsons; Tim Thompson; Bradley Cummins

Members Absent: Karen Britton (A)

Staff Present: Michael Avery, AICP, Development Services Transitional Director
Bernard George, AICP, Planning Division Manager
Leigh Anne Friesen, AICP, Volunteer

The meeting was opened and roll call was taken. A quorum was present. A motion to waive the reading of the minutes was made by Commissioner Frye and seconded by Commissioner Parsons. Motion passed. A motion to approve the minutes was made by Commissioner Frye and seconded by Commissioner Harrison. Witnesses were sworn in.

Witnesses Sworn: Jane Williams, Andy Bayliss, Susan Moffat-Thomas, Rebecca Moorer, Joey Infinito, Chief Building Inspector Johnny Clark, Stevie Bennett, Neal Whitford, Jean Fuller, Bobby Patterson, Kathy Adolph, Marjorie Preis and others.

New Business

1. Consideration of an application for a Certificate of Appropriateness for the downtown and its environs for a way finding sign system.

Staff Comments: Staff Mike Avery described the application and noted that the applicant appeared at the July Design Review meeting.

Applicant Comments: Susan Moffat-Thomas, Executive Director for Swiss Bear Downtown Development Corporation, spoke as the applicant. She showed a slide presentation that described the signage project.

Public Comments: *Marjorie Preis*, 1203 National Avenue, inquired about the number of signs, and expressed a desire that all four national register historic districts be recognized in the directional signage.

Discussion by the Commission: The Commissioners discussed issues including the signage material, maintenance, whether the new signs will be coordinated with the existing Tryon Palace signs, the status of the Board of Aldermen's approval, the scale of the signs and proportion to other signs.

Finding(s) of Fact: Commissioner Frye moved to find the application congruous with the Historic District Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria,

citing the following guidelines: "Signage", pages 90-92, guideline #14. Commissioner Cummins seconded the motion. Upon a call for a vote, all Commissioners voted in favor of the motion. Motion passed unanimously.

Statement(s) of Reason: (1) The sign colors and design are consistent with the Urban Design Plan which is incorporated by reference in the City's Historic District Design Guidelines.

Condition(s): NONE

Motion: Commissioner Cummins moved to issue the COA, seconded by Commissioner Frye. All Commissioners voted in favor of the motion. Motion passed.

2. Consideration of an application for a Certificate of Appropriateness to remove handrails installed by previous owner at 616 New Street.

Staff Comments: Staff Mike Avery briefly described the project.

Applicant Comments: Rebecca Moorer, 616 New Street, told the Commission that the railings were added c. 1997.

Public Comments: *Stevie Bennett*, 1312 National Avenue, stated she has no problem with the project, but contends that the application was received less than 14 days prior to the HPC meeting. Benny Mullinix, 615 New Street, said he remembers the railing being installed at the property, and knows that the current owners have desired to remove it.

Discussion by the Commission: The Commissioners discussed issues including the remaining porch posts and gratitude to the applicants for coming before the Commission.

Finding(s) of Fact: Commissioner Parsons moved to find the application congruous with the Historic Preservation Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: "Exterior Entrances and Porches", pages 36, 21, 22, guideline #12. Commissioner Broadway seconded the motion. Upon a call for a vote, all Commissioners voted in favor of the motion. Motion passed unanimously.

Statement(s) of Reason: (1) The removal of the handrail will return the front steps to their previous appearance.

Conditions: NONE

Motion: Commissioner Parsons moved to issue the COA, seconded by Commissioner Thompson. All Commissioners voted in favor of the motion. Motion passed.

3. Consideration of an application for a Certificate of Appropriateness for 901-A Pollock Street to install a wooden bear statue.

Staff Comments: Staff Mike Avery gave some background on the project.

Commissioner Adolph recused himself from the discussion and vote due to a conflict of interest.

Applicant Comments: Joey Infinito, Director of the Ratio Theater, talked about the history of how they came to own the bear.

Public Comments: *Stevie Bennett*, 1312 National Avenue, asked where on the property the bear would be located. *Kathy Adolph*, 901A Pollock Street, stated she is pleased to have the bear displayed on Pollock Street.

Discussion by the Commission: The remaining Commissioners discussed issues including the permanence of the proposed location, the proximity to the street, the existing lighting in the lot, and the type of changes the art may experience over time at the location.

Finding(s) of Fact: Commissioner Thompson moved to find the application congruous with the Historic District Design Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: "Landscaping", page 79, guideline #12. Commissioner Harrison seconded the motion. Upon a call for a vote, all Commissioners voted in favor of the motion. Motion passed unanimously.

Statement(s) of Reason: (1) The location of the sculpture is appropriate.

Condition(s): As the HPC's purview is to approve only the location of the sculpture, any change in the condition or appearance of the piece does not constitute an "exterior alteration".

Motion: Commissioner Parsons moved to issue the COA, seconded by Commissioner Cummins. All Commissioners voted in favor of the motion. Motion passed.

Old Business

1. Continued consideration of an earlier application for a Certificate of Appropriateness for the construction of a new single family residence at 603-605 Hancock Street.

Staff Comments: Staff Mike Avery gave some background on the project.

Applicant Comments: Andy Bayliss, 2851 Trent Rd, owner of TAB Builders appeared on behalf of the property owners. He gave a description of the project and discussed materials, height, plot plan, etc. Designer Jane Williams also spoke on behalf of the project.

Public Comments: *Stevie Bennett*, 1312 National Avenue, inquired about the landscaping plan, the roofing materials, the spacing of the standing seams, the length and width of the driveway, the dates of the pre-application reviews, the entity that granted the 60 day extensions, and shutter material. She stated there is too much cement board on the garage. She also stated that she requested a copy of the application and didn't get one. *Neal Whitford*, 606 Hancock Street, stated that he had hoped to see a much different rendering from the first rendering submitted. He didn't think the design was congruous with other homes in the Historic District and felt the application was inadequate. He discussed particular design issues and stated the Historic District Guidelines to which he felt the design did not adhere. *Jean Fuller*, 615 Hancock Street/521 Hancock Street,

approves of the design and thinks it is a nice addition to the block. She noted that the block already contains a variety of architectural structures (Masonic Temple, Library, Train Depot, etc).

Discussion by the Commission: The Commissioners discussed issues including the confusion of which siding material to go where, the comparison of housing heights on the block, the difficulty of the decision given the modern interpretation of the architecture, the value of the points made by Mr. Whitford, the quality of modern interpretation of architecture that TAB has as a precedent on the corner of Hancock and Johnson Streets, the disappointment of the HPC of having not been able to interact at all with the owners on whom rests the burden of arguing how the design meets the guidelines, the quasi-judicial nature of this hearing as being different from all other informal reviews of this project at pre-application reviews, the potentially problematic orientation of the main gable and front fenestration, the dormer material to be used above the windows, and which "Front Elevation" is most accurate.

Finding(s) of Fact: Commissioner Parsons moved to find the application incongruous with the Historic District Design Guidelines, citing Section 15-427 Certificate of Appropriateness required; Section 15-429 Review Criteria, citing the following guidelines: "Building Materials for New Construction and Additions to Non-Contributing Buildings Guidelines", page 53; "New Construction-Residential", pages 65-68; "Details", page 70, guidelines #1, and 3; "Texture", page 71, guidelines #1; and "Form and Rhythm", page 72, guidelines #1, 2, and 3. Commissioner Broadway seconded the motion. Upon a call for a vote, all Commissioners except for Rich Frye voted in favor of the motion. Motion passed.

Statement(s) of Reason: (1) There are concerns about the height/scale and proportion of the proposed project.

Condition(s): Staff shall waive the fee for a future application from this applicant for this project.

2. Consider an amendment to a Certificate of Appropriateness for Tabernacle Church, 600 block of Broad Street, to add a parking area.

Staff Comments: Staff Mike Avery gave a brief description of the project.

Applicant Comments: Project Architect Bobby Patterson, 3540 Clemmons Rd, Clemmons, NC described the project request.

Public Comments: *Stevie Bennett*, 1312 National Avenue, asked if the plan would require a new curb cut. The response was no.

Discussion by the Commission: The Commissioners discussed issues including the fact that the space in question isn't good for other uses, the width of the space, why this space wasn't utilized as a breezeway between the two buildings, the nature of the proposed concrete walk, the need for sufficient, year-round vegetative screening, and whether any other city bodies need to approve the use.

Motion to Amend: Commissioner Parsons moved to amend the COA, seconded by Commissioner Frye. All Commissioners except for Commissioner Adolph voted in favor of the motion. Motion passed.

Miscellaneous Business

1. Request from Stevie Bennett to be heard concerning 406 Avenue A.
Ms. Bennett reported on the outcome of this COA, and believes the HPC did not follow procedure and application requirements. She inquired about the status of the COA compliance.

2. Status report on Prevention of Demolition by Neglect and consider properties to be removed from the list.
HPC voted to remove the following properties from the "Prevention of Demolition by Neglect" List: 616-618 East Front Street, 201 Johnson Street, and 817 North Craven Street. Subcommittee members Tim Thompson and Richard Parsons are reviewing the Demolition by Neglect enforcement procedures and will draft a timeline. They would like the Commission to approve guidelines for processing a COA.

3. Election of Officers
New officers were elected to include Rich Frye, Chairman and Tim Thompson, Vice-chairman

4. Other

a. 217 Hancock Street received unanimous approval for their request to waive the 60 day mandatory approval stipulation on their recent application to renew their existing COA.

b. Mr. George asked the HPC to review a "Prevention of Demolition by Neglect" compliant form.

c. Chief Building Inspector Johnny Clark, reported that hearing notices had been sent to the properties previously determined by HPC resolution to be in violation of the Demolition by Neglect ordinance.

There being no further business, the meet adjourned.

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Peter Adolph, Chairman

Michael Avery, AICP
Development Services Transitional Director