

**CITY OF NEW BERN  
BOARD OF ALDERMEN MEETING  
OCTOBER 27, 2020 – 6:00 P.M.  
CITY HALL COURTROOM  
300 POLLOCK STREET**

1. Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Odham. Pledge of Allegiance.
2. Roll Call.

Consent Agenda

3. Consider Approving a Proclamation for Lights on Afterschool.
4. Consider Adopting a Resolution to Call for a Public Hearing to Amend the Historic District Guidelines.
5. Consider Adopting a Resolution to Call for a Public Hearing on Rezoning 3205 Country Club Road from R-15 to R-10.
6. Approve Minutes.

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7. Presentation on Pembroke Sidewalks.
8. Consider Approving the 2021 Holiday Calendar.
9. Consider Approving the 2021 Board of Aldermen Meeting Roster.
10. Consider Adopting a Resolution to Extend the Temporary Closure of Specific Streets for Street Cafes.
11. Consider Adopting a Resolution to Transfer Properties to the Redevelopment Commission.
12. Consider Adopting a Resolution Approving Extended Construction Hours for East Point Homes.
13. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract with NCDOT.
14. Consider Adopting a Resolution Approving a Utility Relocation Agreement with the NC Department of Transportation for the US 70 James City Widening Project.
15. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Pintail Oilfield Services for the Quarry 1 and Quarry 2 Hurricane Florence Drainage Ditch Project.

16. Discussion of a School Resource Officer at Creekside Elementary School.
17. Consider Adopting an Ordinance to Amend Article VI "Stopping, Standing, and Parking" of Chapter 70 for Off-Street Parking.
18. Consider Adopting a Budget Ordinance Amendment for the COVID-19 Nonprofit Grant.
19. Appointment(s).
20. Attorney's Report.
21. City Manager's Report.
22. New Business.
23. Closed Session.
24. Adjourn.



**NEW BERN**  
CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

**Aldermen**

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance

**Memo to: Mayor and Board of Aldermen**

**From: Mark A. Stephens, City Manager**

**Date: October 22, 2020**

**Re: October 27, 2020 Agenda Explanations**

1. **Meeting opened by Mayor Dana E. Outlaw. Prayer Coordinated by Alderman Odham. Pledge of Allegiance.**

2. **Roll Call.**

**Consent Agenda**

3. **Consider Approving a Proclamation for Lights on Afterschool.**

The New Bern Boys & Girls Clubs requested a proclamation observing Lights on Afterschool. This event was launched in October 2000 to celebrate afterschool programs and their important role in the lives of children, families, and community. It is observed annually on the fourth Thursday in October.

4. **Consider Adopting a Resolution to Call for a Public Hearing to Amend the Historic District Guidelines.**

(Ward 1) The Historic Preservation Commission has approved changes to the Historic District Guideline, and the Planning and Zoning Board recommends approval. The guidelines were recently amended on July 14, 2020, but the new revisions address unique issues that have arisen due to a modern subdivision with 17 vacant lots on the edge of a residential area in the Downtown Historic District. It is requested a public hearing be called for November 10, 2020, to consider the new revisions. A memo from Matt Schelly, City Planner, is attached.

5. **Consider Adopting a Resolution to Call for a Public Hearing on Rezoning 3205 Country Club Road from R-15 to R-10.**

(Ward 3) Samantha and Wendell Wright have requested to rezone 3205 Country Club Road from R-15 residential district to R-10 residential district. The property is

a vacant 0.45-acre parcel. The Planning and Zoning Board unanimously approved this request at their October 6, 2020 meeting. It is requested a public hearing be called for November 10, 2020, to consider the request. A memo from Jeff Ruggieri, Director of Development Services, is attached.

**6. Approve Minutes.**

Minutes from the October 6, 2020 work session, October 13, 2020 regular meeting, and October 14, 2020 work session are provided for review and approval.

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**7. Presentation on Pembroke Sidewalks.**

(Ward 2) Matt Montanye, Director of Public Works, will provide a presentation on the condition of pavement and sidewalks within the Pembroke community.

**8. Consider Approving the 2021 Holiday Calendar.**

Annually, the Board approves a holiday calendar reflecting the holidays to be observed and dates for which City offices will be closed. The proposed calendar for 2021 mirrors the 12 days that will be observed by Craven County, which includes a floating holiday for Veterans Day. The State of North Carolina will also observe 12 days in 2021, although their schedule differs in that it observes one day for Veterans Day and an additional day at Christmas. A memo from Sonya Hayes, Director of Human Resources, is attached.

**9. Consider Approving the 2021 Board of Aldermen Meeting Roster.**

The Board adopts a meeting roster for each calendar year. The proposed roster identifies the 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month as well as two additional days in May to review the budget. It also provides for a retreat to be held on the first Saturday in February. All meetings will begin at 6 p.m., unless otherwise indicated or later announced.

**10. Consider Adopting a Resolution to Extend the Temporary Closure of Specific Streets for Street Cafes.**

(Ward 1) Lynne Harakal, Executive Director of Swiss Bear, has requested an extension of the street closures until December 19, 2020, to allow for the continued operation of street cafes. The streets to be closed are the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 300 block of Craven Street from the point of Morgan's to Pollock Street. A memo from Foster Hughes, Director of Parks and Recreation, is attached.

10/27/20 Revision: Sundays were added to the resolution.



**11. Consider Adopting a Resolution to Transfer Properties to the Redevelopment Commission.**

(Wards 1, 2 & 5) On February 11, 2020, the Board adopted a redevelopment plan that was presented by the Redevelopment Commission. The plan facilitates rebuilding and rehabbing within the Commission's boundary to reverse the overall decline of neighborhood character and create a functional transportation network that supports economic growth and public welfare. It is proposed that specific City-owned properties located within the Commission's boundary be transferred to the Commission to enable it to carry out the plan.

While recently meeting with the Redevelopment Commission, the Board expressed a desire to also transfer the property at 908 Bloomfield Street, known as the McCotter House. However, this particular property includes a deed restriction as to how the property must be used. Any other use of the property would have to be approved by the US Marshall's office. Thus, the McCotter House and the contiguous vacant lot at 942 Main Street are not included in the transfer. A memo from Mr. Ruggieri is attached.

**12. Consider Adopting a Resolution Approving Extended Construction Hours for East Point Homes.**

(Ward 2) The Housing Authority of the City of New Bern is developing a multifamily, low-income apartment complex at 703 Carolina Avenue. The City's noise ordinance prohibits construction beyond the hours of 7 a.m. to 9 p.m. without approval from the Board of Aldermen. The construction manager finds it necessary to perform certain work, such as pouring of concrete, outside of these hours and is requesting a brief exemption from the noise ordinance. A copy of the request is attached.

**13. Consider Adopting a Resolution Approving the NBAMPO 5303 Grant Contract with NCDOT.**

On behalf of the New Bern Area Metropolitan Planning Organization, the City has been identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. These funds are managed by NCDOT's Public Transportation Division. To receive the funds, the Board of Aldermen must adopt a resolution authorizing the City Manager to sign a grant agreement with NCDOT. The total allocation for FY2020-21 is \$25,000, which reflects a Federal and State share of \$22,500 and a local share of \$2,500. The local share will be provided by the jurisdictions participating in the New Bern Area MPO as follows: New Bern \$1,387.00; River Bend \$148.50; Trent Woods \$203.50; Bridgeton \$21.00; and Craven County \$740.00. A memo from Kim Maxey, MPO Administrator, is attached.

**14. Consider Adopting a Resolution Approving a Utility Relocation Agreement with the NC Department of Transportation for the US 70 James City Widening Project.**

The NC Department of Transportation ("NCDOT") has requested the City relocate electric utilities for the purpose of constructing the US 70 James City freeway. The cost of such relocation is estimated at ~~\$1,950,718.48~~\*, and the agreement establishes the cost estimate and terms for reimbursement from NCDOT. A memo from Charlie Bauschard, Director of Public Utilities, is attached. \*\$2,183,718.00 (revised)

**15. Consider Adopting a Resolution Authorizing the City Manager to Execute a Contract with Pintail Oilfield Services for the Quarry 1 and Quarry 2 Hurricane Florence Drainage Ditch Project.**

(Wards 4 and 5) Following Hurricane Florence, the City began working with FEMA to remove sediment and debris from 66 miles of drainage ditches throughout the City. Bids have been received for work within two of the drainage basins, namely Quarry 1 and Quarry 2. Pintail Oilfield Services, LLC submitted the lowest bid at \$655,835. It is requested the Board consider a resolution authorizing the City Manager to execute a contract with Pintail for this work. The contract time for this project is 150 days. A memo from Mr. Montanye is attached.

**16. Discussion of a School Resource Officer at Creekside Elementary School.**

The Craven County Board of Education ("BOE") has approved \$49,500 for an additional School Resource Officer ("SRO") at Creekside Elementary School. In addition to the school duties, the SRO would provide crime prevention education and be available to supplement staffing west of James City, thereby improving police coverage during the Highway 70 construction phase.

To accommodate this request, the Police Department would fill the position with an existing Master Police Officer and would need to hire one additional Police Officer. Considering heightened school violence nationwide, it is recommended consideration be given to this request. If the Board desires to provide the additional SRO, a resolution approving a contract with the BOE would be presented at a future meeting for approval. A memo from Police Chief Toussaint Summers is attached.

**17. Consider Adopting an Ordinance to Amend Article VI "Stopping, Standing, and Parking" of Chapter 70 for Off-Street Parking.**

(Ward 1) At the October 13, 2020 meeting, Alderman Bengel announced the Brown Pelican had asked to implement outdoor seating in the rear of their facility by utilizing a City-owned parking lot with leased spaces. To facilitate this request, an ordinance amendment is needed to permit the City Manager to authorize use of the City's leased parking lots for a public purpose. The red-lined version of the ordinance highlights the language that will be added to Chapter 70 to facilitate this, should the Board approve the amendment.

**18. Consider Adopting a Budget Ordinance Amendment for the COVID-19 Nonprofit Grant.**

At its last meeting, the Board established a COVID-19 Nonprofit Grant Program to assist eligible nonprofits within the city limits. This budget amendment reallocates \$50,000 of the Coronavirus Relief Funds for the purpose of funding the grant program. A memo from Mary Hogan, Director of Finance, is attached.

**19. Appointment(s).**

On June 11, 2019, Mayor Outlaw appointed Martha "Molly" Ingram to the Appearance Commission. Ms. Ingram recently resigned from her seat, as she will be relocating to another state in November. Mayor Outlaw is asked to make a new appointment to serve the remainder of Ms. Ingram's term.

**20. Attorney's Report.**

**21. City Manager's Report.**

**22. New Business.**

**23. Closed Session.**

**24. Adjourn.**

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Approving a Proclamation for Lights on Afterschool Day

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b>
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The Boys & Girls Clubs of New Bern has requested a proclamation observing Lights On Afterschool Day. This day recognizes the importance of afterschool programs and is observed the fourth Thursday of each October. A perpetual proclamation has been prepared.
<b>Actions Needed by Board:</b>	Consider approval
<b>Backup Attached:</b>	Proclamation

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b> \$0
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**



## Proclamation

**WHEREAS**, the citizens of New Bern stand firmly committed to quality afterschool programs and opportunities because they:

- Provide safe, challenging, engaging and fun learning experiences to help children and youth develop their social and academic skills;
- Support working families by ensuring their children are safe and productive after the regular school day ends;
- Build stronger communities by involving students, parents, business leaders and adult volunteers in the lives of our young people, thereby promoting positive relationships among children, youth, families and adults;
- Engage families, schools and diverse community partners in advancing the welfare of our children; and

**WHEREAS**, the New Bern Boys & Girls Club have provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and

**WHEREAS**, *Lights On Afterschool*, a national celebration of afterschool programs promotes the critical importance of quality afterschool programs in the lives of children, families and their communities; and

**WHEREAS**, currently, more than 28 million children in the U.S. have parents who work outside the home, and 15.1 million children have no place to go afterschool; and

**WHEREAS**, many afterschool programs across the country are facing funding shortfalls so severe that they are being forced to close their doors and turn off their lights.

**NOW, THEREFORE** I, Dana E. Outlaw, Mayor of the City of New Bern, do hereby proclaim the fourth Thursday in October as "**Lights On Afterschool Day**" in New Bern and enthusiastically endorse *Lights On Afterschool* and commit our New Bern community to engage in innovative afterschool programs and activities that ensure the lights stay on and the doors stay open for all children after school.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the Seal of the City of New Bern this the 27<sup>th</sup> day of October in the Year of Our Lord Two Thousand and Twenty.

\_\_\_\_\_  
Dana E. Outlaw, Mayor



## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution Calling for a Public Hearing to Amend the Historic District Guidelines

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> Ward 1
<b>Department:</b> Development Services	<b>Person Submitting Item:</b> Matt Schelly, City Planner
<b>Call for Public Hearing:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Date of Public Hearing:</b> 11/10/2020

<b>Explanation of Item:</b>	The HPC has approved changes to the Historic District Guidelines. The Planning and Zoning Board recommends approval. Final approval is required by the Board of Aldermen as a Zoning Text Amendment.
<b>Actions Needed by Board:</b>	Adopt Resolution
<b>Backup Attached:</b>	Memo, Resolution, Summary of Changes, Redline of Historic District Guidelines

**Is item time sensitive?**  Yes  No

**Will there be advocates/opponents at the meeting?**  Yes  No

**Cost of Agenda Item:**

**If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?**  Yes  No

**Additional Notes:**





## **MEMORANDUM**

**TO:** Mayor Dana Outlaw, City of New Bern Board of Aldermen

**FROM:** Matt Schelly, AICP, CZO, City Planner / Historic Preservation Administrator

**DATE:** October 16, 2020

**SUBJECT:** Consider Adopting a Resolution to Call for a Public Hearing to Amend the Historic District Guidelines.

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The Board is requested to Consider Adopting a Resolution to Call for a Public Hearing on November 10, 2020, amending the New Bern Historic District Guidelines.

The City of New Bern Historic Preservation Commission (HPC) unanimously approved a set of revisions to the New Bern Historic District Guidelines at their September 23, 2020 meeting. These revisions are included in the backup information. The Guidelines were recently updated and approved by the Board of Alderman July 14, 2020, the new revisions are adjustments to the text of the Guidelines to address unique issues that have arisen due to a modern subdivision with 17 vacant lots on the edge of the residential area of the Downtown Historic District.

The Historic District Guideline revisions adopted by the HPC were also unanimously approved by The Planning & Zoning Board at their October 6 meeting.

The Guidelines are part of the City's Land Use Ordinance (Section 15-420(b)) which requires a text amendment. Therefore, the revisions to the Guidelines will only be effective if the text amendment is approved by the Board of Aldermen.

Please contact Matt Schelly at 639-7583 or [schellym@newbernnc.gov](mailto:schellym@newbernnc.gov) or Jeff Ruggieri at 639-7587 should you have questions or need additional information.

## RESOLUTION CALLING FOR PUBLIC HEARING

WHEREAS, the Board of Aldermen of the City of New Bern desires to conduct a public hearing to receive public comments on amending the "City of New Bern Historic District Guidelines"; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern on Tuesday, November 10, 2020, in the City Hall Courtroom at 6:00 p.m., or as soon thereafter as the matter may be reached, on amending the "City of New Bern Historic District Guidelines." All interested parties will be given an opportunity to be heard.

ADOPTED THIS THE 27<sup>TH</sup> DAY OF OCTOBER 2020.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK



**NEW BERN**  
CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

**Aldermen**

Sabrina Bengel  
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Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance

**HISTORIC PRESERVATION COMMISSION PROPOSAL**

Approved by HPC: September 23, 2020  
Approved I by Planning and Zoning Board: October 6, 2020

**SUMMARY OF CHANGES TO THE HISTORIC DISTRICT GUIDELINES**

The changes are limited to changes in Sections 2.1, 2.6, 3.1 and 4.5 of the Historic District Guidelines, as specified below.

New text is underlined; text to be removed is in ~~striketrough~~. Text to remain is in regular or bold as it currently is in the document. Text in brackets is instructions about the location of the changes that will not be in the Guidelines.

**2.1 Development Pattern**

[Beginning on page 2-2, after the section on Waterfront Development and before the section on Placement of Structures, add the following section.]

**Narrow Stitch**

Narrow stitch is a historic development pattern unique to the City of New Bern. It was introduced to the Downtown Historic District in 2007 as a planned unit development influenced by Neo Traditional and New Urbanism planning philosophies. Lots are organized in long, narrow rows that front the street. The spacing between structures is minimal, creating public façades with porches and steps at the sidewalk and private rear façades. A service alley is located at the rear yard, removing utility distribution, garbage collection, curb cuts and driveways from the Primary AVC. Rear yards are minimal, if not completely absent when the rear façade fronts the alley.

Buildings within the narrow stitch development pattern have a very tight rhythm that is often vertically emphasized by the presence of multiple stories. Building massing and roofs typically consist of simple forms, and side yard facades are largely void of fenestration except for the occasional balcony. These lot proportions, coupled with the

absence of sizable yard space, often lead to double porch and rooftop decks that create private outdoor spaces and capture surrounding views.

## 2.6 Accessory Structures

[On page 2-7, change the last sentence under Project Planning Considerations as follows:]

Attached garages are not appropriate in the historic districts tight weave development pattern.

## 3.1 Design Principles

[On page 3-3, after the last paragraph of the section **Form and Rhythm**, which ends at the top of the page, above the illustration, add a new paragraph as follows:]

The narrow stitch development pattern creates a strong rhythm of repeated, narrow front facades that creates a hard edge at the streetscape. Steps from each structure extend to the sidewalk in series, beginning at an upper landing above design flood elevation and descending to meet the shape of the terrain below. Full width porches that compensate for the lack of yard space accentuate facades and animate otherwise planar building forms.

## 4.5 Guidelines for Roofs

[On page 4-11, add the following new guideline:]

4.5.7 In the narrow stitch development pattern, provide pitched roofs free of observation platforms above the highest living floor of structures.

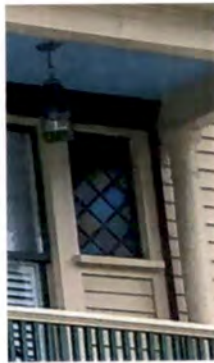




**NEW BERN**

CITY OF NEW BERN

# Historic District Guidelines



# City of New Bern Historic District Guidelines

<b><i>Mayor:</i></b>	Dana E. Outlaw
<b><i>Board of Aldermen:</i></b>	Ward 1: Sabrina Bengel Ward 2: Jameesha "Jamee" Harris Ward 3: Robert "Bobby" Aster Ward 4: Johnnie Ray Kinsey Ward 5: Barbara J. Best Ward 6: Jeffrey T. Odham
<b><i>City Attorney:</i></b>	Michael Scott Davis
<b><i>City Manager:</i></b>	Mark A. Stephens
<b><i>Director of Development Services:</i></b>	Jeffrey Ruggieri, AICP
<b><i>City Planner and HPC Administrators:</i></b>	Matthew Schelly, AICP, CZO, Reg. Arch.
<b><i>New Bern Historic Preservation Commission:</i></b>	Dr. Ruth Cox, Darden J. Eure, III, AIA, NCARB, James Bisbee, George Brake, Peggy Broadway, Christian Evans, Dr. Joseph Klotz, Ellen Sheridan, James O. Woods, Jr.
<b><i>Advisors:</i></b>	Ramona Bartos, John Wood, Laurie Mitchell – State Historic Preservation Office
<b><i>Illustrations:</i></b>	David Griffith

Guidelines Adopted by HPC: January 18, 2017

Guidelines Adopted by the Board of Alderman: March 28, 2017

Guidelines Revisions Adopted by the HPC: June 17, 2020

Guidelines Revisions Adopted by the Board of Aldermen: July 14, 2020

Guidelines Revisions Adopted by the HPC: September 23, 2020



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# **1. Overview and Concepts**

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## **1.1 Purpose and Intent of Historic Guidelines**

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The purpose of the New Bern Historic District Guidelines is to help preserve the historic character and architectural fabric of New Bern. Historic landmarks and districts provide a link to New Bern's history, people, events and architecture that defines the character of New Bern and shapes its present identity. The intent is not to prevent physical change or impose particular architectural styles, but to moderate changes while protecting architectural gems and reducing dislocation caused by random change. The goal is to maintain our community's individual character and "sense of place."

This document serves as a guide to the New Bern Historic Preservation Commission and to property owners in the historic districts for maintenance, modifications, and additions to property. It summarizes procedures for review of proposed exterior changes and contains commentary and guidelines for a variety of activities that affect historic resources and the districts as a whole.

## **1.2 Your Responsibility as a Property Owner**

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Historic New Bern belongs to everyone. As an owner of a property within one of New Bern's local historic districts, you share a privilege as well as a responsibility. You benefit from protection of uncontrolled change, technical assistance for making changes that are sensitive to surrounding historic properties, and a pride of ownership of New Bern's historic fabric. However, you are not just a property owner; you are a steward to a part of New Bern's and North Carolina's history. As a steward of that heritage, you have a responsibility to preserve and maintain the distinctive characteristics of your property for the future. Any exterior change you make to a property, whether a structure or significant landscaping, requires you to contact Development Services to determine if a *Certificate of Appropriateness* is required. Failure to do so is a violation of New Bern's Land Use ordinance and is subject to fines.

## **1.3 New Bern's Historic Districts**

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German Palatine and Swiss colonists under Baron Christoph von Graffenried settled the City of New Bern in 1710 at the confluence of the Trent and Neuse Rivers. It possesses a rich historic and architectural heritage that is reflected in its historic districts.

The Downtown and Riverside historic districts contain a diversified collection of 18<sup>th</sup>, 19<sup>th</sup> and early 20<sup>th</sup> century residential and commercial buildings. Collectively these structures and their respective evolved landscapes stand as a testimony to New Bern's past and help to define the community's unique "sense of place."

## 1. Overview and Concepts

The New Bern Historic Preservation Commission (HPC) was established to aid property owners in preserving New Bern's historic and architectural resources. Created on April 22, 1980, this body has the primary mission to advise owners regarding preservation options. The HPC is vested with the mandate "to promote, enhance, and preserve the character of the districts and to encourage preservation activities throughout the city." This is accomplished by designating historic districts and landmarks, controlling demolition, and reviewing proposed exterior changes and infill construction.

### Downtown Historic District

The architecture of New Bern reflects the history of the town, and its sustained prosperity that historically has been subject and receptive to major architectural trends. Although Federal architecture was New Bern's special forte, a variety of other styles are represented. The minor streets are quiet, punctuated by buildings set on large well landscaped lots shaded by stately trees dotted with clumps of mistletoe. Adding serenity to the town are the Neuse and Trent Rivers, which provide a magnificent backdrop. This atmosphere prevailed throughout New Bern until the early 1950s when Broad Street became a major east-west artery, cleaving the city in two.

*See Appendix for a map of the Downtown historic district.*

The city was established in 1710, and at the request of Baron von Graffenried, John Lawson devised and laid out the plan, which, with some additions, remains intact. He explains:

Since in America they do not like to live crowded, in order to enjoy a purer air, I accordingly ordered the streets to be very broad and the houses well separated one from the other. I marked three acres of land for each family, for house, barn, garden, orchard, hemp field, poultry yard and other purposes. I divided the village like a cross and in the middle I intended a church. One of the principal streets extended from the bank of the River Neuse straight on into the forest [Broad or Pollock Street] and the other principal street crossed it, running from the Trent River clear to the Neuse River (Middle or Craven Street). After that we planted stakes to mark the houses and to make the principal streets along and on the banks of the two rivers [East Front Street and South Front Street].

Not only did the street scheme survive, but the idea of not liking to "live crowded" is still in evidence. With the exception of construction accomplished since the mid-20<sup>th</sup> century and four mid-19<sup>th</sup> century row houses, all residences are separate freestanding buildings each with a generous yard.

Historically New Bern has been dependent for its livelihood on its rivers and governmental sponsorship. The city's role as occasional host of the itinerant colonial assembly, the colony's first permanent capital, and the seat of Craven County helped foster her emergence as a port, and therefore as a mercantile center.

Because of New Bern's externally oriented economy, the city was exposed to national stylistic trends, which quite obviously had a great effect on architecture. The vast majority of structures express a high degree of academicism successfully rendered by skilled and sensitive craftsmen.



Nothing remains of the earliest buildings. A comparison of New Bern today with what C. J. Sauthier recorded on his 1769 map of the town finds only four buildings that tentatively are identified as surviving from that time.

Within the district, fourteen buildings with Georgian stylistic origins have been identified. The majority of them are simple, modest dwellings and most were updated during a later stylistic era. This is a scant number considering that more than thirty house carpenters and joiners are known to have been working in the county between 1748 and 1790. With the exception of a few houses attributed either to John Hawks or James Coor, the architect-builders of most buildings cannot be identified. It can be assumed that natural attrition combined with disasters like the hurricane of September 1769, and the fires in the fall of 1791 and 1794, and that of February 1798, which burned the Governor's Palace, eradicated much of the evidence of the early town.

Within the last two decades of the 18<sup>th</sup> century, the population of New Bern more than doubled, and the physical area of the town accordingly expanded north and west. Judging from remaining evidence, growth of the population and area continued in the first decades of the 19<sup>th</sup> century. Obviously, the town was enjoying a new high level of prosperity, a prosperity fueled by commercial and mercantile endeavors that enabled affluent merchants like John Harvey, Eli Smallwood and Isaac Taylor to build ambitious town houses. It was during this same era of prosperity that the town produced civic and cultural symbols of urbanity, most notably the New Bern Academy, the Masonic Temple and Theater, and the First Presbyterian Church.

The New Bern version of Federal architecture is Adamesque; it is restrained and elegant and, above all, sophisticated. A typical Federal domestic structure has the following elements: two and one half stories; a side hall plan, two rooms deep, three bays wide and four bays deep; a gable roof; gable dormers; exposed face interior end chimneys; a one-bay pedimented porch; an entrance composed of a six-panel door, with four flat above two flush panels, and geometrically ornamented transom above. Although interior treatments vary considerably, three-part mantels are universal.

While the side hall plan was certainly the most prevalent Federal form, center hall and asymmetrical versions were built as well. A concentration of those forms exists on Pollock Street in the area west of Tryon Palace, but others are scattered throughout the town. Usually they are two or two-and-one-half story frame structures, three of which are constructed of brick, and with gable roofs, although three have gambrel roofs, and Federal interior woodwork.

In the Federal era the authorship of several buildings can be attributed with varying degrees of certainty to Martin Stevenson, John Dewey, Robert Hay and Uriah Sandy, four of some forty architect-builders established in the county between 1790 and 1835. As in the Georgian era, this leaves the majority of structures unlinked to a specific designer.

The Federal style persisted in New Bern well into the 1840s, long after it had been superseded by the Greek Revival style in other towns. This was by no means a result of cultural lag; rather it would seem more likely to be a product of

## 1. Overview and Concepts

conservative mercantile interests, a proposition set forth by Talbot Hamlin in *Greek Revival Architecture in America*.

The importance of such mercantile interests in New Bern, combined with the habits of the craftsmen, provide a cogent explanation for the longevity of the Federal style in the city.

The town clung so tenaciously to Federal architecture, in fact, that it scarcely acknowledged the existence of other styles. Concessions to the Greek Revival style usually appear on the interiors of buildings and take the form of symmetrically molded architraves with corner blocks. In only a very few cases are classical Greek motifs employed externally.

By the time New Bern rejoined the mainstream of architectural trends, the Greek Revival style was waning, and mid-19<sup>th</sup> century eclecticism was flourishing. The town began to experiment with new styles in the 1840s. The incidence of buildings constructed in the pre-Civil War eclectic era is lower than that of earlier eras. This is probably due in part to the suspended growth of both the population and wealth of New Bern.

While participating in the national architectural mainstream, New Bern retained a degree of independence of design and materials as evidenced in the coquina wall and arched gateway of Cedar Grove Cemetery constructed by the town in 1854.

The post-Civil War era saw New Bern fully integrated into the prevailing national stylistic modes of Second Empire, late Italianate Revival, Romanesque Revival, Queen Anne, Stick Style, Eastlake, and Shingle. A substantial portion of the late 19<sup>th</sup> century domestic structures, especially the more massive ones, have met with destruction, but a few of them, plus a number of smaller, more manageable houses survive.

In the early 20<sup>th</sup> century, New Bern experienced a building boom, which in volume came close to rivaling the Federal boom. The economic revitalization of the town was largely a result of the lumber industry, which produced magnates desirous of living in and capable of paying for the most impressive houses their money could buy. Obliging these clients was local architect Herbert Woodley Simpson, who is credited with the design of every important structure built in New Bern in the first two decades of the 20<sup>th</sup> century. A versatile designer, Simpson excelled in the Queen Anne and Neo-Classic Revival styles, and often combined the two. While practicality and "progress" have taken their toll on many of his impressive Neo-Classic Revival structures, a few have survived. They testify to the prosperity and taste of early 20<sup>th</sup> century New Bernians.

### **Riverside Historic District**

The Riverside Historic District is composed of approximately 15 blocks of largely residential development along the banks of the Neuse River in northeast New Bern. Laid out in a grid pattern aligned with National Avenue, a preexisting street leading to the National Cemetery, subdivisions in 1894 and 1912 created New Bern's first suburb out of farmland. Within the Riverside District are modest, but representative one- and two-story examples of Classical Revival,

*See Appendix for a map of the Riverside historic district.*

Late Queen Anne, Craftsman and Colonial Revival styles in a variety of house forms, principally with the traditional New Bern side hall plan. Also within the district are the Italian Renaissance Revival style Riverside School and the Gothic Revival influenced Riverside Methodist Church, as well as several small industrial and commercial buildings. There are 178 contributing and 35 noncontributing buildings within district boundaries. While many of the buildings have received some alteration, individually and as a group, they retain their integrity of design, setting, materials, workmanship and feeling.

National Avenue is the main street running through the district from the southeast to the northwest. To the east and parallel with it are North Pasteur and North Craven streets, the other principal roads. North Craven's east side provides one boundary of the district. The adjacent river property was originally platted as house lots, but was developed as industrial property and has gone through a series of uses. Running along the western side of the district is the line of the Atlantic and North Carolina Railroad, which predates Riverside and precluded the development of north-south roads to the west of National Avenue. The western boundary of the district follows the line of pre 1935 development in the side streets west of National Avenue.

Perpendicular to the main avenues are evenly spaced side streets, beginning with Guion Street at the south and reaching to North Avenue, whose south side forms the northern end of the district and defines the furthest extent of pre-World War II development.

The former farmland on which Riverside was platted is flat. Large oaks line National Avenue on both sides, and the remainder of the district is characterized by the presence of a considerable number of mature trees of a variety of species located in no particular pattern.

The two subdivisions which made up Riverside each had a different system of laying out lots, neither of which was completely uniform. Lots were also recombined before building, creating further variety in lot size. In the 1894 plat, larger lots were laid out along the west side of National Avenue, but the largest and most pretentious houses in the district are found equally along both sides of National Avenue. The east side of National Avenue and the remainders of the blocks were laid out with long, narrow lots, some with only 41-foot frontages. The relative uniformity of appearance in Riverside owes much to New Bern traditions of building close to the street, thus creating consistent setbacks, and of placing houses close together.

There is no formal open space within the district. The largest open space is a half block on Dunn Street between North Pasteur and North Craven streets, formerly the site of a tobacco factory. Another set of undeveloped lots is located at the southeast corner of North Pasteur Street and Avenue D, adjacent to the Maola Company and individual undeveloped lots are scattered throughout the district. The interiors of the alley-less blocks contain trees, gardens, garages, and other outbuildings.

With only a handful of exceptions, buildings in the Riverside district are relatively modest, owner or contractor designed, with simple or no

## 1. Overview and Concepts

ornamentation. All are one or two stories and although there is a scattering of brick houses throughout the district, the greater number are frame, sheathed with clapboards or wood shingles. Standing seam metal roofs predominate.

Many of the residences in the district have garages, some contemporaneous with the house or constructed before the 1930s, and almost always located at the rear of the property. Most are relatively small, of frame construction, and with gable roofs. Exceptions include the hipped roofed, brick garage of the William Dunn House and the garage apartment of the Turnbull House.

Domestic building in the Riverside district is almost entirely in four styles: late Queen Anne, Classical Revival, Craftsman and Colonial Revival. These styles are applied to a variety of house forms. The most common house form in the district, and one that was popular in other areas of New Bern in the early 20<sup>th</sup> century, is the narrow and deep, two or three bay gable end two story house. These frame houses have side hall plans, often with rear ells, and generally either a small portico or a full width porch at the front. One variant of this house type has a gable roofed, two-story bay at one corner of the front elevation, like 1112 and 1114 National Avenue. Another variant of the form has a hipped instead of gable roof, with or without a front dormer. Both Guion and Dunn Streets have rows of these simple dwellings constructed as rental housing. More sophisticated versions of the same house have pedimented gables, classically detailed porches and wings or bays, like the William T. Hill House at 1202 National Avenue or the Smith-Hawkins House at 1214 North Pasteur.

Another well represented house type in the district is the foursquare; two or three bays wide, with a hipped roof and a full width porch across the front. Unlike foursquares elsewhere, however, these houses for the most part employ the side hall plan. A number of good frame examples of this form are located on both sides of the 1200 and 1300 blocks of National Avenue. Also located on National Avenue are several large, Classical Revival styled foursquares with L-shaped front porches, including the J. O. Baxter House and the O. A. Kafer House. A variety of bungalows may be found in the district, mostly in the Craftsman or Classical Revival styles, and predominantly of frame construction. Most typical are cross gable forms like the D. M. Parker House at 1408 National Avenue. Bungalows with jerkin headed front gables or hipped roofs are also common. At the northeast corner of the district are a row of three, one story frame bungalows whose gabled front porches have a distinctive exposed trusswork. Perhaps the most unusual bungalow in the district is the one at 1412 National Avenue, which has three oversized, hipped wall dormers protruding through its hipped roof.

The oldest house in the district, the mansard roofed William R. Guion House at 1203 National Avenue, is its only Second Empire influenced residence.

Two buildings in the district attributed to architect Herbert Woodley Simpson have noteworthy designs outside the vernacular tradition. The Prairie Style William Dunn House at 1404 National Avenue has a high, pressed brick first floor with a broad arch at the front that supports the shingled upper floor. Its complex slate roof with deep eaves has multiple hipped dormers. Behind the house is a hipped roofed, brick garage with tin shingled dormers on each elevation. Across the street from the Dunn House is the Robert Turnbull House,



a Colonial/Classical Revival style residence sheathed in wide cypress boards that presents an asymmetrically arranged broad front to the street, dominated by an off center, Tuscan-columned front porch.

Riverside Graded School and Riverside United Methodist Church, the two institutional buildings in the district, are distinctive in design. The Riverside Graded School of 1922 is a well composed, two story Italian Renaissance design in red brick with glazed terra cotta trim and barrel tiled cornices. Riverside Methodist Church, constructed 1919-1920, is an unusual adaptation of the Late Gothic Revival style to an essentially square church, with an octagonal central sanctuary that rises above the rest of the building.

### 1.4 Historic Preservation Commission

The New Bern Historic Preservation Commission (HPC) is a public board in the City of New Bern responsible for preserving the City's historic and cultural resources. Enabling North Carolina statutes and New Bern city ordinances related to preservation are provided in a separate document on the City of New Bern website. The HPC's guidelines, policies and procedures can also be found on the City of New Bern website or by contacting the HPC administrator in the Department of Development Services.

The HPC is composed of nine members appointed by the Board of Aldermen to serve a three-year term, and not more than two consecutive terms. Members must reside within the City's corporate limits or within its designated Extraterritorial Planning Jurisdiction, and have a demonstrated special interest, experience or education in architecture, history, historic preservation or related field.

#### **Meetings**

The HPC meets on the first and third Wednesday of each month. The first Wednesday of each month is the HPC's work session. Property owners may consult the HPC about a specific project, but there is no public comment on a proposal. The third Wednesday of the month is the HPC's regular business meeting where public hearings are held for *Certificate of Appropriateness* (COA) applications. The applicant, or representative of the applicant, must be present to approve a COA. The HPC also considers other matters at this meeting that require formal action. The location, meeting times and agendas are published on the City of New Bern website. Work sessions and regular business meetings are open to the public.

### 1.5 Key Concepts

The HPC's jurisdiction extends over exterior attributes of an entire property. Changes are evaluated in terms of impact on the property and the surrounding area. Key factors considered by the HPC in evaluating exterior changes or infill construction are described more fully.

## 1. Overview and Concepts

### Contributing and Noncontributing Structures

A *contributing structure* is at least 50 years old and is listed in the Department of Interior's historic district inventory of structures. The inventory is created as part of the process for designating the historic districts. As buildings reach 50 years in age, they may also be considered contributing structures.

A *noncontributing structure* is usually less than 50 years in age or is considered not to have significant historic, architectural or cultural value. Changes to noncontributing structures require a COA to ensure compatibility with the surrounding historic fabric of contributing structures.

### Determining if Change is Not Incongruous

The HPC is tasked with using the historic guidelines to determine whether changes to a structure, both contributing and noncontributing, are *not incongruous*, or complimentary to the special character of the historic districts.

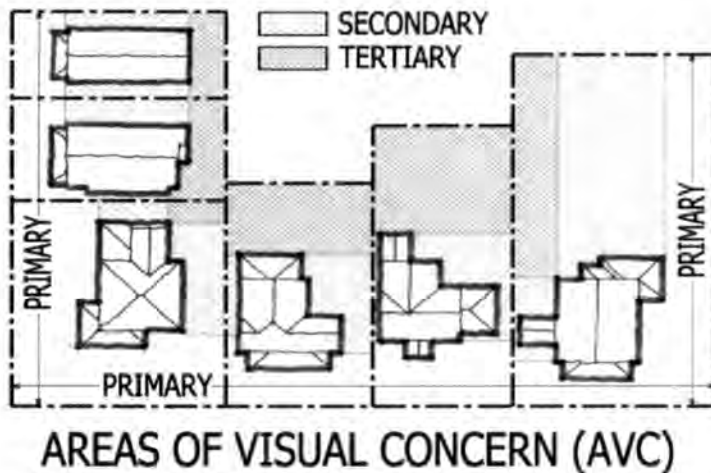
A number of factors are considered including:

- relationship to other structures on adjacent properties, the street and the historic districts
- mass, proportion, scale, style, details and materials proposed for use

The applicant must prove that their proposed changes are not incongruous. The HPC can deny an application only if it determines that the proposed changes are incongruous.

### Areas of Visual Concern

Each portion of a property is divided into *Areas of Visual Concern (AVC)*.





The **Primary AVC** is the most important area because it is generally located directly adjacent to the street, and therefore, is the most visible. Inappropriate changes in Primary AVC severely alter the character of a building or site and compromise the integrity of the streetscape. Thus, great care is taken to ensure appropriate changes in this area.

The **Secondary AVC** includes areas that are not directly adjacent to the street but are visible from the street. A secondary area plays an important role in defining the character of the site because of the transitional space between the public street and private rear yard.

The **Tertiary AVC** includes areas generally not visible from the street. Areas concealed from street view afford the greatest flexibility to accommodate changes within the context of the guidelines.

### **Scope of Changes**

New Bern's historic guidelines cover only exterior changes to properties in the historic districts. Exterior changes are divided into four categories.

*Normal maintenance and repair* constitutes work that does not involve a change in material or design of a structure's exterior architectural features, or landscaping that does not significantly change a property's appearance from the street.

*Replacement-in-kind* means repairing an existing feature or replacing a feature **using the exact same material, size, scale, and detail**. Only replace architectural features that have deteriorated beyond a state where they can be repaired. Do not remove or replace original architectural features, such as doors or windows, out of convenience. **Property owners shall contact the Department of Development Services before proceeding with replacement-in-kind work.**

*Minor work* constitutes alterations to a structure or site that do not significantly impact a property and are consistent with the New Bern Historic District Guidelines. A listing of minor works is found on the City of New Bern website. The HPC administrator may issue a COA for minor work items. The HPC administrator may at any time forward minor work items to the HPC for formal review. **Property owners shall contact the Department of Development Services before proceeding with minor work.**

*Major work* constitutes alterations to a structure or site not classified as a minor work, including infill construction or demolition, and those changes located within in a Primary AVC. Major works must be approved by the HPC and receive a COA. A summary of the COA process is described in the guidelines and is detailed in the *HPC Policies and Procedures*. Refer to the New Bern Historic District Guidelines for allowable exterior changes, and contact the HPC administrator for technical assistance.

### **Determining Contributing Structures**

In-depth surveys of contributing structures within New Bern's historic districts are infrequently conducted, overlooking potentially important structures that

## 1. Overview and Concepts

have come of age and now meet the Department of Interior and the State Historic Preservation Office (SHPO) criteria for contributing structures. In certain cases, records from past surveys may be incomplete, conflicting or disputed by the owner.

When a COA application involves a structure not listed in the inventory, the first step is to determine whether it is a contributing structure.

- Any unlisted building 50 years of age or greater will be evaluated for contributing structure status. An unlisted building determined to be more than 50 years of age does not have to be treated as a contributing structure if the HPC determines that it has no architectural, cultural, or historical significance. Any structure less than 50 years of age will be considered noncontributing unless the HPC finds that it clearly possesses exceptional architectural, cultural, or historical merit.
- The age of a structure will be based on relevant information including tax assessor data, deeds, historical surveys, maps and pictures of verifiable sources and dates. The HPC will also consult with the SHPO and ask for a documented evaluation. In the event that the HPC and SHPO cannot make a reasonable determination of the age, the applicant shall have the privilege of stipulating the age.
- Findings and relevant information leading to contributing status will be documented.
- If the determination of a structure is based solely upon age, the property owner may request a detailed SHPO review to confirm its status. Following SHPO review, the HPC will consider the evaluation in making a final determination.

The HPC will update the inventory list to include newly designated contributing structures.

### 1.6 Obtaining a Certificate of Appropriateness

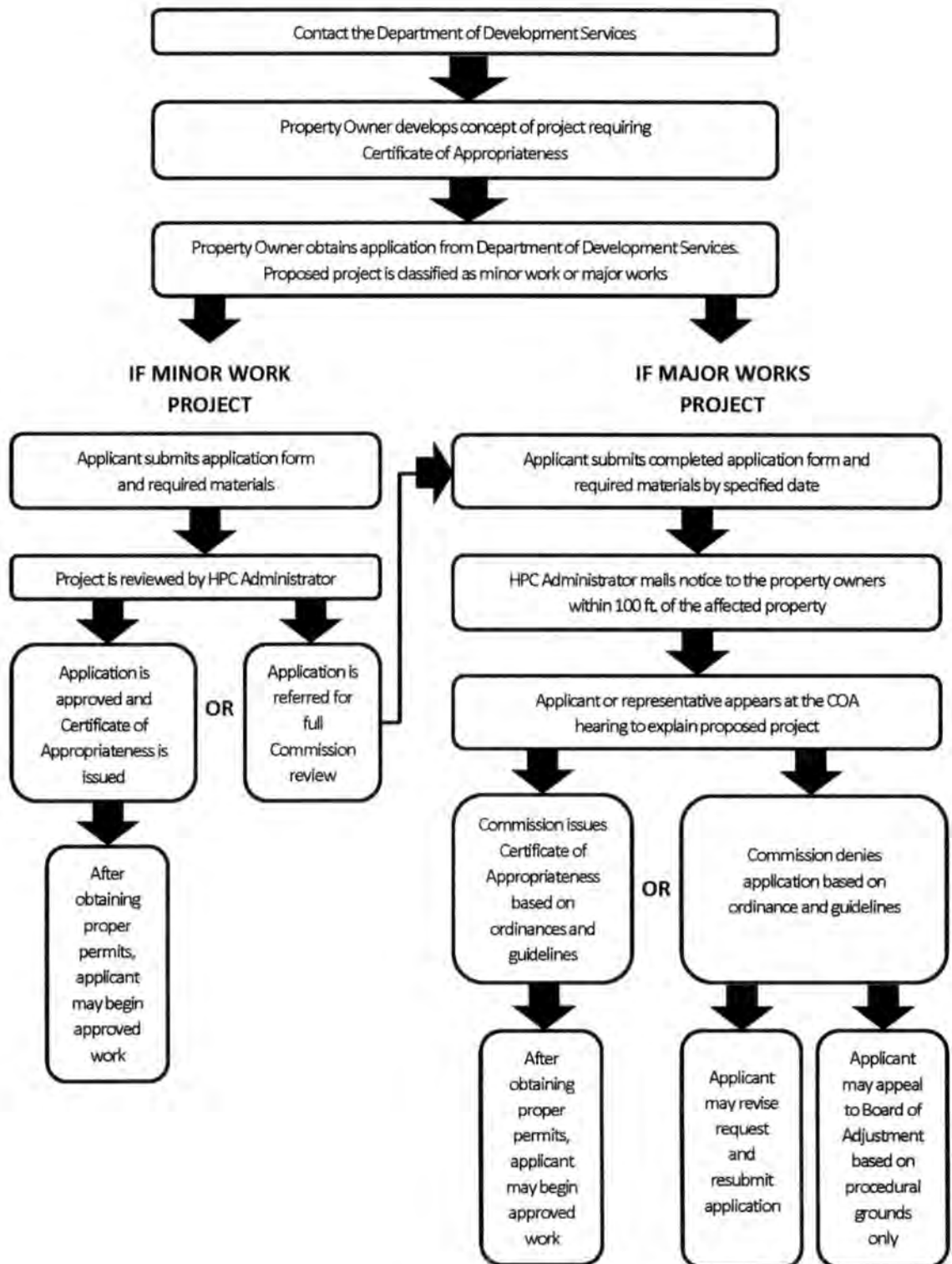
A **Certificate of Appropriateness (COA)** is required before making changes to the exterior of a property in the historic districts. Changes are categorized as *minor works*, which are alterations that do not significantly impact a property, and *major works*, which are significant alterations that affect the appearance or architectural fabric of a property.

A COA application must be submitted to the Department of Development Services, and may require a COA hearing and approval by the HPC. COA applications are obtained from the City of New Bern website or from the City of New Bern's Department of Development Services.

Property owners considering projects in the historic districts are encouraged to take advantage of free technical advice and design assistance offered by the HPC and Department of Development Services staff prior to submission of a COA application. Staff is available to answer questions and guide applicants through the COA process.

*Additional permits, such as building permits, may be required for a project. A COA does not supersede land use and zoning requirements and does not replace requirements for other permits.*

**Certificate of Appropriateness Process**



## 1. Overview and Concepts

### Review Process for Minor Works

*Minor works* are changes that do not significantly impact a property and are consistent with the New Bern Historic District Guidelines. A COA for a minor work typically does not require a formal public hearing. The HPC administrator will advise the property owner to ensure compliance with historic guidelines. The HPC administrator may submit a minor work application to the HPC for formal approval depending on the nature of the proposed changes. The HPC administrator can issue a COA for minor work items after a completed application is reviewed with the applicant.

A list of minor works that can be approved by the HPC Administrator is maintained and updated by the HPC. The complete list is available on the City of New Bern website. The HPC, during a design review work session, can direct the HPC Administrator to process applications of limited scope as a minor work.

### Review Process for Major Works

*Major works* are significant exterior alterations to a structure or site, including additions, infill construction and demolition. Major works must be approved by the HPC and receive a COA.

#### Design Review

A *Design review* of a COA application can lead to faster approval and is strongly recommended for any **major works**.

The purpose of the design review is to:

- Familiarize an applicant with historic guidelines
- Familiarize the HPC with an application
- Provide project feedback
- Address application questions or issues

A design review can take place before formal submission of an application. Large, complex projects often require multiple design reviews.

The HPC administrator will help determine if a design review by the HPC is needed. Design reviews are typically held during the HPC's work sessions on the first Wednesday of the month.

#### Application Submission and Formal Review Process

A complete COA application **including supporting materials** must be submitted to the Department of Development Services at least fourteen calendar days prior to the HPC's next regular meeting in order for a COA hearing to be placed on the agenda. COA applications are available for public review in the Department of Development Services.

The HPC administrator is responsible for ensuring that a COA application is complete and complies with applicable city ordinances and codes. Application issues are communicated to the applicant. Ultimately, the HPC will determine the completeness of an application, and additional information may be required.

### **Hearings**

The HPC is required by state statutes and city ordinances to conduct a hearing on proposed major changes to a property in the local historic districts. A hearing is conducted as a quasi-judicial hearing, where a decision is based on the evidence and testimony presented by the applicant and those who have standing. Allowable testimony and evidence must directly relate to relevant guidelines. The applicant has the burden of proving that proposed changes are not incongruous with New Bern Historic District Guidelines. The HPC cannot deny changes unless they are determined to be incongruous.

A *COA hearing* is the typical type of hearing for an application. Property owners within 100 feet of the project are assumed to have standing to provide testimony at a COA hearing.

A *public hearing* may be called by the HPC for a large project that may materially affect property owners beyond 100 feet. The HPC may elevate a COA application to a *public hearing*. In such an event, property owners beyond 100 feet are assumed to have standing to provide testimony.

Hearings normally occur at the HPC's regular meetings on the third Wednesday of each month. The property owner or their designated representative must attend the public hearing, present the application, and address application questions and concerns.

The HPC may approve, approve with conditions, or deny a COA application. Action on an application must be taken within 180 days of submission. Action on most applications is decided at the hearing. Work may not proceed until the owner has an approved COA in hand.

### **Preconstruction Conference**

If a COA has been issued by the HPC, a preconstruction conference may be required prior to the issuance of building permits. This meeting is arranged by the applicant with the Department of Development Services to discuss the COA and to ensure that the project is executed as specified. Meeting attendees must include the following:

- Property owner or designated representative
- Contractor
- Chief building inspector
- HPC administrator

## **1.7 Archeology**

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The historic districts of New Bern are more than a collection of buildings and their associated landscapes. Historic resources are very likely to include artifacts that are below ground and within the rivers. Archaeological artifacts can provide important clues regarding the location and configuration of long removed outbuildings, additions, porches, and landscape features such as walkways and plantings. Remnants such as foundations, wells, postholes, trash pits, shipwrecks and submerged pilings may also show the evolution of building development and human activities associated with a site. This knowledge conveys an understanding of our interactions with the environment throughout history.



## 1. Overview and Concepts

The geographic location of the City at the confluence of the Neuse and Trent Rivers has made this area an ideal settlement extending back to prehistoric times. Several archaeological sites have been located and studied within the historic districts; however, it is very likely that unknown archaeological resources will be identified through the natural course of ground disturbing activities. Given this probability, efforts must be made to protect valuable resources in their natural, undisturbed setting upon discovery.

### 1.8 Additional Support

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Public and private organizations involved in local preservation efforts can be found in Section 8, *Appendices*.

#### **State Historic Preservation Office**

The *State Historic Preservation Office (SHPO)* assists citizens, organizations, local governments and state and federal agencies in identifying and protecting places significant in North Carolina history. The SHPO frequently provides information and technical assistance related to COA applications to property owners and the HPC.

The main SHPO office is in Raleigh, with regional offices in Asheville and Greenville. SHPO prepares nominations submitted to the National Register; oversees the statewide architectural survey; administers the Certified Local Government program, Rehabilitation Tax Credit program and Environmental Review; and provides public awareness and training programs.

#### **Certified Local Government (CLG) Program**

The *Certified Local Government (CLG) Program* is a federal program administered by the SHPO that allows local governments to participate in the national historic preservation program. A benefit of CLG status is eligibility to compete for CLG historic preservation grant funds. In North Carolina, the following is required for local government certification:

- Have an active and legally adequate historic preservation commission, with a designated paid staff person, that enforces appropriate state and local legislation for the designation and protection of historic properties.
- Maintain a system for surveying and inventorying historic properties that is compatible with the statewide survey.
- Provide adequate public participation in the local historic preservation program, including the process of recommending properties for the National Register of Historic Places.
- Satisfactorily perform responsibilities delegated under the 1966 National Historic Preservation Act.

#### **National Park Service Technical Briefs**



The National Park Service provides *Preservation Briefs* for guidance on preserving, rehabilitating, and restoring historic buildings. These publications

recognize and resolve commonly encountered problems, and recommend methods and approaches for rehabilitating historic buildings. The HPC may use preservation briefs for guidance when evaluating a COA application. Refer to <http://www.nps.gov/tps/how-to-preserve/briefs.htm>.

## 1.9 Worksheet for COA Evaluation

A worksheet is available to aid in the navigation of the Historic District Guidelines and to help evaluate proposed changes in a COA application. (See the next page.) Rows in the worksheet correspond to the sections in the Guidelines. Columns correspond to types of changes. Boxes shaded in green under a column heading are most likely to apply to a type of change and should be considered first. Unshaded boxes may also apply to a COA application depending on the nature of proposed changes.

This worksheet can be downloaded from the HPC website or it can be obtained from the HPC administrator. The green shading identifies guideline sections that are likely applicable to the type of proposed changes.

<b>Type of Proposed Changes</b>  <b>Guideline Sections to Consider</b> 	<b>Modifications</b>	<b>Additions</b>	<b>Infill Construction</b>	<b>Replacement in Kind</b>
<b>Overview and Concepts (Part 1)</b> <ul style="list-style-type: none"> <li>• Property Owner Responsibilities</li> <li>• Minor vs Major Work</li> <li>• Obtaining a COA</li> <li>• Contributing vs Noncontributing</li> <li>• Archeology</li> </ul>				
<b>Site and Setting (Part 2)</b> <ul style="list-style-type: none"> <li>• Development Pattern</li> <li>• Placement of Primary Structures</li> <li>• Public and Open Spaces</li> <li>• Utilities</li> <li>• Landscaping</li> <li>• Fences and Garden Walls</li> <li>• Accessory Structures</li> <li>• Parking</li> <li>• Signage</li> <li>• Waterfront Modifications</li> </ul>				
<b>Design Attributes (Part 3)</b> <ul style="list-style-type: none"> <li>• Scale, Mass and Proportion</li> <li>• Form and Rhythm</li> <li>• Texture</li> <li>• Details</li> </ul>				
<b>Design Components (Part 4)</b> <ul style="list-style-type: none"> <li>• Foundations</li> <li>• Walls, Trim and Ornamentation</li> <li>• Windows, Doors, and Openings</li> <li>• Entrances</li> <li>• Roofs</li> <li>• Decks and Patios</li> <li>• Accessibility and Life Safety</li> </ul>				
<b>Materials (Part 5)</b> <ul style="list-style-type: none"> <li>• Masonry</li> <li>• Wood</li> <li>• Metals</li> <li>• Paint</li> <li>• Contemporary Materials</li> </ul>				
<b>Preservation (Part 6)</b> <ul style="list-style-type: none"> <li>• Maintenance of Materials</li> <li>• Prevention of Demolition by Neglect</li> <li>• Relocation</li> <li>• Demolition</li> </ul>				

Version 20170117

## 1. Overview and Concepts

## 2. Site and Setting

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### 2.1 Development Pattern

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#### Project Planning Considerations

Development patterns have been in existence far longer than zoning, and existing buildings establish an understandable rhythm along the streetscape without historical regard for land use. The historic districts of New Bern have three types of development patterns, each of which is a record of a particular era in urban development and evolution.

#### **Dense Fabric**

A pattern of *dense fabric* features minimal yards, if any, most often reduced to small planting beds or planters. A dense fabric is created by structures that typically abut the front property line and share a common wall with neighboring structures. The streetscape is a defined facade, with periodic openings accommodating narrow walkways that generally lead to an alley or interior of the block. An example is the downtown commercial district.



Example of dense fabric development pattern.

Institutional uses, particularly churches, are often emphasized within a dense fabric pattern by slightly setting back from the right of way and side property lines and breaking the continuous building line to create a focal point within the development pattern.

#### **Tight Weave**

A *tight weave* pattern is the most common, representing a consistent rhythm of facade to landscape. Structures that create a tight weave pattern have a front yard, and generally sit forward on a lot and front the street. Side yards tend to be narrow, ranging in widths that only accommodate pedestrians to widths sufficient for vehicle passage. The rear yard tends to be larger and is buffered from the street by a primary structure, creating privacy and garden areas. An example is the typical residential street in Riverside or Downtown.



Example of tight weave development pattern.

Buildings within the *tight weave* development pattern have variable setbacks from the right of way but occur within a narrow range that parallels the streetscape. Although there are exceptions, the majority of structures front the street ten to twenty-five feet from the right of way. This placement creates a front yard transitional space where the structure bridges between the public streetscape and the private rear yard. The rhythm of structures is spaced closely enough to create a defined edge, but this edge is softened with penetrating side yards.

#### **Waterfront Development**

*Waterfront development* is a pattern that typically features an isolated structure on an oversized parcel. These properties front the Trent and Neuse Rivers and are surrounded by expanses of landscaping or parking. The footprint, scale and proportion of structures tend to be oversized as compared to more historic development. Wharves historically lined the waterfront of New Bern, driving its early economy and creating the financial resources that spawned the *dense fabric* and *tight weave* development patterns. Following transformation by urban



## 2. Site and Setting

renewal, property values and economies of scale have given birth to the modern *waterfront development* pattern.

Placement of structures within the *waterfront development* pattern is a response to a more modern, larger scale where building functions are influenced by the automobile. Building scale is significantly larger than nearby historic structures, and views of the river largely play into building organization and use. Waterfront development typically fronts the public walkway along the rivers, and placement tends to be toward the center of the land parcel leaving relatively large expanses within front and side setbacks, much of which is used to support parking or storm water management. Consistent placement and complimentary design elements unify the streetscape and visually buffer more than two hundred years of architecture from the rivers.



*Example of waterfront development pattern.*

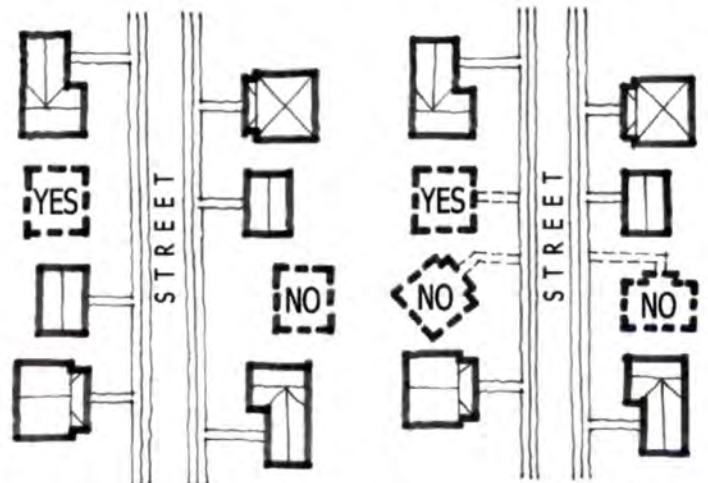
### **Narrow Stitch**

Narrow stitch is a historic development pattern unique to the City of New Bern. It was introduced to the Downtown Historic District in 2007 as a planned unit development influenced by Neo Traditional and New Urbanism planning philosophies. Lots are organized in long, narrow rows that front the street. The spacing between structures is minimal, creating public façades with porches and steps at the sidewalk and private rear façades. A service alley is located at the rear yard, removing utility distribution, garbage collection, curb cuts and driveways from the Primary AVC. Rear yards are minimal, if not completely absent when the rear façade fronts the alley.

Buildings within the narrow stitch development pattern have a very tight rhythm that is often vertically emphasized by the presence of multiple stories. Building massing and roofs typically consist of simple forms, and side yard facades are largely void of fenestration except for the occasional balcony. These lot proportions, coupled with the absence of sizable yard space, often lead to double porch and rooftop decks that create private outdoor spaces and capture surrounding views.

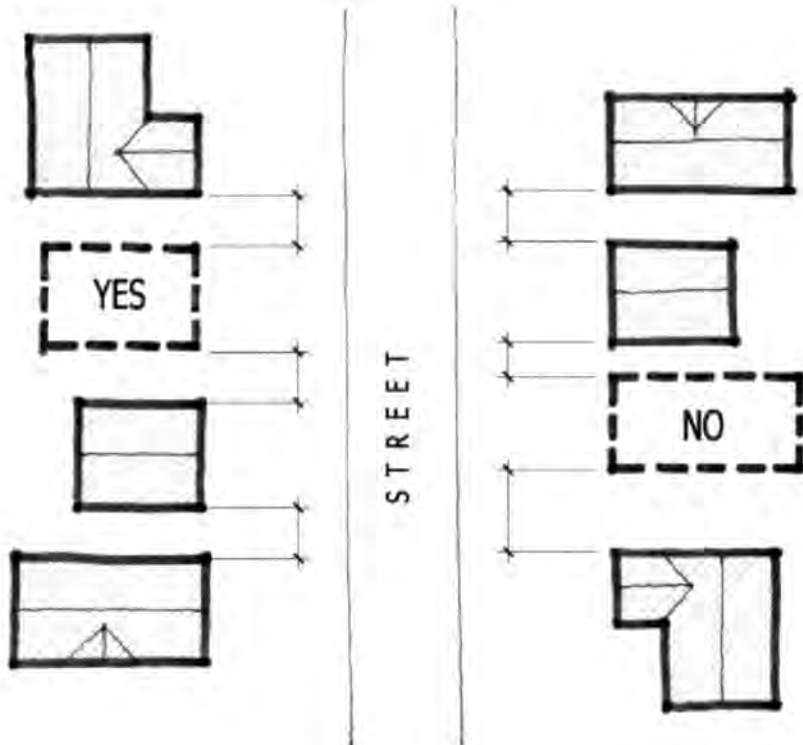
### **Placement of Structures**

The relationship between open space, building mass and scale in the historic districts is essential to preserving the character of the streetscape and the historic districts as a whole. Separations between buildings provide areas for plantings and gardens. The repetition of these elements establishes a streetscape rhythm that enhances the pedestrian experience. Parcels are subdivided and lots are developed over time, creating variations in the ratio of open space to building mass from block to block. Preserve the established open space to building mass relationship created by historic structures on a given block.



**PLACEMENT OF STRUCTURES**





## SPACING OF STRUCTURES

One of the most important character defining features of the historic districts is the presence of view sheds, or view corridors, that highlight particular buildings or capture pockets of open space. Views to and from the Trent and Neuse Rivers, the patterns and rhythms established by buildings within the streetscape, and profiles of landmarks on the skyline communicate the totality of New Bern's historic districts.

### Guidelines for Development Pattern

- 2.1.1 Maintain the established development pattern for placement of infill construction. The relationship of a structure to the property boundaries should be similar to those up the street, down the street and in most cases, across the street.
- 2.1.2 There are areas within the historic districts where the development pattern may have been weakened by vacant lots and nonconforming structures. In such areas, preference shall be given to contributing structures when defining the development pattern for infill construction.
- 2.1.3 The footprint, scale and proportion of infill construction shall be in keeping with neighboring properties. In general, it is not appropriate to construct a three-story structure in an area that is dominated by one-story structures.

## 2. Site and Setting

### 2.2 Public and Open Spaces

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#### Project Planning Considerations

New Bern is fortunate to incorporate parks and public spaces within its historic districts. These open spaces contribute to New Bern's scenic beauty and quality of life. Small alley parks, large waterfront parks, neighborhood playgrounds and sculpture gardens promote a pedestrian friendly atmosphere. When planning parks and public spaces, it is important to consider their location, views, impact on adjacent properties and potential public uses. For example, space for a pavilion or bandstand can be created in a waterfront park by encircling a large lawn with a waterfront promenade. This creates an ideal location for gatherings and events.

#### Guidelines for Public and Open Spaces

- 2.2.1 Introduce public art, statuary, artifacts, memorials, and fountains as focal points in spaces that do not obscure historic buildings or their architectural features. Consider the scale and historic context of art features when determining the setting and location.
- 2.2.2 Incorporate streetscape furniture and pavement treatments recommended in the New Bern Urban Design Plan when improving sidewalks and streets within the right of way. Furniture, trash receptacles, mailboxes, newspaper racks and similar elements shall be of a scale that does not detract from historic properties.
- 2.2.3 Locate playgrounds and play equipment in Secondary and Tertiary AVCs. Do not obscure historic buildings or their architectural features.

*The Urban Design Plan can be found on the City of New Bern's website.*

### 2.3 Utilities

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#### Project Planning Considerations

Integrating utilities into historic district landscapes is one of the greatest challenges. Multiple installations of disorganized utilities often result in visual clutter. Locate utilities and equipment in a manner that preserves landscape features and historic building fabric. Frequently, utility equipment must be elevated above the floodplain. Locate equipment in Secondary and Tertiary AVCs, and screen items from public view with vegetation, fencing and similar site constructions. Install underground utilities when possible.

Work within the right of way requires a COA. Improvements proposed by private property owners and public utility providers, regardless of ownership or source of funding, are subject to evaluation for compatibility with historic district streetscapes.

Illumination of the streetscape within historic districts provides visibility and security, and is encouraged. Exterior lighting can be effectively used to highlight and reinforce a building's architectural character or to establish a landscape theme. Do not implement lighting that creates distraction by overemphasizing a structure or site. Lamping shall emit a warm spectrum, or white, light.



*Place satellite dishes in a Secondary AVC or in areas that are not visible from the public right of way.*



**Guidelines for Utilities**



*Utilities shielded from view with hedges.*

- 2.3.1 Locate equipment in Secondary and Tertiary AVCs and screen items from public view with vegetation, fencing and similar site constructions. It is recommended that utilities be consolidated in common locations.
- 2.3.2 Paint equipment and exposed utilities to compliment mounting surfaces and reduce their visibility.
- 2.3.3 Install utilities underground when possible to minimize visual clutter. Use mechanical methods to bore beneath landscaping, sidewalks, drives and fences.
- 2.3.4 Evaluate utilities and equipment installed in the public right of way, such as utility poles, street lights, railroad crossing signals, signal boxes and similar items, for their visual impact on the streetscape. Install multiple utilities on common poles.
- 2.3.5 Consider a selection of tree species that will not interfere with overhead utility distribution. Where conflict occurs, replace canopy trees with smaller scale, understory trees and shrubs.
- 2.3.6 Install light fixtures in locations that complement the character of historic structures and sites. It is not appropriate to replace original light fixtures. Lamping shall emit a white light. Illumination shall provide visibility and security without overemphasizing a structure, parking area or site.
- 2.3.7 Incorporate street and pedestrian light fixtures referenced in the New Bern Urban Design Plan when improving sidewalks and streets within the right of way.

**2.4 Landscaping**

**Project Planning Considerations**

Landscape elements play an important role in defining the “cultural environment” of New Bern’s historic districts. Mature trees, hedgerows, foundation plantings, gardens, grassy lawns, patios, fences, and walls contribute to the character of streetscapes and structures. Improvements within the right of way, such as curbing, sidewalks, planting strips and trees, also enhance the landscape. These landscape features are typical to a *tight weave development pattern* and enhance the pedestrian experience.

Private lawn and garden areas also characterize the historic districts. Gardens are generally located in rear yards, or in the side yards of larger lots. These lush landscapes, both formal and informal in presentation, are characterized by a variety of plantings ranging from mature canopy trees to flowering shrubs to perennial bulbs. Preserve and propagate plant species that are indigenous to New Bern.

Many gardens are surrounded by fences, walls or hedgerows that delineate property lines and demarcate boundaries between private lots and public rights of way. Preserve historic fences, walls, and plant rows. Introduce new elements to the landscape that are compatible with the site and with the styles of fencing found throughout the districts.



*This house in the Riverside Historic district has a traditional landscape of mature street trees, a hedgerow, mature shrubs, and seasonal plantings near the porch.*



## 2. Site and Setting

The *dense fabric development pattern* is landscaped within the public right of way. The New Bern Urban Design Plan recommends streetscape improvements that unify blocks of tightly abutting structures. Enrich the pedestrian experience by selectively placing sidewalk pavement, lighting, street trees, public art and street furniture between curbing and the building frontage.

### Guidelines for Landscaping

- 2.4.1 Maintain mature canopy trees. Mature tree removal and its replacement species must be recommended by a certified arborist. Replace removed trees with a similar canopy species at or near the location of the removed tree. Locate canopy trees to define the street edge at maturity.
- 2.4.2 Maintain a planting strip between the curb and sidewalk in the *tight weave development pattern*. The predominant plantings in this area shall be grass and trees. Walkways connecting the curb and sidewalk shall not exceed a width of six feet. Align walkways with building entrances.
- 2.4.3 Use plant materials that are indigenous to the historic districts. It is not appropriate to use contemporary edging materials such as landscaping timbers or plastic borders.
- 2.4.4 Incorporate trees, shrubbery, and other landscape features around the periphery of a lot and within parking areas.
- 2.4.5 Locate accessory structures and similar site improvements to avoid removing healthy, mature trees of desirable species.
- 2.4.6 Eliminate lichen, ivy, and other forms of vegetation from structures to prevent damage and to allow for adequate surface ventilation and drainage.
- 2.4.7 Create focal points that highlight public art, statuary, fountains, and structures such as pergolas and gazebos. Place these elements in areas that do not obscure historic buildings or their architectural features.
- 2.4.8 Use street trees and landscaping elements to reinforce right of way view corridors that extend to the rivers. Locate focal points at street terminations; however, the scale of landscaping elements shall not obstruct water views.



*The Mary Kistler Stoney Garden is a reconstruction representative of 19th century New Bern and is part of the Tryon Palace complex.*

## 2.5 Fences and Garden Walls

### Project Planning Considerations

Fences and garden walls have traditionally been used to delineate property lines and demarcate boundaries between private lots and the public right of way. A variety of fencing types and materials are found within New Bern's historic districts. Fence styles in wood, brick, masonry, marl, cast iron, wrought iron and natural plant materials have been popular for more than two hundred years. Fences and walls often architecturally relate to a principal structure. Repetition of fences and walls provides definition and continuity to the streetscape.

A variety of materials and patterns combined with brick piers are commonly found in the historic districts. The predominant fencing material is wood, although a number of fences are fabricated from iron or constructed of marl. Use



*Articulated brick walls and picket fences are used throughout the historic districts.*

low fences in a Primary AVC to enable clear views of the building and its entrance. Use tall fences in a Tertiary AVC to enclose yards for privacy. Planted hedges of boxwood and ligustrum are often used to define property lines and decorate yards.

### Guidelines for Fences and Garden Walls

- 2.5.1 Fences and walls based on historic designs are encouraged. Incorporate materials and configurations that relate to the architecture of the principal structure on the site. Use fences and walls to demarcate property lines and screen private areas.
- 2.5.2 In a Primary AVC, erect low fences and walls with a vertical dimension of four feet or less. Space rectangular wood planks about one inch apart. Space square wood and iron pickets about three inches apart. Orient pickets vertically.
- 2.5.3 In Secondary and Tertiary AVCs, erect tall fences and walls with a vertical dimension of six feet or less. Tall fences that abut a structure shall terminate at an architectural feature. Transition low fencing to taller fencing at an architectural feature.
- 2.5.4 It is not appropriate to use utilitarian fences in a Primary AVC. In addition, it is not appropriate to use chain link fencing in the historic districts.
- 2.5.5 Consider hedgerows as alternatives to fences and walls.
- 2.5.6 Screen existing chain link fences with vegetation such as ivy, climbing vines or evergreen shrubbery.

## 2.6 Accessory Structures

### Project Planning Considerations

Outbuildings and accessory buildings have always been a part of New Bern's historic districts and its development history. Privies, barns, carriage houses, kitchens and sheds were once found on lots of all sizes. Today, few of these original accessory buildings survive. By the turn of the twentieth century and into the mid twentieth century, the need for new types of accessory buildings emerged. Today, outbuildings and accessory buildings include garages, storage sheds, greenhouses, and playhouses. Attached garages are not appropriate in the ~~historic districts~~ tight weave development pattern.



*Historic outbuildings and accessory structures like this garage add to the character and diversity of the historic districts.*



## 2. Site and Setting

Illustration of appropriate placement of garages:



### ACCESSORY STRUCTURES

#### Guidelines for Accessory Structures

- 2.6.1 Locate accessory structures in Secondary or Tertiary AVCs, and behind primary structures when possible. Accessory structures are to be secondary to the primary structure in regard to mass, scale, form, and texture.
- 2.6.2 It is appropriate for outbuildings, and similar structures with substantial foundations, to have a similar form and detailing as the primary structure. Reduce these elements in scale to compliment the outbuilding massing, and incorporate less ornate and simpler elements than found on the primary structure.
- 2.6.3 Accessory structures such as sheds, gazebos, pergolas, arbors, trellises, and similar types of site improvements with minimal foundations are to serve as focal points within rear yard landscapes. These forms and detailing have little relationship to historic fabric and can be easily removed without creating permanent damage.

## 2.7 Parking

### Project Planning Considerations

The widespread reliance on the automobile, and the desirable character of the historic districts, results in pressure to accommodate increasingly more vehicles. The historic districts were largely developed prior to the introduction of automobiles, and many properties do not include driveways or off-street parking. Street parking is limited, and most driveways are narrow compared to today's standards. Driveways and parking frequently supplement the parking capacity available. Configure access to off street parking in a manner that avoids important landscape features and maintains the integrity of development patterns.



*A low brick wall, street trees and plantings effectively screen this large surface parking lot.*

### Guidelines for Parking

- 2.7.1 Confine driveways on narrow lots to the Secondary AVC.
- 2.7.2 Use driveways to access off street parking areas located in the Tertiary AVC. Areas for vehicular use shall not exceed more than 50% of the rear yard in the *tight weave development pattern*.
- 2.7.3 It is not appropriate to incorporate off street parking in the Primary AVC within the *dense fabric development pattern*. In addition, it is not appropriate to locate parking lots on corners within the historic districts.
- 2.7.4 Contain loose paving materials within masonry, concrete, steel, or similar types of fixed edging. It is not appropriate to use contemporary drive and parking edging materials such as landscape timbers or plastic borders.
- 2.7.5 Screen parking lots with fences, walls and hedgerows to create edges that separate vehicular space from pedestrian space. Parking screens should have a vertical dimension of four feet or less.

## 2.8 Signage

### Project Planning Considerations

Signs contribute to the unique character and visual quality of the historic districts, and when treated with sensitivity, benefit the community. Appropriately place signage on building facades and within rights of way to enhance the streetscape environment. Inappropriately placed signs obstruct architectural features, create visual clutter, and disrupt the harmony of the streetscape.

Conventional vehicle, directional and informational signs within the right of way often erode the integrity of the streetscape and disrupt the pedestrian experience. Transportation authorities have jurisdiction over their placement, quantity, and standardized format. Consolidate public signs whenever possible on uniform poles to reduce visual clutter.

Architectural signage identifies businesses, franchises and the goods and services offered. Successful signage relies on graphic simplicity that is designed to complement the texture and detail of the surrounding architectural facade. Consider scale, shape, location, materials, font, and illumination when evaluating signage contexts.

### Guidelines for Signage

- 2.8.1 Signage shall incorporate proportions and dimensional details of the surrounding architectural facade. Locate wall signs on lintels or within the sign frieze area. Where multiple storefronts are within a common architectural facade, provide unifying elements such as coordinated lighting, height, border, font, and material treatments.
- 2.8.2 Drive fasteners for signs in mortar joints to prevent damage to the masonry units.



*Customized business signs add character to the historic districts and should be preserved and maintained.*



## 2. Site and Setting

- 2.8.3 Locate freestanding signs in areas that do not obscure architectural elements or important features. Soften the presence of signposts with landscaping and edging.
- 2.8.4 Use back lighting and front lighting fixture types. Internally illuminated signs are not appropriate for structures built prior to 1920. Electric signs shall not flash, blink or have illuminated revolving content.

## 2.9 Waterfront Modifications

### Project Planning Considerations

The confluence of the Trent and Neuse Rivers has shaped the history of New Bern and provided a means for trade and economic development. Historically, the New Bern waterfront consisted of wharves, docks, lumber mills, and rail yards. Wharves and docks have been largely replaced by a waterfront park, hotels, condominiums, and similar types of modern development. It is desirable to maintain public access to the historic riverfront for citizens and tourists alike. Piers and bulkheads are part of every waterfront community. Carefully plan these to incorporate the waterfront promenade and the special character offered by the rivers.

Simultaneously consult with the Coastal Area Management Agency (CAMA), the City of New Bern and the HPC administrator prior to submitting an application for a COA for waterfront modifications. Coordinated input between regulatory bodies results in the most harmonious balance of regulatory and design requirements.

### Guidelines for Waterfront Modifications

- 2.9.1 Construct piers with wood decking or concrete panels. Piers shall have a narrow width that generally extends perpendicular and parallel to the shoreline.
- 2.9.2 It is not appropriate to incorporate pavilions, platforms, gazebos, screened rooms, roofed structures, boat sheds and similar constructions on piers.
- 2.9.3 Finish bulkheads with a wood or concrete cap. Reserve space for future waterfront promenade extensions between the bulkhead and other site constructions as described by the New Bern Urban Design Plan.
- 2.9.4 Provide unobtrusive, soft lighting that follows the flow of walkways. Use functional, utilitarian light fixtures, and avoid highly ornate ones.



*The piers and bulkheads at the waterfront park are consistent with the design guidelines. They are built of wood and concrete, and do not diminish scenic views.*

### 3. Design Attributes

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Aesthetics and design influence the character of the historic districts. Building use and form evolves as infill and adaptive reuse projects take place. Modifications, additions and infill construction shall compliment the scale, pattern, materials, proportion and mass of surrounding historic architectural resources. Well designed additions and infill structures enhance the quality of the historic districts by contributing context and style reflective of growth while also creating a record of the technological evolution of modern construction materials and methods.

#### 3.1 Design Principles

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The following design principles typically apply to additions and infill construction, but may also apply to site and setting, design components and modifications.

##### Scale, Mass and Proportion

The *scale* of a building is its relative size. *Human scale* refers to how we perceive the size of a structure and its components in relationship to the human body. The relationship, or scale, of an architectural detail becomes quite evident when one is standing very close. *Overall scale* compares building form to that of nearby buildings, structures and open spaces. Construction that ignores scale disrupts the harmony of the streetscape.

*Mass* describes the shape, size and visual weight of a structure. Scale is typically an analysis of attributes in predominantly two dimensions with a set proportion. Mass describes a volume, and evaluates a structure in three dimensions.

*Proportion* refers to the interrelationship of vertical to horizontal. This can be applied to the overall building mass, an opening for a window or door, or the characteristics of a column. Proportion has been used in architecture for thousands of years to create a sense of natural order. Buildings and spaces composed of harmonious proportions inherently relate to the human form, and create a pleasing environment.

Architectural details organize the perceived mass and scale of buildings. Façade features such as rooflines, pilasters, friezes, columns, piers and patterns subdivide building planes into smaller, articulated panels that create visual texture.

Buildings in any given development pattern are generally similar in scale and mass, and façade proportions have a strong vertical orientation. Infill construction should respect these characteristics. Façade articulation, windows and doors should also reinforce the vertical orientation of the composition.

*Rooftop expression* is a combination of architectural elements that occurs above the cornice line. New Bern's *dense fabric development* pattern is dominated by two story buildings with a range of scales and low sloped roofs. This mix of multi-storied buildings incorporates a variety of decorative and styled cornices,



*The wide cornice, overhang, and brackets add character to this building.*

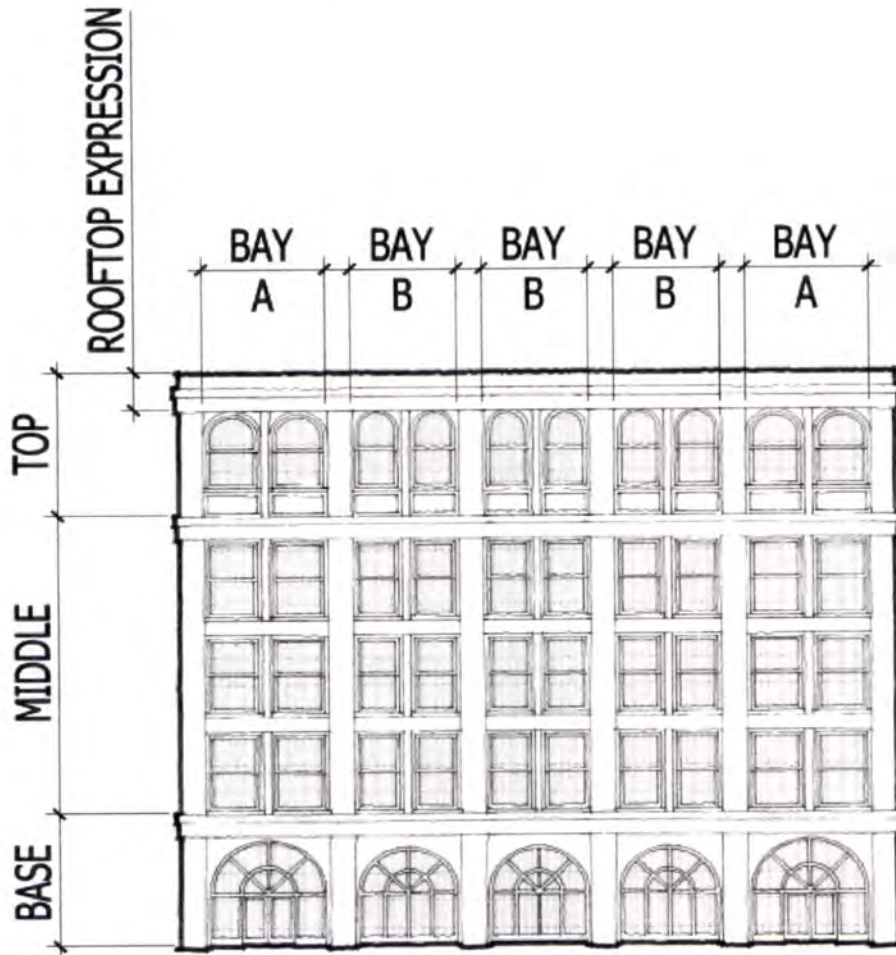


*This block of buildings shares the same scale.*



### 3. Design Attributes

parapets, towers, cupolas and other rooftop appurtenances that uniquely identifies each. Facades can typically be broken into three basic components: a base, middle and top. These elements relate to architecture as the feet, torso and head relate to the human body. The feet provide stability, the torso provides height and bulk, and the head provides identity.



## FORM & RHYTHM

Within the *tight weave development pattern*, buildings are traditionally two stories in height with sloped roofs. Facades are typically organized in a series of bays, deriving their character from articulated front porches, entry doors and window configurations.

### Form and Rhythm

*Form* and *rhythm* refer to the regular or harmonious recurrence of lines, shapes, forms and details in a building. All buildings contain design components that are repetitive. Roof form and pitch, the ratio of solids to voids in a wall plane, and the placement of windows, doors, cornices and parapets establish a pattern that



*These buildings illustrate variety in scale*



*These buildings illustrate a variety of parapets, dimensions and forms.*



*Baxter's unique curved coping creates visual interest when compared to the parapets and cornice lines of surrounding buildings.*

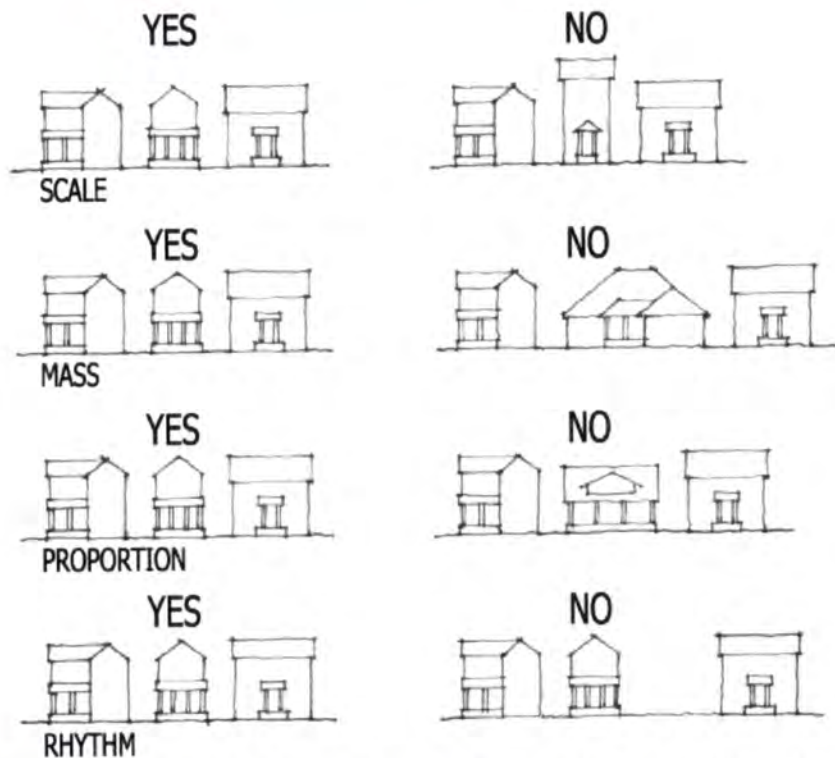


characterizes a building, streetscape or district. Considered together, these elements create a visual rhythm and unify the facade of the structure.

The narrow stitch development pattern creates a strong rhythm of repeated, narrow front facades that creates a hard edge at the streetscape. Steps from each structure extend to the sidewalk in series, beginning at an upper landing above design flood elevation and descending to meet the shape of the terrain below. Full width porches that compensate for the lack of yard space accentuate facades and animate otherwise planar building forms.



These upper story windows represent an excellent example of rhythm across multiple facades.



## SCALE, MASS, PROPORTION & RHYTHM

### Texture

*Texture* refers to the use and interaction of a variety of materials and details in a building. Roofs, porches, bays, chimneys, decorative exterior trim, siding and windows articulate building facades and create visual interest. Articulate the top, middle and base of a building to create texture. Additions and infill construction should provide a degree of texture similar to surrounding buildings.

### Details

*Details* are the elements that describe architectural building styles, features and ornament. New Bern's three hundred year evolution has produced a rich and varied palette of details that creates a visually delightful setting for pedestrians, students and admirers of architecture. Additions and infill construction should allow architectural styles to evolve while incorporating established details that



A pediment parapet highlights the classical facade of this building.

### 3. Design Attributes

characterize New Bern's historic districts. Contemporary and compatible design is encouraged. However, it is recommended that additions and infill construction reflect and reinterpret traditional building detailing.



NO



YES

## FENESTRATION

### Guidelines for Design Principles

- 3.1.1 Consider the scale, mass and proportion inherent to the surrounding historic development pattern, and design modifications that incorporate these characteristics. Use basic shapes and forms that are common to the historic districts.
- 3.1.2 Windows, doors and openings shall be compatible in proportion, shape, location, size and quantity with those on surrounding historic structures. Avoid large expanses of blank walls. Establish bays, visually subdivide facades and delineate building elevations to create form and rhythm.
- 3.1.3 Discretely use rooftop appurtenances such as spires, cupolas and towers to articulate rooflines. Compliment the scale, form and proportion of the structure, and use rooftop appurtenances to identify a building entry or similar massing focal point.
- 3.1.4 Use details to articulate facades, and the openings within facades. Appropriately detail the base, body and edges of facades to create texture and visual interest.
- 3.1.5 Avoid creating a false sense of historical development. It is not appropriate to apply historic architectural styles to infill construction. Creative interpretation of traditional detailing and ornamentation is encouraged.

## 3.2 Modifications

### **Project Planning Considerations**

*Modifications* encompass changes, replacements and potential improvements to historic design components and architectural features. The intent of New Bern Historic District Guidelines is to allow modifications to occur within a framework that preserves the character and fabric of the historic districts.

### **Guidelines for Modifications**

- 3.2.1 Select materials that are consistent with the structure. Limit the palette to those materials that were available at the time a building was originally constructed.
- 3.2.2 Modifications to a structure should not conceal, damage or remove significant design components or architectural features.
- 3.2.3 Replace historic design components only if they are damaged beyond repair. Replacement for convenience is not appropriate. Use materials and details that match the original.
- 3.2.4 Rebuild missing or insensitively altered design components based on documented evidence of the original configuration.
- 3.2.5 It is not appropriate to introduce features and details that will create a false sense of historic development.

## 3.3 Additions

### **Project Planning Considerations**

*Additions* to historic buildings should never compromise the integrity of the structure or its site. Additions that are not incongruous respect the mass, scale and proportion of the primary structure, and do not obscure or destroy distinguishing, character defining architectural features, forms and materials.

Consider site features and view corridors when designing additions. Minimize disturbance to mature vegetation. Limit the footprint of additions to maintain private open spaces, particularly in Tertiary AVCs. Contemporary interpretation of historic style and details is encouraged to differentiate additions from the original building. However, replication of historic style and details is often appropriate for work confined to a limited area.

### **Guidelines for Additions**

- 3.3.1 Locate additions in a Secondary or Tertiary AVC to minimize the impact on primary, character defining elevations. Limit the footprint of additions to maintain private open spaces.
- 3.3.2 Use roof forms and pitches that are similar to those found on the primary structure. Delineate the addition from the plane of the primary structure by creating slight offsets and corners.



### 3. Design Attributes

- 3.3.3 Incorporate materials and details derived from the primary structure. Extend the architectural hierarchy of the primary structure to the addition. Architectural embellishments and detailing are often simplified on less visible Secondary and Tertiary AVC elevations.

## 3.4 Infill Construction

### Project Planning Considerations

*Infill construction* is the process of constructing a building on an empty parcel. Infill construction eliminates vacant lots and gaps in the urban fabric, and contributes to the architectural evolution of the streetscape.

An infill structure should reflect its time of design. The intent of New Bern Historic District Guidelines is not to impose particular architectural styles, but to guide change that protects and contributes to the character of the historic districts. Evaluate the context and sensitivity of the immediate area, and shape infill construction to positively impact the overall district.

Contemporary materials may be used on infill construction. They are to be appropriately proportioned, used in traditional ways and installed in a traditional manner. Contemporary materials not meeting these requirements should not be extensively used on infill construction.

### Guidelines for Infill Construction

- 3.4.1 Maintain the relationship between building mass and open space that exists on the block or streetscape.
- 3.4.2 The predominant material of an infill building shall visually emulate the palette of materials traditionally found in the historic districts.
- 3.4.3 Use of modern materials is acceptable as a means of continuing the evolution of architecture through time. However, the use of aluminum and vinyl siding, faux brick and stone, stamped concrete and similar imitation materials is not appropriate.
- 3.4.4 Contemporary materials shall be appropriately proportioned, used in traditional ways and installed in a traditional manner.



*Contemporary and traditional materials used on this new house maintain the character of the historic districts.*



*This building is located in the transitional edge between dense fabric and tight weave development patterns. The use of a modern blonde brick and patterned masonry is appropriate for this infill construction.*

## 4. Design Components

### 4.1 Foundations

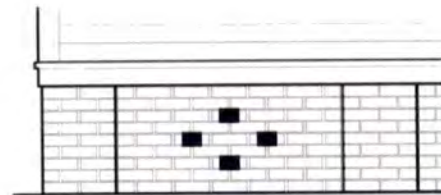
#### Project Planning Considerations



*An example of a marl and brick foundation.*

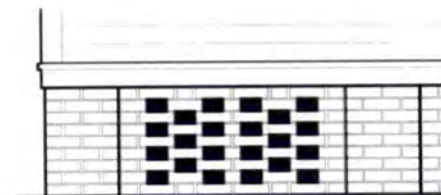
A foundation not only maintains the structural integrity of a building, but the materials, dimensions, features and details also contribute to its character. Foundations for some of New Bern's earliest buildings were constructed of marl or "shell rock," often in combination with brick. Framed buildings in New Bern were typically constructed on wood sills elevated by brick piers. Areas between brick piers were either left open or enclosed with wooden lattice. Brick panels were also commonly added between piers. These masonry infilled sections were generally recessed behind the face of the brick pier, visually delineating structural members from nonstructural members.

Decorative metal vents or pierced brick lattice were frequently built into foundation walls to provide crawl space ventilation. Masonry and stone foundation walls generally were not painted, although some received a pargeting of stucco that was painted.

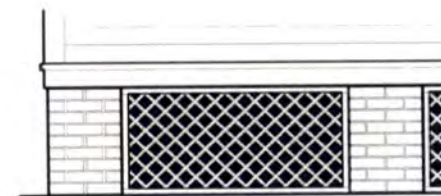


**SOLID MASONRY**

(DECORATIVE VENT HOLES, OR MANUFACTURED VENT ACCEPTABLE)



**BRICK LATTICE**



**WOOD LATTICE**

### INFILL BETWEEN FNDN. PIERS



*An example of brick lattice.*



## 4. Design Components

Brick foundations are often delineated with a rowlock water table course or contrasting brick bond. Various historic foundation treatments were constructed between piers, including solid masonry with vent holes, brick lattice or pierced brick, and brick pier with wood lattice infill.

### Guidelines for Foundations

- 4.1.1 Adhere to Guidelines for retention of historic fabric when altering foundation components.
- 4.1.2 When infilling between brick piers, recess brick curtain walls 1 to 2 inches to visually delineate piers.
- 4.1.3 Use traditional materials when constructing foundations. Concrete block should receive a veneer of stucco, brick or other appropriate masonry material.
- 4.1.4 Locate foundation features such as vents and access doors in areas that will not detract from the architectural character of the building. Coordinate with other architectural features when possible, such as aligning vents and access doors with windows above or centering them between piers.

## 4.2 Walls, Trim and Ornamentation

### Project Planning Considerations

Buildings in New Bern's historic districts exhibit a variety of exterior sheathing and masonry materials, trims and ornamentation that chronicle the evolution of architectural styles in the City. Most buildings in the historic districts are of wood frame construction. Masonry construction is more common in the dense fabric development pattern where noncombustible material is used to prevent the spread of fire to adjacent buildings.

Historic structures display a variety of decorative elements that contribute to the visual richness of the architecture. Columns, cornices, doors, windows, sawn work, shingles, balustrades, clapboards, floors and bracketing are elements that collectively define the architectural style.

Trims are the ornamental details that terminate the edges of roof overhangs, the edges of openings, and walls sheathed with wood. Typical trims are window and door casings, and skirt, frieze and corner boards. Trims can incorporate embellishments that convey an architectural style such as cornices with modillion blocks, dentil work, turned porch posts with sawn work brackets and classical columns with turned baluster railing.

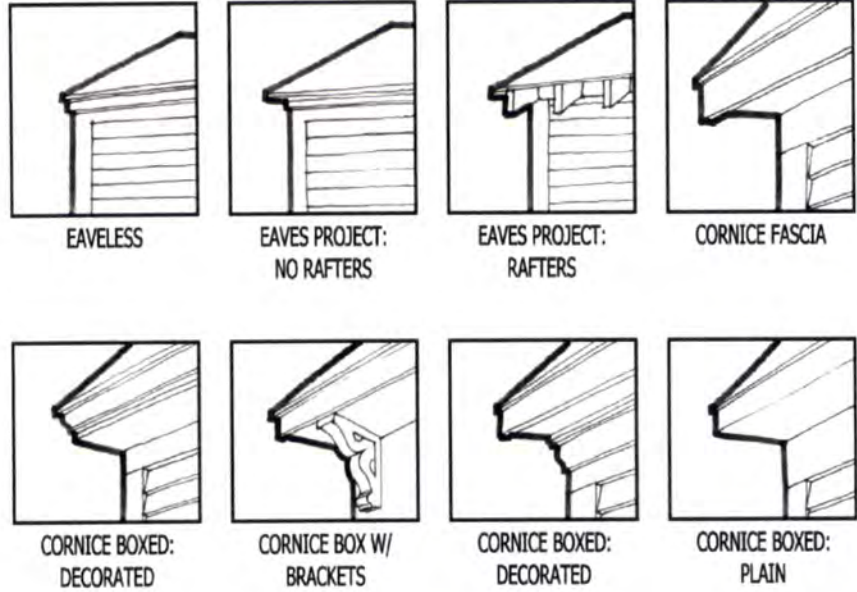
In similar ways, masonry is often enhanced by carefully articulating and detailing brick walls. Inset panels with contrasting bond, corbelling, cornices, parapets, sill and head articulation, and banding are a few of the many ways that masonry materials are placed in ornamental ways. It is not uncommon to combine wood trim cornices, pediments, columns and balustrades with masonry walls to replicate architectural features more commonly associated with wood siding constructions.



*This house displays clapboard, decorative shingles and an abundance of decorative wooden elements that contribute to the character of its fenestration.*



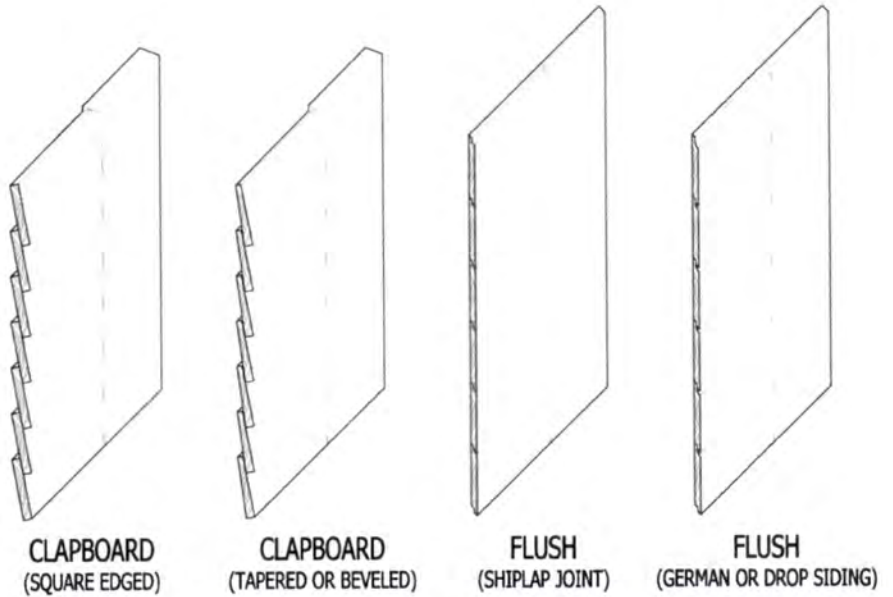
*A bracketed cornice, paneled friezes, ornate window surrounds, and embellished porch are some of the wood elements evident on this house.*



### CORNICE TYPES



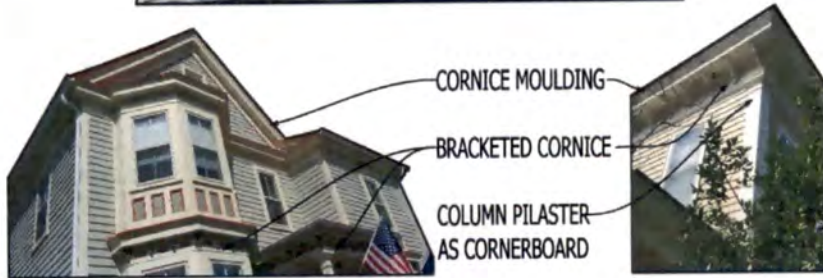
*This house in the Riverside Historic District has a brick masonry veneer at the first floor and wood shingle siding at the second floor.*



### TYPES OF WOOD SIDING



## 4. Design Components



### TRIM & ORNAMENTATION RESIDENTIAL



### TRIM & ORNAMENTATION NEO-CLASSICAL / COMMERCIAL

The majority of New Bern’s architectural resources were “modernized” in the late 19<sup>th</sup> century by updating walls, trim and ornamentation to conform to the prevailing architectural taste of the time.

**Guidelines for Walls, Trim and Ornamentation**

- 4.2.1 Adhere to Guidelines for retention of historic fabric when altering wall components.
- 4.2.2 It is not appropriate to introduce trim or ornamentation to a contributing structure without documentary evidence that such elements historically existed.
- 4.2.3 It is not appropriate to cover wood siding, trim and ornamentation with a contemporary material on a contributing structure.
- 4.2.4 Incorporate wood trims and articulate masonry appropriately for the application.
- 4.2.5 Primary structures are generally more ornate and detailed. Accessory structures are generally subordinate to the primary structure and have minimal ornamentation, if any, and simplified details.

**4.3 Windows, Doors and Openings**

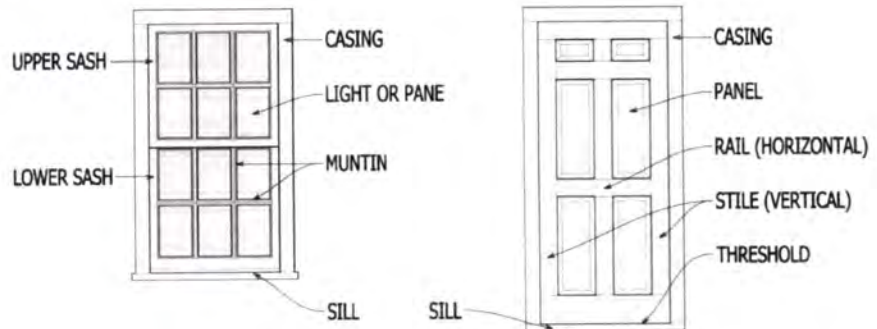
**Project Planning Considerations**

Windows and doors influence architectural character through their location, pattern or fenestration, shape, size, proportion and style. They are also functional elements that provide natural light, ventilation and a visual connection between the building interior and the outside world.

Exterior doors in the historic districts exhibit a remarkable amount of diversity. Solid paneled doors and doors with fixed glass upper panels are typical. Detail variations reinforce each building’s architectural character through applied ornamentation. For example, there are various raised and flat panel configurations, decorative false wood graining and varnish treatments, ornamental leaded, beveled, etched and opaque glass, any combination of which uniquely identifies a structure.



*An example of a historic wood door that has been appropriately repaired instead of replaced.*



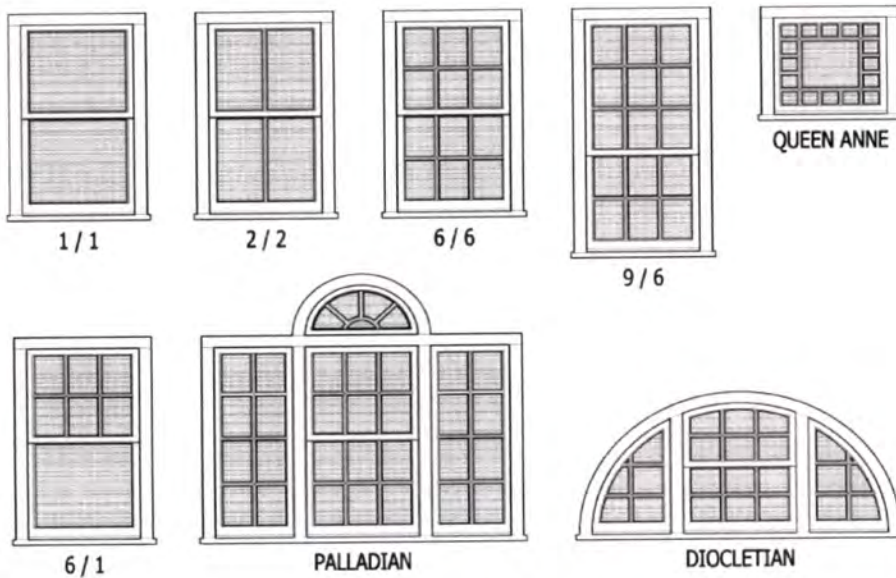
**WINDOW TERMS**

**DOOR TERMS**



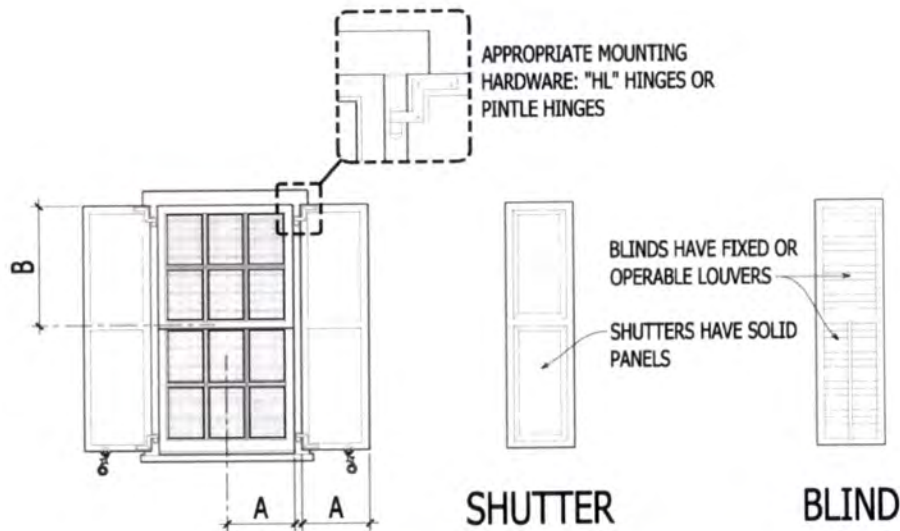
## 4. Design Components

Window styles reflect changes in technology through time and are important indicators of a building's architectural style and age. Most windows in the historic districts are wood with double hung sash. In general, earlier windows are smaller and have more numerous panes of glass in the sash. They were made by hand and often constructed with pegs. By the late 19<sup>th</sup> century, windows were mass-produced and technological advances in glass production allowed larger glass panes to be manufactured. Ornamental leaded and stained-glass windows also became popular by the century's end.



*An example of a historic wood window with appropriate functional blinds.*

## WINDOW TYPES



## APPROPRIATE PROPORTIONS AND MOUNTING OF SHUTTERS / BLINDS

Retain original doors and windows to protect the integrity of historic resources. It is not appropriate to use false window muntins or snap in grills. Glazing should have true divided light muntins, or three-dimensional grilles affixed to both the interior and exterior of the glass. Provide shadow bars between insulated glass panes. It is not appropriate to add window and door openings to contributing structures in the Primary AVC. Openings in Secondary and Tertiary AVCs should not diminish the original design or damage the historic features. Window and door openings shall have a vertical orientation or be square. Shutters and blinds should relate proportionately to window openings. It is not appropriate to install shutters or blinds directly to the wall substrate. Whether operable or fixed, shutters or blinds shall have operable hinge and holdback hardware.

### **Guidelines for Windows, Doors and Openings**

- 4.3.1 Adhere to Guidelines for retention of historic fabric when altering window, door and opening components.
- 4.3.2 Add window and door openings in Secondary or Tertiary AVCs in locations that do not diminish the original design. In general, openings shall have a vertical orientation or be square.
- 4.3.3 Glazing should have true divided light muntins, or three-dimensional grilles affixed to both the interior and exterior of the glass. Provide shadow bars between insulated glass panes.
- 4.3.4 Relate shutters and blinds proportionately to window openings. Whether operable or fixed, shutters or blinds shall have operable hardware including hinge and holdback hardware.
- 4.3.5 Tinted, opaque, and reflective glazing is not appropriate in historic windows.
- 4.3.6 Install storm windows and storm doors that do not obscure architectural detailing and trim. Proportion storm window sashes to align with window sashes. Proportion storm door stiles and rails to align with door stiles and rails.
- 4.3.7 Install fabric awnings that do not conceal architectural features or damage historic building fabric. It is not appropriate to use metal awnings.

## **4.4 Entrances**

### **Project Planning Considerations**

Exterior entrances and porches are defining features of historic character. Prominent entrances were typically embellished with rich architectural ornamentation and were often “updated” to reflect current architectural tastes. Doors, windows, trims, columns, turned posts, railings and balusters, cornices and steps were frequently detailed in a coordinated way to convey the “style” of a structure. Variations in form and detail create diversity among an otherwise identical grouping of entrances and porches.

Porches are found on most wood framed structures in New Bern’s historic districts, and consist of a roof cover, columns, and floor on a masonry foundation.



*The brick piers and tapered posts are characteristic of the Craftsman Bungalow style of architecture.*



## 4. Design Components

Usually located on the street façade, porches often wrap around two or more corners. Back porches, side porches and sleeping porches are typically found in the historic districts. More rare are balconies, which are constructed at upper floors, and do not have columns or a means of support extended to foundations. Most porches are one story in height, but two story variations can be found on structures constructed between the 1790s and the 1840s. Many of the city's early to mid-19<sup>th</sup> century wood framed buildings have small entrance porches or porticos embellished with classically inspired detailing. During the Victorian period, entrance porticos were often replaced with larger porches. Significant porch and entry changes chronicle the evolution of the structure over time.

Traditional porch framing carries wood floorboards that are butted together or milled with a tongue and groove joint. Floorboard ends are laid perpendicular to the house and projected approximately 1 to 2 inches beyond the skirt board. The projected ends are sometimes rounded or bull nosed to minimize water penetration into the open wood grain. Framing spans are supported by brick piers or a continuous brick foundation, and sloped for drainage.

A variety of column types supported roof structures. Square chamfered posts were used throughout the 18<sup>th</sup> and 19<sup>th</sup> centuries, spanning between the Georgian and Italianate styles. Classical columns and colonettes, most commonly of Doric and Tuscan design, were incorporated into entrance porticos and porches of the Federal, Greek Revival and Colonial Revival periods. Square posts, often with heavy caps and applied or inset panels and trims, were also favored during the Greek Revival and Colonial Revival periods. Turned posts gained widespread use during the Queen Anne period of the late 19<sup>th</sup> and early 20<sup>th</sup> centuries.

Ceilings of porches exhibited a variety of finishes. Many of New Bern's earliest examples had exposed framing without ceilings. Main structural supports were often beaded on the lower edges. Porch ceilings of the early to mid-19<sup>th</sup> century often were finished with plaster, particularly beneath the second floor of double-tiered porches where exposure to rain was limited. Otherwise, individual boards with beaded edges were typically butted together or evenly spaced to create a decorative effect. Later in the century, tongue and groove beaded board became popular and remained so throughout the early 20<sup>th</sup> century.

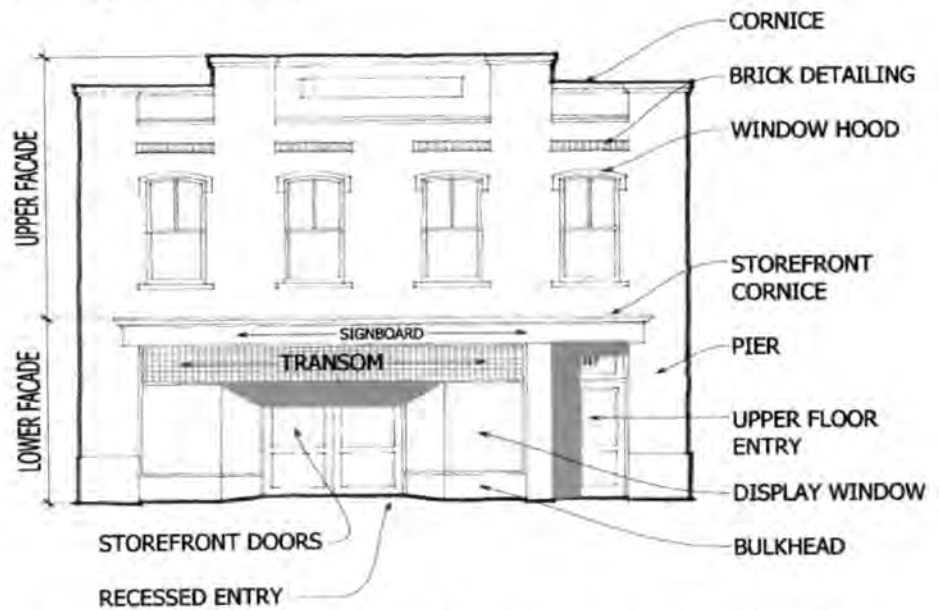
Use documentary evidence of original configurations to reconstruct entrances and porches that have been insensitively altered or removed. Add architectural ornamentation when there is historical evidence of such features. Where documentary evidence is not available, furnish appropriate design elements that are consistent with the character of the building or its style.

It is not appropriate to enclose or screen porches, entrances or balconies in Primary AVCs. Enclose and screen porches in Secondary and Tertiary AVCs in a manner that preserves historic features. It is inappropriate to use stock entrance doors, porch railings and other ornaments that do not proportionally relate to the building. Modern porch balusters convey a different visual appearance because they are generally taller and thinner. Center balusters between the rails, and space them about 3 inches apart to increase the visual weight. It is not appropriate to replace wooden stairs and flooring with concrete or brick. In addition, it is not appropriate to replace wooden porch supports and railing with



*The door, transom, molded surround, corner blocks, pilasters, columns, entablature, flat roof, and stair combine to compose this fine entrance.*

iron supports and railing.



## ELEMENTS OF A STOREFRONT FACADE

### Guidelines for Entrances

- 4.4.1 Adhere to Guidelines for retention of historic fabric when altering entrance components.
- 4.4.2 Reconstruct entrances and porches based on documentary evidence of the original configuration. Add architectural ornamentation when there is historical evidence of such features.
- 4.4.3 Recess entrances within the *dense fabric development pattern* where the facade aligns with the front property line. Incorporate traditional facade elements such as storefront cornices, transoms, display windows and bulkheads.
- 4.4.4 Provide porches, entrance doors, railings, and other ornaments that proportionally relate to the building. Appropriate balustrades often convey a heavier visual appearance. Center balusters between the top and bottom rails and space them about three inches apart.
- 4.4.5 Enclose and screen porches in Secondary and Tertiary AVCs in a manner that preserves historic features. Walls and screens should not obscure columns and balustrades.

## 4.5 Roofs

### Project Planning Considerations

New Bern's historic districts reflect a variety of roof forms and features that have evolved over the past three hundred years. Roof form plays a dominant role in defining building character. Massing, pattern, scale, texture, and material



## 4. Design Components

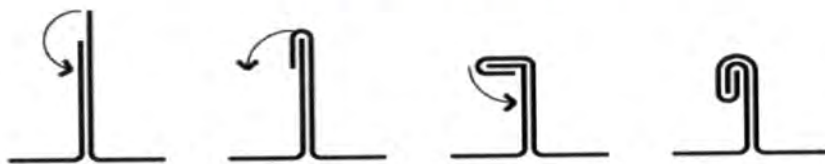
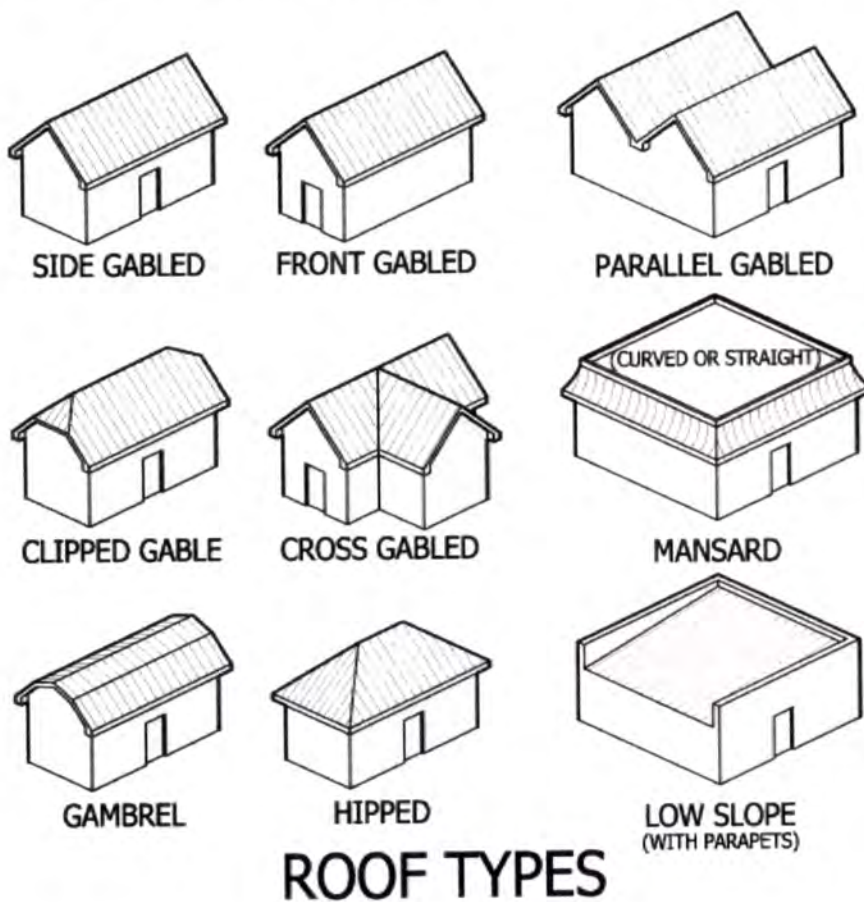
selections further enhance character. Changes in pitch, overhang, and roof line chronicle additions to historic buildings over time.

Wood shingles were the predominant roofing material in New Bern during the 18<sup>th</sup> and 19<sup>th</sup> centuries. In 1922, following the Great Fire in New Bern, standing seam metal became the principal roofing material. This post fire character survives largely intact today.

The gable roof is most common in New Bern's historic districts. Side and front gable examples are abundant, along with more complex cross and multi gable roof varieties. Hipped roofs also appear with frequency in the historic districts, and many are articulated by dormers and lower cross gables. Gambrel roofs, flat roofs, shed roofs, and to a lesser extent, mansard roofs further diversify the types found in New Bern's historic districts.



*Standing seam metal is a common roof material in the historic districts resulting from reduced insurance rates following the Great Fire of 1922.*



**FORMATION OF STANDING SEAM IN TRADITIONAL METAL ROOFING (DOUBLE LOCK SEAM)**

### Guidelines for Roofs

- 4.5.1 Adhere to Guidelines for retention of historic fabric when altering roof components.
- 4.5.2 Alterations to roof forms such as changes in roof pitch, the introduction of dormers, skylights or rooftop ornamentation shall not be undertaken in a Primary AVC.
- 4.5.3 Retain rooftop architectural features such as chimneys, dormers, towers, cupolas, cresting, finials, parapet walls and decorative roof patterns and colors.
- 4.5.4 Standing seam metal roofs shall have a pan width no greater than 24 inches. Pans shall be completely flat without corrugation. Provide double locked seams with flush ridge and hip flashings on contributing structures.
- 4.5.5 It is not appropriate to replace concealed, built in gutter systems with fascia-mounted gutters.
- 4.5.6 Locate rooftop appurtenances such as ventilators, antennae, satellite dishes, mechanical equipment and similar items in a manner that is not visible from the public right of way.
- 4.5.7 In the narrow stitch development pattern, provide pitched roofs free of observation platforms above the highest living floor of structures.

## 4.6 Decks and Patios

### Project Planning Considerations

Functioning as an outdoor living area in a similar fashion as the traditional porch, decks have become popular gathering areas for a variety of outdoor activities. As with other changes, careful attention must be given to placement in order to avoid compromising historic building integrity and character. Decks, patios, plazas, and pavers are generally constructed at grade, and should be structurally separated from the building to allow removal without damaging historic resources.

Locate decks in Secondary and Tertiary AVCs, and screen the underside with shrubbery, fencing, lattice, or masonry. Deck railings, skirt boards, posts, piers, and screen infill should architecturally relate to the house in a manner similar to a porch. Whenever possible, decks should be close to the ground with minimal presence. Lowering the profile eliminates requirements for handrails and extensive screening.

### Guidelines for Decks and Patios

- 4.6.1 Adhere to Guidelines for retention of historic fabric when altering deck components.
- 4.6.2 Locate decks in Secondary and Tertiary AVCs, and screen the underside with shrubbery, fencing, lattice, or masonry.
- 4.6.3 Structurally separate decks to allow removal without damaging the historic structure.
- 4.6.4 Construct low profile decks and patios that eliminate requirements for handrails and excessive screening.



*The deck on this house is located in a Secondary AVC screened by shrubbery, and it has a foundation similar to the main structure.*



## 4. Design Components

### 4.7 Accessibility and Life Safety

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#### **Project Planning Considerations**

Meeting contemporary accessibility and life safety standards is one of the greatest design challenges facing historic properties. Balance the preservation of significant features with providing appropriate levels of life safety and accessibility accommodation.

Adaptive reuse of a historic property often requires life safety and accessibility modifications. Building code officials recognize that it is difficult to translate conventional requirements to historic buildings, and apply alternative codes specifically intended for non-conforming buildings. These provisions make historic building adaptive reuse more practical and preserve architectural features.

Design accessibility and life safety solutions that have the least impact on historic resources and character. Locate ramps, lifts, fire stairs, fire doors and similar accommodations in visually unobtrusive areas. Construct modifications to allow removal without causing permanent damage to the historic resource.

#### **Guidelines for Accessibility and Life Safety**

- |   |
|---|
| <p>4.7.1 Adhere to Guidelines for retention of historic fabric when altering accessibility and life safety components.</p> <p>4.7.2 Locate ramps, lifts, fire stairs and fire doors in visually unobtrusive areas. Avoid accommodations within a Primary AVC when possible.</p> <p>4.7.3 Make accommodations compatible with the character of the building by replicating balustrade and door opening detailing. Use landscaping to soften the presence of accommodations in a Primary AVC.</p> |
|---|



*The metal stair railing was added to this porch stair as a safety feature. The use of a simple metal design does not detract from the historic porch and identifies it as a later addition.*



*This wheelchair ramp is a good example of subtly incorporating accessibility at the front of a building when necessary.*

## **5. Materials**

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### **5.1 Masonry**

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#### **Project Planning Considerations**

Because of its extreme durability and beauty, some of New Bern's most important buildings are constructed of masonry.

There is a difference between modern bricks and historic bricks. Historic bricks are softer, and more likely to chip and crack when laid with modern mortar. Use softer, lime-based mortar with historic brick.

Masonry materials found in the historic districts include brick, stucco, stone, concrete masonry units, architectural concrete masonry units, slate and terracotta tile.

#### **Guidelines for Masonry**

- 5.1.1 Adhere to Guidelines for retention of historic fabric when altering masonry materials.
- 5.1.2 Match the masonry bond, or pattern, of masonry materials found in adjoining work. In general, new material should be the same size, color, and texture of that existing.
- 5.1.3 The size, color, texture and bond, or pattern, of masonry and mortar creates the intended finished appearance. It is not appropriate to paint masonry that has not been previously painted.
- 5.1.4 Select mortar with appropriate strength properties for masonry units involved. A commonly used mix for softer, historic masonry is one-part portland cement, two parts hydrated lime and nine parts sand.
- 5.1.5 Provide a veneer of brick, stucco, or other appropriate material over concrete masonry units. Architectural concrete masonry units such as rusticated, split face or similar types may be substituted for stone masonry construction.
- 5.1.6 It is not appropriate to use water repellants or sealers on masonry because these treatments often trap moisture and accelerate spalling.

### **5.2 Wood**

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#### **Project Planning Considerations**

Craftsmen have preferred wood because it is easily shaped by carving, sawing, splitting, planing, and turning. Handcrafted architectural features are present on many of the City's earliest buildings. However, technological changes in the mid to late 19<sup>th</sup> century allowed most wooden building components to be mass produced.



## 5. Materials

Pressure treated wood has a tendency to warp and split during the drying process, particularly if not kiln dried. Slow kiln dried, pressure treated wood is less likely to warp and split, and should be used when possible. Slow kiln dried wood products are specially ordered.

Wood is often the medium selected to communicate architectural styles. Eaves, rakes, porches, entrances, siding, trim and ornamentation details are found in the historic districts.

### Guidelines for Wood

- 5.2.1 Adhere to Preservation Guidelines for retention of historic fabric when altering wood materials.
- 5.2.2 Construct wood assemblies similar to that found in adjoining work. In general, new material should be the same dimension and shape of that existing.

## 5.3 Metals

### Project Planning Considerations

New Bern's historic districts contain a variety of elements that are fabricated from architectural metals. Fences, gates, roofs, rooftop appurtenances such as cresting and finials, gutters, downspouts, hardware, railings and cornices are but a few of the elements that are casted, wrought, pressed or rolled using iron, copper, tin, aluminum, steel or bronze. These traditional building materials add a visual and textural richness to the historic districts.

### Guidelines for Metals

- 5.3.1 Adhere to Guidelines for retention of historic fabric when altering metal materials.
- 5.3.2 Use metal fabrications found in adjoining work. In general, new material should be the same dimension, shape, and alloy of that existing.
- 5.3.3 Use full weld iron and steel fabrication techniques. Welds shall be properly dressed, or ground smooth.
- 5.3.4 Provide aluminum fabrications with welded joints or blind, mechanical connections having concealed fasteners.

## 5.4 Paint

### Project Planning Considerations

Preservation of most historic wood and metal surfaces requires a sound paint film to protect against the elements. Water, wind, and ultraviolet light severely weaken wood fibers over time, and contribute to the corrosion of certain metals. In addition to its protective role, coordinated paint colors highlight architectural features and emphasize architectural style.



*An ornamental iron gate and balustrade adds character to the streetscape while identifying the path to the building entrance.*



*The metal cornice and columns on this storefront are unique features that should be preserved.*

Employ paint analysis techniques, such as microscopic investigation, to determine historic paint schemes and finish techniques. Select harmonious paint colors that accentuate detailing and architectural style. Paint is applied to bare wood in multiple coats, and generally consists of a primer base coating followed by two coats of finish paint.



*The palette of exterior colors accentuates the architectural style of this Italianate house.*

### **Guidelines for Paint**

- 5.4.1 Adhere to Guidelines for retention of historic fabric when altering painted materials.
- 5.4.2 Select paint and sealant coatings that are harmonious with adjoining work. In general, new material shall be a compatible formulation with the substrate of application.
- 5.4.3 Apply primer coatings to front and back wood surfaces prior to cutting and fitting. Prime end cuts before installation. Apply finish paint coatings to exposed primed surfaces.
- 5.4.4 Consider using opaque stain in lieu of paint on flooring, fencing, and similar wood surfaces exposed to foot traffic or weather.
- 5.4.5 Waterfront wood constructions such as docks and piers may be allowed to naturally weather in lieu of receiving paint coatings.
- 5.4.6 It is not appropriate to apply paint, water repellent or sealant coatings to unpainted surfaces such as masonry, stone, copper, and bronze.
- 5.4.7 Masonry painting may be permitted where severe damage, patching and surface repair has diminished the aesthetic integrity. When warranted, latex paint is a durable and adherent masonry coating to be considered.
- 5.4.8 Remove paint from masonry with a chemical paint remover specifically formulated for this purpose. Test in an inconspicuous location and discontinue use if damage or discoloration occurs.
- 5.4.9 It is not appropriate to paint exterior doors that were historically false grained, stained or varnished. It is not appropriate to leave surfaces such as porch flooring, deck flooring or railings unpainted.

## **5.5 Contemporary Materials**

### **Project Planning Considerations**

A careful balance of material consistency versus material variety helps define a sense of place in the historic districts. While variations in historic materials do exist, they ultimately fall within a palette available to New Bern builders during the previous two centuries. These limitations created a thread of continuity from one cycle of building styles to the next. Today, many materials are available from beyond our region, and manufacturing processes enable the creation of contemporary materials that threaten to break the thread of continuity that unifies the historic districts.

Contemporary materials shall be similar to their counterparts traditionally found on historic structures. Use of contemporary and nontraditional materials for infill



## 5. Materials

construction is an acceptable means of continuing the evolution of architecture through time, provided they convey appropriate historic characteristics.

### **Guidelines for Contemporary Materials**

- 5.5.1 In general, contemporary material shall match the dimension, shape and texture of their counterparts commonly found in the historic districts.
- 5.5.2 Use contemporary and nontraditional materials in traditional ways. Apply materials in a traditional manner that conveys the same visual appearance as historic materials.
- 5.5.3 Contemporary and nontraditional materials should convey appropriate historic material characteristics, and will be evaluated on a case-by-case basis for appearance, dimension, texture, color, sheen, visual weight and similar characteristics.
- 5.5.4 Aluminum siding, vinyl siding, masonite siding, artificial brick sheathing, thin set stone veneer, stamped concrete and similar types of contemporary materials that imitate historic materials are not appropriate in the historic districts.
- 5.5.5 Cement board with a smooth finish is acceptable as the predominant siding material for infill construction and non-historic accessory structures.
- 5.5.6 Contemporary materials such as synthetic slate and fiberglass asphalt shingles are acceptable for sloped roofing regardless of building age. Select fiberglass asphalt shingles from a darker color palette. Contemporary membrane and roll roofing are acceptable for low-sloped roofs with a 1 inch per foot pitch or less regardless of building age.
- 5.5.7 Contemporary signage materials such as foam and vinyl lettering are acceptable regardless of building age. Confine these materials within the signage border.



## 6. Preservation

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### 6.1 Maintenance of Materials

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Preserve and retain historic material. Retain chimneys, dormers, towers, cupolas, cresting, finials, stone parapet copings, decorative roofing patterns and similar rooftop appurtenances. Retain entrances, porches, balconies, decorative fenestration, ornamentation and similar design components. Retain lintels, sills, trim, shutters, decorative molding and similar design components. Retain doors, windows and balustrades, and maintain their locations in Primary AVCs. It is not appropriate to replicate or replace historic windows and doors for the sole purpose of improved thermal performance.

When maintenance and repair are warranted, preserve and retain character defining architectural elements and historic detailing. Preference shall be given to repairing historic material versus replacing historic material. Repair historic design components by using patching, consolidating, reinforcing and splicing methods that incorporate matching, salvaged historic materials when available.

Use surviving components and elements as templates for reconstructing and replicating missing design components and elements. Where no such elements exist, rely on research documentation for reconstruction of lost design components and elements. Custom fabricate replicas and reconstructions with the spacing, proportion, dimension, cross section and profile of the template, or in accordance with relevant documentation. Replace individual members in a design component, when required, with custom fabricated, replica members. Replicate design components that are too deteriorated to repair.

#### Guidelines for Masonry Maintenance

- |       |   |
|-------|---|
| 6.1.1 | Retain and preserve the original form, pattern, color and texture of masonry. Maintain masonry features such as decorative vents, grilles, latticework, water tables and banding. |
| 6.1.2 | Clean masonry surfaces with low pressure water washing, and use a mild detergent if residue is stubborn.  |
| 6.1.3 | Avoid using power tools such as saws and routers to remove deteriorated mortar joints. Machine removal often results in brick damage and joint enlargement.                       |
| 6.1.4 | Duplicate the profile and tooling of original mortar joints when repointing.  |

## 6. Preservation

### Guidelines for Wood Maintenance

- 6.1.5 Retain and preserve siding, fenestration, trim and ornamentation. Maintain wood features such as beaded and shaped edges, lathe turned profiles and decorative surfaces that have been milled, joined and routed.
- 6.1.6 Remove paint and other loose material with scrapers, sand paper and similar moderately abrasive hand tools. Remove mold and mildew with low pressure water washing and a mild detergent.
- 6.1.7 Use epoxy to reinforce and rebuild deteriorated wood. When original wood is too damaged to repair, only cut and replace damaged sections.

### Guidelines for Metal Maintenance

- 6.1.8 Retain and preserve metal fabrications, ornamentation and hardware. Maintain metal features such as wrought iron fencing, decorative medallions and hardware for doors, windows and shutters.
- 6.1.9 Clean metal surfaces with wire brushes, sand paper and similar moderately abrasive hand tools to remove rust, paint and other loosely adhered material. Use chemical solvent cleaners only if hand preparation methods prove ineffective.
- 6.1.10 Maintain paint, lacquer and other coatings that protect metals from corrosion and deterioration.

### Guidelines for Paint Maintenance

- 6.1.11 Maintain paint coatings that seal and weatherproof materials exposed to the elements. Routinely reapply paint coatings on steps, porch flooring, siding and roofs.
- 6.1.12 Prepare surfaces to receive coatings by using methods that do not damage or deteriorate the substrate.
- 6.1.13 Consider using flexible coating systems to prolong the life of metal roofing.

## 6.2 Prevention of Demolition by Neglect

Property owners are responsible for maintaining and repairing their property. Regular maintenance and repair protects the structural integrity of a building and keeps it in a safe and usable condition. Unabated deterioration over prolonged periods causes irreversible damage. Allowing a building to deteriorate and fall into disrepair through deferred maintenance is effectively causing demolition by neglect.

The historic districts embody a uniqueness that conveys identity and contributes to sense of place. Preserve buildings by undertaking a program of routine inspections, maintenance and repairs of masonry, metal, wood, paint and similar materials.

Focus routine inspections on the condition of materials. Maintain architectural features. Ensure that roofs are weathertight and free of water infiltration. Periodically examine foundations for firm, solid and stable support, without evidence of active insect infestations. Slope grades to convey water away from foundations. Accessible spaces beneath buildings are to be free of excessive moisture. Keep perimeter walls in good repair, with exterior surfaces serving as an effective barrier against moisture intrusion. Protect interiors from the elements by maintaining the structural integrity of windows, doors and openings.

### **Guidelines for Prevention of Demolition by Neglect**

- |       |  |
|-------|--|
| 6.2.1 | Perform routine inspections to evaluate the conditions of materials.   |
| 6.2.2 | Preserve historic design components and materials by implementing repairs appropriate for the substrates encountered.  |
| 6.2.3 | Repair historic design components by using patching, consolidating, reinforcing and splicing methods that incorporate matching, salvaged historic materials.   |
| 6.2.4 | Replicate missing and deteriorated design components with custom fabricated members that match the spacing, proportion, dimension, cross section and profile of material being replaced.   |
| 6.2.5 | Materials are to be replaced in kind when maintenance and repairs are warranted. Maintenance and repair of incongruent material is permitted; however, wholesale replacement of incongruent material with the same or another incongruent material is not appropriate.                         |
| 6.2.6 | Boarded windows and doors are not an acceptable maintenance and repair practice. Temporary approval may be given to board windows and doors temporarily until permanent repairs and replacements are implemented; however, boarding shall be painted or sheathed with prefinished sheet metal. |

## **6.3 Relocation**

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Moving a historic structure is considered the alternative of last resort for preventing demolition. It invariably results in a substantial loss of building context and original material. Relocation also distorts the architectural development pattern of the city. If warranted, every effort should be made to move the building intact as a single unit. If this is not possible, move by partial disassembly. If either of these methods is deemed infeasible, complete disassembly and reassembly may be an option. Undertake careful planning to properly support, transport and reassemble relocated buildings.

***Moving a contributing structure without prior approval from the State Historic Preservation Office and the National Park Service will result in automatic delisting of the structure from the National Register of Historic Places.***



## 6. Preservation

### Guidelines for Relocation

- 6.3.1 Preference shall be given to relocating a structure within a historic district.
- 6.3.2 Prepare drawings and photographically document the original site prior to relocating historic resources.
- 6.3.3 Minimize the loss of historic fabric in executing the relocation. Protect against damage caused by shifting load bearing points, vibration and lateral drifting.

## 6.4 Demolition

The success of preservation depends on adaptive reuse of historic resources to meet current needs. If adaptive reuse in a sensible manner is not feasible, owners should consider seeking an alternative property for their purposes. Demolition is an irreversible action resulting in a permanent loss of the integrity and character of historic resources. Preparation of a demolition COA application should include a detailed report on the history of the structure and property from the SHPO.

Demolition cannot be denied for a noncontributing structure. Demolition of a contributing structure requires a two-part COA where demolition is first considered, and if allowed, followed by consideration of the redevelopment plan. Demolition shall not proceed unless both parts of the COA are approved.

If demolition is denied, the property owner is required to maintain the property and its structures to prevent demolition by neglect.

The HPC may deny the demolition of a structure or site if it is currently listed in the National Register of Historic Places.

### Guidelines for Demolition

- 6.4.1 Demolition of a noncontributing structure shall not be denied by the HPC.
- 6.4.2 It is not appropriate to demolish a viable contributing structure in order to create an infill construction opportunity.
- 6.4.3 The HPC reserves the right to postpone demolition until development and building permits are approved for redevelopment plans.
- 6.4.4 Prepare drawings and photographically document the site prior to demolition. Include photographs of interiors, exteriors, architectural elements and context within the streetscape.
- 6.4.5 Notify preservation organizations, and allow for the salvage of design components, architectural features and building materials for reuse.

In rendering a decision on a demolition COA, the HPC should address the following considerations:

**Considerations for Evaluation**

- Consideration 1:** Address the historical, cultural and architectural significance of the structure.
- Is it a contributing structure?
  - Is it significant because of its historic use, an event, a person, a builder or an architect?
  - Is it the last or the oldest example of a certain building type?
- Consideration 2:** Address the integrity of the structure.
- What are the conditions of foundations, floors, walls, windows, doors and roofs?
  - Is it a hazard to public health, safety and welfare?
- Consideration 3:** Address attempted preservation efforts.
- Have options for rehabilitation been explored with preservation organizations?
  - Has the applicant been unsuccessful in seeking alternatives to demolition?
  - Have alternatives for structure relocation and sale of the property been pursued?

## 6. Preservation



## 7. Definitions and Architectural Terms

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Key definitions and architectural terms are provided to facilitate discussions between the HPC and applicants.

### 7.1 Definitions

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**Adaptive Reuse** – Converting a building from the use for which it was designed to another use. For example, changing a house to accommodate an office.

**Aggrieved Party** – Someone, or some entity, that 1) owns an interest in the property affected by the decision and 2) the property involved is specially affected by the decision to an extent different from other property owners in the community. Aggrieved parties may include the applicant for a COA, an owner of a neighboring property that is nearby the property for which the COA is sought, or the city through its staff. (Definition from the University of North Carolina Institute of Government)

**Applicant** – An individual who submits a COA application. This can be a property owner or their designated representative. For example, a contractor could represent the property owner.

**Area of Visual Concern (AVC)** – See Section 1.5.

**Articulation** – The manner or method of jointing parts such that each part is clear and distinct in relation to the others.

**Benchmark** – An established point from which all vertical dimensions are measured.

**Certificate of Appropriateness (COA)** - A document awarded by a preservation commission or architectural review board allowing an applicant to proceed with proposed alteration, demolition or construction in a designated historic area or site, following a determination of the proposal's suitability according to applicable criteria.

**COA Hearing** – See Section 1.6.

**Certified Historic Structure** – For the purpose of the federal preservation tax incentives, any structure subject to depreciation as defined by the Internal Revenue Service Code that is listed individually on the National Register of Historic Places or located in a registered historic district and certified by the Secretary of the Interior as being of historic significance to the district.

**Certified Rehabilitation** – Any rehabilitation of a certified historic structure that the Secretary of the Interior has determined is consistent with the historical character of the property or the district in which the property is located.

## 7. Definitions and Architectural Terms

**Certified Local Government Program** – In 1980, Congress amended the National Historic Preservation Act of 1966 to require each state to establish a procedure by which local governments may be certified to participate in the national framework of historic preservation programs. This requirement has become the "Certified Local Government (CLG) Program" in which many North Carolina counties and cities participate.

**Context** – Those elements of the man-made and natural landscape that collectively define the character of a building, site or district.

**Contributing Structure** – See Section 1.5.

**Cultural Resource** – A building, structure, district, site, object or document that is of significance in American history, architecture, archeology or culture.

**Demolition by Neglect** – The destruction of a building through abandonment or lack of maintenance.

**Design Guidelines** – Criteria developed by preservation commissions and architectural review boards to identify design concerns and to help property owners undertake rehabilitation and construction that respects the character of designated buildings or districts.

**Design Review** – The process of ascertaining whether modifications to historic and other structures, settings and districts meets standards of appropriateness established by a governing or advisory review board.

**Details** – See Section 3.1.

**Fabric** – The physical material of a building, structure or city connoting an interweaving of component parts.

**Form** – See Section 3.1.

**Infill** – See Section 3.4.

**Harmony** – Pleasing agreement of parts in color, size, scale, texture and material.

**Hearing** – See Section 1.6.

**Historic district** – A geographically definable area with a significant concentration of buildings, structures, sites, spaces or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historic and aesthetic associations. The significance of a district may be recognized through listing on a local, state or national landmarks register and may be protected legally through enactment of a local historic district ordinance administered by a historic district board or commission.

**Historic Preservation Commission (HPC)** – See Section 1.4.

**Human Scale** – A combination of qualities in architecture or the landscape that

provides an appropriate relationship to human size, enhancing rather than diminishing the importance of people.

**Landmarks Register** – A listing of buildings, districts and objects designated for historical, architectural or other special significance that may carry protection for listed properties.

**Major Works** – See Section 1.6.

**Mass** – See Section 3.1.

**Minor Works** – See Section 1.6.

**Not incongruous** – See Section 1.5.

**Preservation** – Generally, the process of saving old and historic buildings, sites, structures and objects from destruction or deterioration, and providing for their continued use by means of restoration, rehabilitation or adaptive reuse and continued maintenance. The Secretary of Interior’s Standards for Rehabilitation define it as “the act or process of applying measures to sustain the existing form, integrity and materials of a historic property. It may include stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.”

**Public Hearing** – See Section 1.6.

**Proportion** – See Section 3.1.

**Quasi-judicial Hearing** – See Section 1.6.

**Rehabilitation** – “The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural and cultural values” as defined by the Secretary of Interior’s Standards for Rehabilitation.

**Renovation** – Modernization of an old or historic building that may produce inappropriate alteration or eliminate important features and details.

**Restoration** – “The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of latter work or by the replacement of missing earlier work” as defined in the Secretary of the Interior’s Standards for Rehabilitation.

**Rhythm** – See Section 3.1.

**Scale** – See Section 3.1.

**Section 106** – The provision of the National Historic Preservation Act of 1966 that requires the head of a federal agency financing or licensing a project to make a determination of the effect of the project or property on or eligible for the



## 7. Definitions and Architectural Terms

National Register of Historic Places. This is the only protection the National Register provides for listed properties.

**State Historic Preservation Office (SHPO)** – See Section 1.8.

**Stabilization** – “The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of unsafe or deteriorated property while maintaining the essential form as it exists at present,” according to the Secretary of Interior’s Standards for Rehabilitation.

**Standing** – Legal justification to participate in a hearing related to a COA application. This generally includes 1) the property owner or their representative for a COA, and 2) an owner of a neighboring property that may be materially affected by the COA. An association may have standing if 1) they have an existence not solely for the purpose of the COA, 2) their interests are germane to the association’s purpose, and 3) an individual with standing is a member of the association and has asked the association for assistance. Definition from the UNC Institute of Government.

**Tax Incentive** – A tax reduction designed to encourage private investment in historic preservation and rehabilitation projects.

**Texture** – See Section 3.1.

### 7.2 Architectural Terms

**Alkyd Resin Paint** – A common modern paint incorporating alkyd, which is one group of thermoplastic synthetic resins used as a vehicle for the pigment. Alkyd resin paint is often confused with oil paint.

**Aluminum Siding** – Sheets of exterior architectural covering, usually with a colored finish, fabricated of aluminum to approximate the appearance of wooden siding. Aluminum siding was developed in the early 1940s and became increasingly common in the 1950s and the 1960s.

**Amenity** – A building, object, area or landscape feature that makes an aesthetic contribution to the environment rather than one that is purely utilitarian.

**Arbor** – A small structure with vines or other plants trained over latticework on a frame that provides a shady place. A true arbor by definition also includes a bench sheltered underneath for seating. Another structure often referred to as an arbor is a trellis covered gateway, often built above a gate within a larger fence or garden wall.

**Arcade** – A series of arches supported on piers or columns attached to or detached from a wall.

**Arch** – A structure formed of wedge shaped stones, bricks or other objects laid to maintain one another firmly in position. A rounded arch generally represents classical or Romanesque influence whereas a pointed arch denotes Gothic

influences.

**Architrave** – The lowest part of an entablature, sometimes used by itself as a casing for a window or door.

**Art Deco** – A style of decorative arts and architecture popular in the 1920s and 1930s characterized by use of geometric, angular forms; also referred to as Moderne or Art Moderne.

**Asbestos Siding** – Dense, rigid board containing a high proportion of asbestos fibers bonded with portland cement; resistant to fire, flame, or weathering and having a low resistance to heat flow. It is usually applied as large overlapping shingles. Asbestos siding was readily available in the 1950s.

**Ashlar** – A style of stonework consisting of individual stones that are shaped and tooled to have even faces and square edges.

**Asphalt Shingle** – A shingle manufactured from saturated construction fiberglass felts coated with asphalt and finished with mineral granules on the side exposed to the weather.

**Asphalt Siding** – Siding manufactured from saturated construction felts coated with asphalt and finished with mineral granules on the side exposed to the weather. It sometimes displays designs seeking to imitate brick or stone. Asphalt siding was applied to many buildings in the 1950s.

**Attic Ventilator** – A screened or louvered opening, sometimes in decorative shapes, located in gables or soffits. Victorian styles sometimes feature sheet soffits or metal ventilators mounted on the roof ridge above the attic.

**Awning** – A roof like covering of canvas, often adjustable, over a window, a door, etcetera, to provide protection against the sun, rain and wind. Aluminum awnings were developed in the 1950s.

**Balustrade** – A low barrier formed of balusters, or uprights, supporting a railing.

**Band** or Band Course, Bandmold, Belt – Flat wall trim running horizontally that denotes a division in the wall plane or a change in level.

**Bargeboard** or Vergeboard – A wooden member, usually decorative, suspended from and following the slope of a gable roof. Bargeboards are used on buildings inspired by Gothic forms.

**Bay** – An opening or division along the face of a structure. For example, a wall with a door and two windows is three bays wide. A bay can also be a projection of a room or facade having windows.

**Beltcourse** – A projecting course of bricks or other material forming a narrow horizontal strip across the wall of a building, usually to delineate the line between stories, and also referred to as a string course.

## 7. Definitions and Architectural Terms

**Beveled Glass** – Glass panes whose edges are ground and polished at a slight angle so that patterns are created when panes are set adjacent to one another.

**Board and Batten** – A method of covering exterior walls using vertical boards, with narrow strips of wood or battens used to cover the joints between boards.

**Bond** – The pattern in which bricks are laid.

**Bracket** – A divide, either ornamental, structural, or both, set under a projecting element, such as the eaves of a house.

**Bulkhead** – The panels below the display windows on a commercial storefront.

**Bungalow Style** – An early 20th century architectural style that grew out of the Arts and Crafts movement of the 19th century. Its basic characteristics are long, low profiles; overhanging, bracketed eaves; wide engaged porches with square, squat brick piers supporting wood posts; and informal interior arrangements.

**Buttress** – A vertical mass of masonry projecting from or built against a wall to give additional strength at the point of maximum stress. Sometimes wooden buttresses are added to frame Gothic Revival style buildings as decorative, but not supporting features.

**Capital** – The topmost member, usually decorated or molded, of a column or pilaster.

**Cararra Glass** – Pigmented structural glass developed and popularized in the early 20th century for facing Art Deco and Art Modern-style commercial buildings.

**Casing** – The exposed trim molding, framing or lining around a door or a window. Casings may be either flat or molded.

**Cast Iron** – Iron that has been shaped by being melted and cast in a mold.

**Caulking** – A resilient mastic compound, often having a silicone, bituminous or rubber base; used to seal cracks, fill joints, prevent leakage and provide waterproofing.

**Cementitious Board** – A material composed of cement, sand and cellulose fiber. It was first introduced in the early twentieth century as a substitute for slate. Today cementitious board has a variety of uses including exterior siding and roofing.

**Center-Hall Plan** – A plan in which the hall or passage extends through the center of a house and is flanked by two or more rooms.

**Chalking** – The formation of a powder surface condition from the disintegration of a binder or an elastomer in a paint coating caused by weathering or an otherwise destructive environment.



**Chamfer** – A beveled edge or corner.

**Chamfered Post** – A square post with the edges of its corners cut away or beveled.

**Checking** – Small cracks in a film of paint or varnish that do not completely penetrate to the previous coat. Crack patterns are roughly similar to a checkerboard.

**Clapboard** or Weatherboard – Horizontal wooden boards that are tapered toward the upper edge and laid to cover a portion of a similar board underneath and to be covered by a similar one above. The exposed face of clapboard is usually less than 6 inches wide. This was common outer facing in the nineteenth and early twentieth century buildings.

**Classical** – Embodying or based on the principles and forms of Greek and Roman architecture.

**Clerestory** – Windows located relatively high in a wall that often form a continuous band. This was a feature of many Gothic cathedrals and was later adapted to many Revival styles.

**Clipped Gable** – The peak of a gable which is truncated for decorative effect; often the roof overhangs the missing peak.

**Colonial Revival Style** – Late 19th and early 20th century style that combines features of Classical and Colonial architecture.

**Colonnette** – A small-scale column, generally employed as a decorative element on mantels, overmantels and porticoes.

**Column** – A vertical shaft or pillar that supports or appears to support a load.

**Common Bond** – A method of laying brick where one course of headers is laid for every three, five or seven courses of stretchers.

**Composition Board** – A building board, usually intended to resemble clapboard, fabricated from wood or paper fabric under pressure and at an elevated temperature, usually with a binder.

**Composite Lumber** – A material composed of a mixture of wood fiber, plastic and a bonding agent. Ingredients are proportioned to form a material that is denser, stronger and heavier than wood lumber.

**Coping** – The cap or the top course of a masonry wall.

**Corbel** – A projection, or building out, from a masonry wall, sometimes to support a load and sometimes for decorative effect.

**Corner Block** – A square piece, either plain or decorated that forms a corner of a window or door surround.

## 7. Definitions and Architectural Terms

**Corner Boards** – Vertical boards nailed on the external corners of frame buildings to provide a method of finishing and joining the ends of the weatherboards.

**Cornice** – Any predominant molded and projecting horizontal member that crowns an architectural composition, such as a storefront or a parapet wall.

**Craftsman Style** – Prevalent in the first few decades of the 20<sup>th</sup> century, this style is usually characterized by a nonsymmetrical façade and front porch with porte cochere to one side. Architectural components typically include exposed roof beams, triangular knee braces at gables and low to moderately sloped roofs. Common exterior finish materials include wood shingles, clapboard and stucco.

**Crenulation** – Alternating indentations and raised sections of a parapet, creating a toothlike profile sometimes known as a battlement. Crenulation is a detail found most commonly in the Gothic Revival style.

**Cresting** – Ornamental ironwork, often highly decorative, used to embellish the ridge of a gable roof or the curb or upper cornice of a mansard roof.

**Crossette** – A lateral projection of the head of the molded architrave or surround of a door, window, mantel or paneled overmantel; also known as an “ear” or “dog-ear”.

**Crown Molding** – The upper molding of a cornice, often serving to cap or crown the vertical facing or fascia of a boxed cornice. Also, the term is frequently given to the molding used to decorate the joints between walls and a ceiling.

**Cupola** – A small structure, usually polygonal, built on top of a roof or tower, mostly for ornamental purposes.

**Deck** – An uncovered porch supported on posts, usually at the rear of a building; popular in modern residential design.

**Dentil** – Small, closely spaced blocks, often toothlike, used as an ornamental element of a classical cornice.

**Dogtrot Plan** – A plan in which two pens with their own chimneys separated by an open center passage.

**Dormer** – A structure containing a window, or windows that project through a pitched roof.

**Doric Order** – A classical order characterized by simple unadorned capitals supporting a frieze of vertically grooved tablets or triglyphs set at intervals.

**Dormer Window** – An upright window, set in a sloping roof, with vertical sides and front, usually with a gable, shed or hiproof.

**Double-Hung Window** – A window with two sashes that open and close by

sliding up and down in a cased frame.

**Double-Pile House** – A center-hall plan house that is two rooms deep on each side of the hall.

**Double-Shoulder Chimney** – An exterior chimney the sides of which angle inward to form shoulders twice as it ascends from the base to the cap.

**Downspout** – A vertical pipe, often of sheet metal, used to conduct water from a roof drain or gutter to the ground or cistern.

**Dressed** – Descriptive of stone, brick or lumber that has been prepared, shaped or finished by cutting, planing, rubbing or sanding one or more of its faces.

**Eave** – The part of a sloping roof that projects beyond the wall.

**Eclectic or Eclecticism** – A method of design in architecture in which elements from a variety of stylistic sources are selected and combined in new and original ways.

**Elevation** – A drawing showing the vertical elements of a building, either exterior or interior, as a direct projection to a vertical plane.

**Ell** – A secondary wing or extension of a building, often a rear addition, positioned at right angles to the principal mass.

**Eminent Domain** – The power of a government to acquire private property for public benefit after payment of just compensation to the owner.

**Enabling Legislation** – Federal or state laws that authorize governing bodies within their jurisdictions to enact particular measures or delegate powers such as enactment of local landmarks and historic district ordinances, zoning and taxation.

**Engaged Porch** – A porch, the roof of which is continuous structurally with that of the main building roof.

**English Bond** – A method of laying brick wherein one course is laid with stretchers and the next with headers, thus bonding the double thickness of brick together and forming a high strength bond of alternating courses of stretchers and headers.

**Entablature** – The horizontal part of a Classical order of architecture, usually positioned above columns or the frieze; the uppermost element is the cornice.

**Escutcheon** – A protective plate, sometimes decorated, surrounding, the keyhole of a door, a light switch or similar device.

**Etched Glass** – Glass whose surface has been cut away with a strong acid or by abrasive action into a decorative pattern.

**Extended Use** – Any process that increases the useful life of an old building, e.g.



## 7. Definitions and Architectural Terms

adaptive use or continued use.

**Exterior End Chimney** – A chimney located outside the walls of a house, usually against the gable end of a building.

**Facade** – The face or front of a building.

**Fanlight** – A semicircular window, usually above a door or window, with radiating muntins suggesting a fan.

**Fascia** – A flat board with a vertical face that forms the trim along the edge of a flat roof, or along the horizontal, or eave side of a pitched roof. The rain gutter is often mounted on it.

**Fluting** – Shallow, concave grooves running vertically on the shaft of a column, pilaster or other surface.

**Federal Style** – The style of architecture popular in America from the Revolution through the early 19th century, and from about 1800-1840 in North Carolina. The style is characterized by the use of delicate Classical ornament.

**Fenestration** – The arrangement and design of windows on a building.

**Finial** – an ornament, usually turned on a lathe, placed on the apex of an architectural feature such as a gable, turret or pediment.

**Flashing** – A thin impervious material placed in construction to prevent water penetration, to provide water drainage, or both, especially between a roof and a wall.

**Flemish Bond** – A method of laying brick where headers and stretchers alternate in each course and, vertically, headers are placed over stretchers to form a bond and give a distinctive cross pattern.

**Flush Siding** – An exterior wall treatment consisting of closely fitted horizontal boards with joints that are carefully formed to be hidden and flush, giving a very uniform, flat siding appearance.

**Foundation** – The supporting portion of a structure below the first floor construction, or below grade, including footings.

**French Window** – A long window reaching to the floor level and opening in two leaves like a pair of doors.

**Fretwork** – A geometrically meandering strap pattern; a type of ornament consisting of narrow fillet or band that is folded, crossed and interlaced.

**Frieze** – The middle portion of a Classical entablature, located above the architrave and below the cornice. The term is usually used to describe the flat, horizontal board located above the weatherboards of most houses.

**Gable** – The triangular portion of a wall formed or defined by the two sides of a double sloping roof; often referred to as an “A” roof.

**Galvanize** – To coat steel or iron by immersing it in a bath of molten zinc.

**Gambrel Roof** – A gambrel or gambrel roof is a usually symmetrical two-sided roof with two slopes on each side. The upper slope is positioned at a shallow angle, while the lower slope is steep.

**Gazebo** – A small structure or garden pavilion usually sited to capture a particular view. Gazebos can be freestanding or attached to a garden wall, and they are characterized by a roof and partially open sides. The most popular shape is octagonal or round.

**Georgian Style** – The prevailing style of the eighteenth century in Great Britain and the North American Colonies, so named after George I, George II and George III. It is derived from Classical, Renaissance and Baroque forms.

**German Siding** – Wooden siding with a concave upper edge that fits into a corresponding rabbet in the siding above.

**Gingerbread** – Thin, curvilinear ornamentation produced with machine powered saws.

**Glazed Header** – A brick having a glossy, dark coating ranging in color from gray green to almost black, formed on the outer surface through direct exposure to flame and intense heat during the firing process. In Flemish bond brickwork, this glazed surface is often used for decorative effect by laying the brick so that the glazed ends or headers are exposed to form a pattern in the wall.

**Glue-Chip Glass** – A patterned glass with a surface resembling frost crystals common in turn of the century houses and bungalows.

**Gothic Arch** – A pointed arch commonly used in Gothic Revival architecture especially churches.

**Gothic Revival Style** – The nineteenth-century revival of the forms and ornament of medieval Gothic European architecture, characterized by the use of the pointed arch, buttresses, pinnacles and other Gothic details in a decorative fashion. The style was popular for church architecture in North Carolina well into the 20th Century.

**Greek Revival Style** – The mid-19th century revival of the forms and ornamentation of the architecture of ancient Greece.

**Gutter** – A shallow channel of metal or wood set immediately below or built in along the eaves of a building to catch and carry off rainwater.

**Hall Parlor Plan** – A traditional vernacular plan consisting of two principal rooms: a larger “hall,” often nearly square, and an adjoining smaller “parlor.” In most instances, the hall was entered directly from the outside and had a fireplace

## 7. Definitions and Architectural Terms

centered on the end wall; it was the room where most domestic activities took place. The smaller parlor tended to be used for sleeping.

**Header** – The end of a brick, sometimes glazed.

**Hipped Roof** – A roof that slopes back equally from each side of a building. A hip roof can have a pyramidal form or have a slight ridge.

**House Museum** – A museum whose structure itself is of historical or architectural significance and whose interpretation relates primarily to the building's architecture, furnishings and history.

**Interior End Chimney** – A chimney positioned on the interior side of the gable end of a house.

**Italianate Style** – A revival of elements of Italian Renaissance architecture popular during the mid and late 19th century, characterized by the presence of broad projecting or overhanging cornices supported by ornate sawn brackets. Other features include the use of arched windows and heavy hoodmolds.

**Jamb** – The vertical sides of an opening, usually for a door or a window.

**Jerkin Head Roof** – A roof whose end has been formed into a shape midway between a gable and a hip, resulting in a truncated or “clipped” appearance; sometimes called clipped gable.

**Joist** – One of a series of parallel timbers or beams, usually set on edge, that span a room from wall to wall to support a floor or ceiling; a beam to which floorboards, ceiling boards or plaster laths are nailed.

**Keystone** – The central wedge-shaped stone at the crown of an arch or in the center of a lintel.

**Landscape** – The totality of the built or human influenced habitat experienced at any one place. Dominant features are topography, plant cover, buildings or other structures and their patterns.

**Latex Paint** – A paint having a latex binder, which is an emulsion of finely dispersed particles of natural or synthetic rubber or plastic materials in water.

**Lattice** – A network, often diagonal, of interlocking lath or other thin strips used as screening, especially in the base of a porch.

**Light** – A pane of glass.

**Lintel** – A beam of wood or stone that spans an opening; in masonry construction it frequently supports the masonry above the opening.

**Lunette** – A semicircular opening.

**Mansard Roof** – A four sided double pitch roof characteristic of the Second

Empire Style.

**Mixed Use** – A variety of authorized activities in an area or a building as distinguished from the isolated uses and planned separatism prescribed by many zoning ordinances.

**Mildew** – A fungus that grows and feeds on paint, cotton and linen fabrics, etcetera, that are exposed to moisture; causes discoloration and decomposition of the surface.

**Modillion** – A horizontal bracket, often in the form of a plain block, ornamenting, or sometimes supporting, the underside of the cornice.

**Molding** – A decorative band having a constant profile or having a pattern in low relief, generally used in cornices or as trim around openings.

**Mortar** – A mixture of portland cement, lime, putty and sand in various proportions used for laying bricks or stones. Until the use of hard portland cement became prevalent, the softer lime clay or lime sand mortars and masonry cement were common.

**Mortise and Tenon** – A joint made by one member having its end cut as a projecting tongue, or tenon, that fits exactly into a groove or hole, or mortise, in the other member. Once joined in this fashion, the two pieces are often secured by a peg.

**Mullion** – A vertical member dividing a window area and forming part of the window frame.

**Muntin** – A molding forming part of the frame of a window sash and holding one edge of a pane.

**Newel Post** – The principal post used to terminate the railing or balustrade of a flight of stairs.

**Neoclassical Style** – A style of architecture popular during the first half of the twentieth century. Elements draw heavily from Greek Revival and early Classical revival.

**Ogee** – A double curve formed by the combination of a convex and concave line, similar to an s-shape.

**Oil Paint** – A paint in which a drying oil, usually linseed oil, is the vehicle for the pigment; rarely used as a house paint since the mid twentieth century when it was commonly replaced by alkyd resin paints.

**Ornamentation** – In architecture, applied embellishment in various styles that is a distinguishing characteristic of buildings, furniture, and household items. Ornamentation often occurs on entablatures, columns, and the tops of buildings and around entryways and windows, especially in the form of moldings.



## 7. Definitions and Architectural Terms

**Palladian Window** – A window design featuring a central arched opening flanked by lower square headed openings separated from them by columns, pilasters, piers or narrow vertical panels.

**Panel** – A portion of a flat surface set off by molding or some other decorative device.

**Parapet** – A low wall along a roof or terrace, used as decoration or protection.

**Patio** – An open, outdoor living space adjacent to a building, usually surfaced with stone, tile or concrete and at ground level.

**Pediment** – A crowning element of porticoes, pavilions, doorways and other architectural features, usually of low triangular form with a cornice extending across its base and carried up the raking sides; sometimes broken in the center as if to accommodate an ornament; sometimes of segmental, elliptical or serpentine form.

**Pen** – A one room structure, the term is typically used when referring to log buildings. Many dwellings erected by the first settlers of the North Carolina piedmont were single pen structures. Many of these dwellings were expanded into two pen houses following the double pen, saddlebag or dogtrot plans.

**Pergola** – A long and narrow, linear structure with pillars to support flat crossbeams and an open latticework that is often covered in vines to shade a walkway. Although sometimes called an arbor, a pergola is a trellis structure over a walkway and may extend from a building, connect buildings or protect an open terrace. Pergolas can also extend from a door to a garden feature, such as a pool.

**Pilaster** – A shallow pier or rectangular column projecting only slightly from or engaged to a wall. Pilasters are usually decorated like columns with a base, shaft and capital.

**Porte Cochere** – A projecting porch that provides protection for vehicles and people entering a building; a common feature of the early 20th century Colonial Revival and Bungalow styles.

**Portico** – A roofed space, open or partly enclosed, often with columns and a pediment that forms the entrance and centerpiece of the facade of a building.

**Portland Cement** – A very hard and strong hydraulic cement made by heating a slurry of clay and limestone in a kiln. Water is the catalyst that activates hardening.

**Primer** – A paint applied as a first coat that serves the function of sealing and filling on wood, plaster and masonry.

**Queen Anne Style** – A popular late 19th century revival of early 18th century English architecture, characterized by irregularity of plan and massing with a variety of textures.

**Quoin** – Ornamental blocks of wood, stone, brick or stucco placed at the corners of a building and projecting slightly from the front of the facade.

**Rafters** – Structural timbers rising from the plate at the top of a wall to the ridge of the roof and supporting the roof covering.

**Raised panels** – A portion of a flat surface, as in the panel of a door or wainscoting that is distinctly set off from the surrounding area by a molding or other device and is raised above the surrounding area.

**Rake** – Trim members that run parallel to a roof slope and form the finish between the wall and a gable roof extension.

**Repointing** – Raking out deteriorated mortar and filling with surface mortar to repair the joint.

**Returns** – Horizontal portions of a cornice that extend part of the way across the gable end of a structure at eave level.

**Roofing Tile** – A tile for roofing, usually of burnt clay; available in many configurations and types, such as plain tiles, single lap tiles and interlocking tiles.

**Rusticated Stone** – Masonry or wood in which each principal face is rough or highly patterned with a tooled margin.

**Saddlebag Plan** – A plan in which two single pen rooms are joined together, separated by a single interior chimney.

**Sandblasting** – An extremely abrasive method of cleaning brick, masonry or wood that involves directing high powered jets of sand against a surface.

**Sanding** – Flattening down, rubbing and smoothing a surface with abrasive paper cloth either by hand or by machine.

**Sash** – The frame, usually of wood, that holds the panes of glass in a window; may be movable or fixed; may slide in a vertical plane or may be pivotal.

**Sawnwork** – Ornamentation in cutout planking, formed with a bandsaw. Popular in the 1880s and the 1890s, this decorative detailing is flat.

**Second Empire Style** – An eclectic style derived from the grand architecture of the French Second Empire of Napoleon III from 1852-1870, popularly used in America from the 1860s to the 1880s, especially for public buildings, and characterized by heavy ornament and high mansard roofs with dormers.

**Segmental Arch** – An arch formed on a segment of a circle or an ellipse.

**Sense of Place** – The sum of the attributes of a locality, neighborhood or property that give it a unique and distinctive character.

## 7. Definitions and Architectural Terms

**Shed Room** – A one story appendage to a larger structure, covered by a simple shed or sloping roof that “leans” against the principal building mass.

**Sheet Metal** – A flat, rolled metal product, rectangular in cross section and form; when used as roofing material, usually terne or zinc-plated.

**Shingle** – A roofing unit of wood, asphalt, slate, tile or other material cut to stock lengths, widths and thicknesses; used as an exterior covering on roofs and applied in a overlapping fashion.

**Shoulder** – The sloping shelf or ledge created on the side of a masonry chimney where the width of the chimney changes.

**Shutters and blinds** – Small solid panels hinged on the exterior of windows, and sometimes doors, to be operable. Blinds are similar, but with wooden louvers.

**Sidelight** – A framed area of fixed glass of one or more panes positioned to either side of a door or window opening.

**Sill** – A heavy horizontal timber positioned at the bottom of a wood framed structure that rests on top of the foundation; also, the horizontal bottom member of a door or window frame.

**Soffit** – The exposed undersurface of any overhead component of a building, such as an arch, balcony, beam, cornice, lintel or vault.

**Spindle Frieze** – A row of lathe turned spindles included as the uppermost decorative feature of a gallery or porch below the cornice; also known as an openwork frieze.

**Street Furniture** – Municipal equipment placed along streets including light fixtures, fire hydrants, police and fire call boxes, signs, benches and kiosks.

**Streetscape** – The distinguishing character of a particular street is created by its width, degree of curvature, paving materials, street furniture, forms of surrounding buildings and the presence of vegetation, especially trees, along the curb or sidewalk.

**Stretcher** – The long face of a brick when laid horizontally.

**String Course** – A projecting course of bricks or other material forming a narrow horizontal strip across the wall of a building, usually to delineate the line between stories, also referred to as a belt course.

**Stucco** – An exterior finish, usually textured, composed of portland cement, lime and sand mixed with water. Older type stucco may be mixed from softer masonry cement rather than portland cement.

**Style** – A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also, a general quality of distinctive character.

**Surround** – The border or casing of a window or door opening, sometimes molded.

**Terneplate** – Sheet metal coated with terne metal, which is an alloy of lead containing up to 20 percent tin.

**Terra Cotta** – A ceramic material, molded decoratively and often glazed, used for facing buildings or as inset ornament.

**Textured Siding** – Wood cut in various flat patterns, such as half rounds or scallops, and applied to portions of facades to create a picturesque or romantic look. This treatment was generally used in Queen Anne style buildings. Surface textures are often found in diamond, scallop, staggered butt or composite patterns.

**Tongue and Groove** – A joinery system in which boards are milled with a tongue on one side and a groove on the other so that they can be tightly joined with a flush surface alignment.

**Townscape** – The relationship of buildings, shapes, spaces and textures that give a town or area its distinctive visual character or image.

**Trabeated** – A method of construction employing posts and lintels; hence, a term used to describe a standard Greek Revival entrance door having a transom and sidelights.

**Tracery** – An ornamental division of an opening, especially a large window, usually made with wood. Tracery is found in buildings of Gothic influence.

**Transom** – A narrow horizontal window unit above a door.

**Turned** – Fashioned on a lathe, as in a baluster, newel or porch post.

**Turret** – A small tower, usually corbelled from a corner.

**Viewshed** – A geographical area that is visible from a location, including surrounding points that are in the line of sight with that location, and excluding points that are beyond the horizon or obstructed by terrain, buildings, trees and similar features.

**Vernacular** – In architecture, as in language, the nonacademic local expressions of a particular region. For example, a vernacular Greek Revival structure may exhibit forms and details that are derived from the principles of formal Classical architecture but are executed by local builders in an individual way that reflects both local or regional needs, tastes, climatic conditions, technology and craftsmanship.

**Victorian** – The general term used to describe the wide variety of eclectic revival styles that were introduced in British and American architecture during the reign of Queen Victoria from 1837-1901.



## 7. Definitions and Architectural Terms

**Vinyl Siding** – Sheets of thermal plastic compound made from chloride or vinyl acetates, as well as some plastics made from styrene and other chemicals, usually fabricated to resemble clapboard.

**Visual Pollution** – Anything that, because of its placement or intrinsic nature, is offensive to the sense of sight, e.g., garbage dumps.

**Vitrolite** – Pigmented structural glass developed and popularized in the early 20th century for facing Art Deco and Art Modern style commercial buildings.

**Water Blasting** – A cleaning method similar to sandblasting except that water is used as the abrasive. As in sandblasting, high-pressure water jets can damage wood and masonry surfaces.

**Water Table** – A belt course differentiating the foundation of a masonry building from its exterior walls.

**Weatherboard** – Wood siding consisting of overlapping horizontal boards usually thicker at one edge than the other.

**Wrought Iron** – Iron that is rolled or hammered into shape, never melted. In general, wrought iron is not commercially available and ornamental iron is used in its place.

# 8. Appendices

## 8.1 Downtown Historic District Map





## 8.2 Riverside Historic District Map



### **8.3 Department of Interior Standards for the Treatment of Historic Properties**

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These standards promote consistent and responsible historic preservation practices for the protection of the country's cultural resources. There are four treatment standards in hierarchical order: Preservation, Rehabilitation, Restoration, and Reconstruction. Contact SHPO or visit their website for additional information on the treatment standards.

#### **Standards for Preservation**

The Standards for Preservation place a high premium on the retention of historic fabric through conservation, maintenance and repair. It reflects a building's continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.
2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.



## 8. Appendices

### **Standards for Rehabilitation**

The Standards for Rehabilitation emphasize the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated prior to work. These standards form the foundation of the Commission's design review criteria and the basis for New Bern's historic district guidelines.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new features will match the old in design, color, texture, and where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

### **Standards for Restoration**

The Standards for Restoration are focused on the retention of materials from a particular time in a property's history, while permitting the removal of materials from other periods.

1. A property will be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
10. Designs that were never executed historically will not be constructed.

## 8. Appendices

### **Standards for Reconstruction**

The Standards for Reconstruction establish limited opportunities to recreate a non-surviving site, landscape, building, structure, or object in all new materials.

1. Reconstruction will be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.
2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

## **8.4 Links to Other Resources**

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### **New Bern Land Use Ordinance**

[http://library.municode.com/HTML/11332/level2/PTIICOOR\\_APXALAU.html](http://library.municode.com/HTML/11332/level2/PTIICOOR_APXALAU.html)

### **New Bern Ordinance on Preservation**

[https://www.municode.com/library/nc/new\\_bern/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_APXALAU\\_ARTXXINEBEHIDI](https://www.municode.com/library/nc/new_bern/codes/code_of_ordinances?nodeId=PTIICOOR_APXALAU_ARTXXINEBEHIDI)

### **New Bern Ordinance on Waterfront Overlay Districts**

[https://library.municode.com/HTML/11332/level3/PTIICOOR\\_APXALAU\\_ARTXXIINEBEWAOVDI.html](https://library.municode.com/HTML/11332/level3/PTIICOOR_APXALAU_ARTXXIINEBEWAOVDI.html)

### **New Bern Ordinance on Neighborhood Conservation Overlay Districts**

[https://library.municode.com/HTML/11332/level3/PTIICOOR\\_APXALAU\\_ARTXXVNECOOVDI.html](https://library.municode.com/HTML/11332/level3/PTIICOOR_APXALAU_ARTXXVNECOOVDI.html)

### **New Bern Urban Design Plan**

<http://www.newbern-nc.org/departments/development/ed/plans-projects/>

### **New Bern Historic Preservation Commission Web Site**

<http://www.newbern-nc.org/departments/development/historic-preservation/historic-preservation-commission/>

### **New Bern Historic District Guidelines**

<http://www.newbern-nc.org/departments/development/historic-preservation/historic-preservation-guidelines/>

### **Historic Preservation Commission Policies and Procedures**

<http://www.newbern-nc.org/departments/development/historic-preservation/historic-preservation-procedure/>

### **New Bern Preservation Plan**

<http://www.newbern-nc.org/departments/development/ed/plans-projects/>

### **National Park Service Preservation Briefs**

<http://www.nps.gov/tps/how-to-preserve/briefs.htm>



## 8. Appendices

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution Calling for a Public Hearing to Rezone 3205 Country Club Road from R-15 to R-10.

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> Ward 3
<b>Department:</b> Development Services	<b>Person Submitting Item:</b> Jeff Ruggieri, Director of Development Services
<b>Call for Public Hearing:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Date of Public Hearing:</b> 11/10/2020

<b>Explanation of Item:</b>	Property owners Samantha and Wendell Wright have requested consideration to rezone one parcel, totaling 0.45 +/- acres from R-15 Residential District to R-10 Residential District.
<b>Actions Needed by Board:</b>	Adopt a Resolution
<b>Backup Attached:</b>	Memo, Resolution, Map

<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Cost of Agenda Item:</b> N/A
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Additional Notes:**



## **MEMORANDUM**

**TO:** Mayor Dana Outlaw, City of New Bern Board of Aldermen

**FROM:** Jeff Ruggieri, Director Development Services

**DATE:** October 16, 2020

**SUBJECT:** Consider Adopting a Resolution Calling for a Public Hearing on November 10, 2020 for the Rezoning of 3205 Country Club Road from R-15 to R-10.

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Property owners Samantha and Wendell Wright have requested consideration of an application to rezone 0.45 +/- acres from R-15 Residential district to R-10 Residential district. The parcel is located at 3205 Country Club Road and is further identified as Craven County Parcel ID # 8-056-001(Ward 3).

The Planning and Zoning Board unanimously approved this request at their October 6, 2020 meeting.

Please contact Jeff Ruggieri at 639-7587 should you have questions or need additional information.

## RESOLUTION

WHEREAS, the Board of Aldermen of the City of New Bern desires to call for a public hearing to receive public comments on a request to rezone 0.45+/- acres located at 3205 Country Club Road from R-15 Residential District to R-10 Residential District. The property is further identified as Craven County Parcel Identification Number 8-056-001.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That a public hearing will be conducted by the Board of Aldermen of the City of New Bern at 6:00 PM on Tuesday, November 10, 2020 in the City Hall Courtroom, or as soon thereafter as the matter may be reached, in order that all interested parties may be given an opportunity to be heard on a request to rezone 0.45+/- acres located 3205 Country Club Road from R-15 Residential District to R-10 Residential District. The property is further identified as Craven County Parcel Identification Number 8-056-001.

ADOPTED THIS THE 27<sup>th</sup> DAY OF OCTOBER 2020.

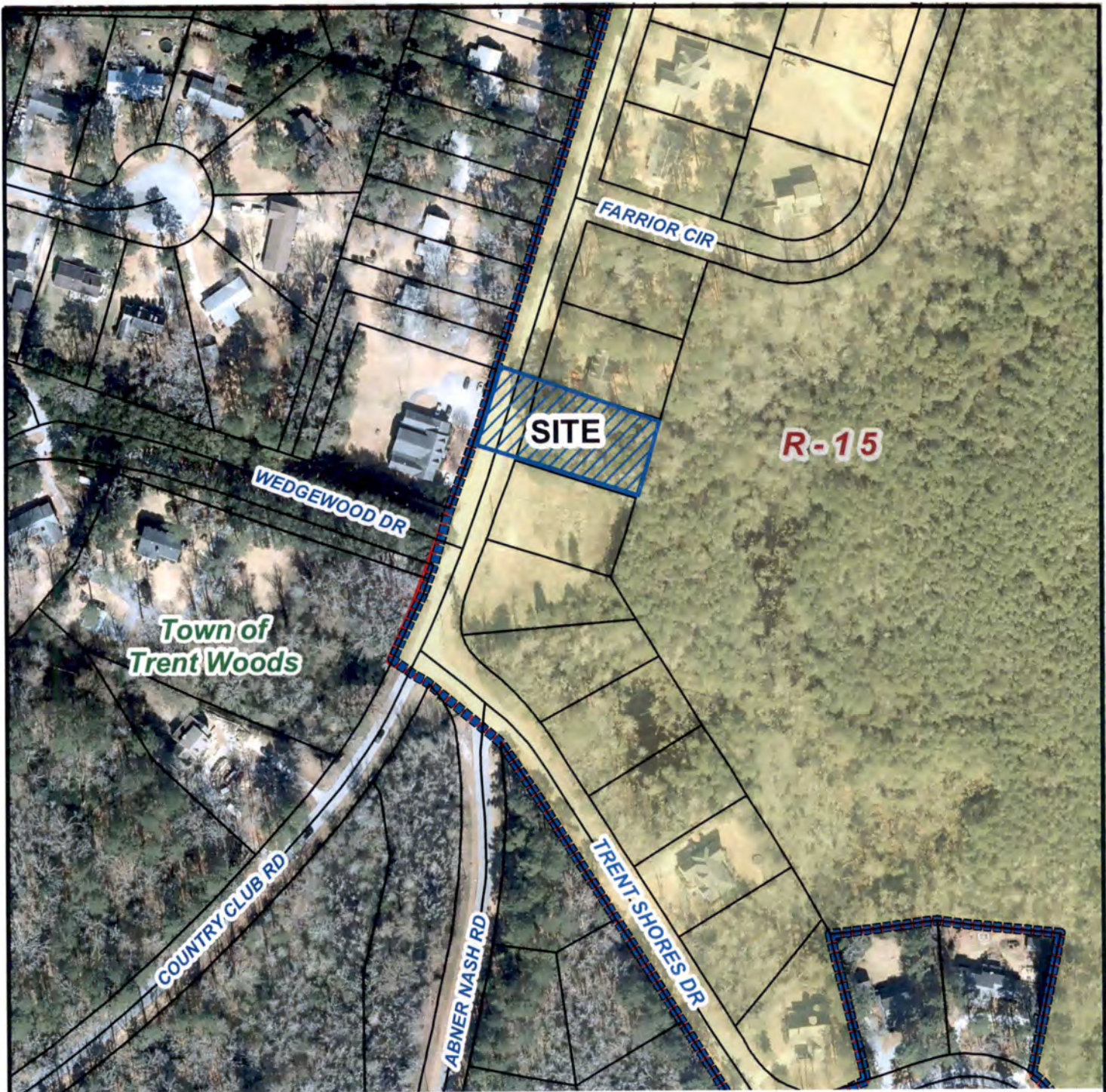
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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK





**REZONING CASE: 3205 Country Club Rd. - Approx. 0.454+-- Acres: PID: 8-056 -001**

**LOCATION: East side of Country Club Rd, between Farrior Cir and Trent Shores Dr.**



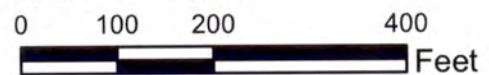
Existing Zone: R-15  
Proposed Zone: R-10



Zoning Boundaries

**N** CITY of NEW BERN  
Development  
Services

Scale: 1 = 200 ft



Imagery Early 2016



## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Presentation on pavement condition and sidewalks within the Pembroke neighborhood.

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> Ward 2
<b>Department:</b> Public Works	<b>Person Submitting Item:</b> Matt Montanye, Director of Public Works
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Matt Montanye, Director of Public Works will make a presentation on the pavement condition and sidewalks within the Pembroke neighborhood.
<b>Actions Needed by Board:</b>	None
<b>Backup Attached:</b>	PowerPoint Presentation

<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b> N/A
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No N/A

**Additional Notes:**



Pembroke Community  
Pavement Condition & Sidewalks  
Matt Montanye, Director of Public Works  
October 2020

1

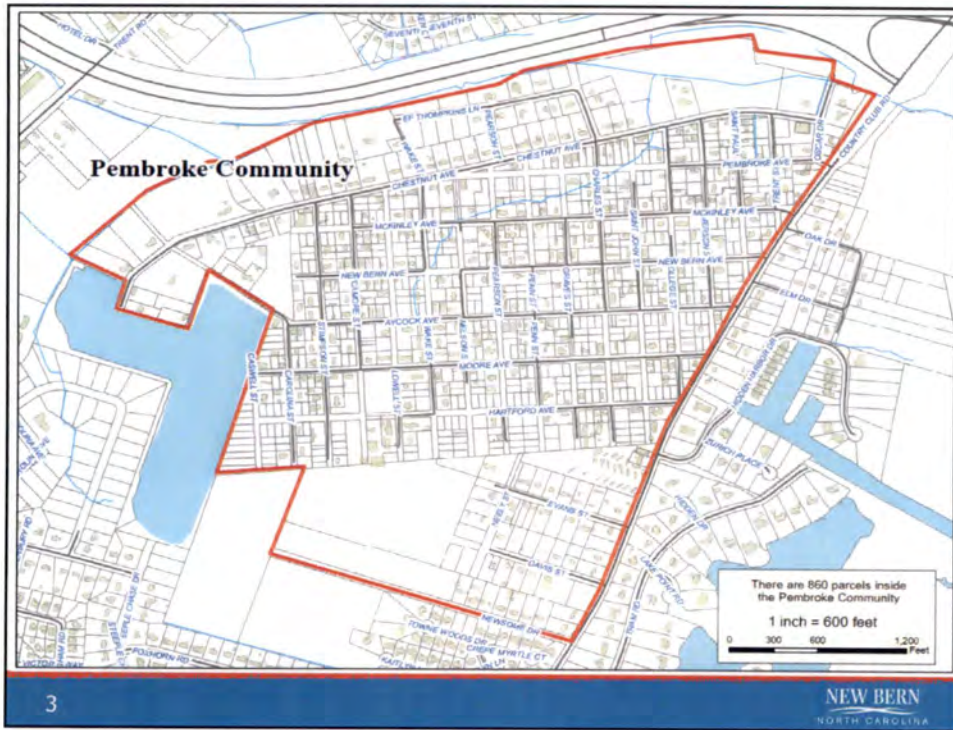
## Pembroke Community

- Located off Country Club Road in Ward 2
- 860 Pieces of Property
- 7.38 Miles of Roads
- Annexation Date: June 25, 1991

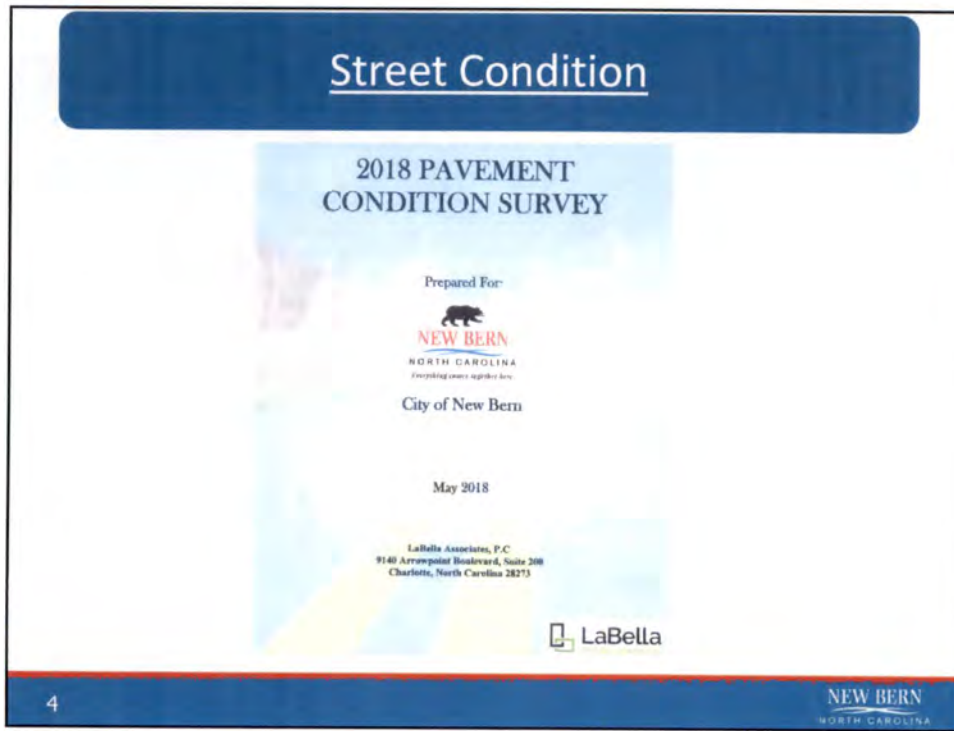


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2



3



4



## Street Condition

<u>Distress Factors</u>	<u>Rating</u>	<u>Condition</u>	
• Cracking	91-100	Very Good	75.10 %
• Rutting	81-90	Good	
• Raveling	66-80	Fair	14.30%
• Ride Quality	51-65	Poor	
• Patching	0-50	Very Poor	10.60%

City of New Bern	81.5 (2013)	85.6 (2018)
North Carolina	80.0 (2013)	

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NEW BERN  
NORTH CAROLINA

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## Pembroke Street Condition

BLOCK	STREET NAME	BEGINNING	END	RATING	BLOCK	STREET NAME	BEGINNING	END	RATING	BLOCK	STREET NAME	BEGINNING	END	RATING
2507	AYCOCK AV	LOWELL EXTENDED	WAKE ST	85	0911	COLLING ST	NEW BERN AV	DEAN DR	...	2102	NEW BERN AV	PEARSON ST	HELSON	85
1709	AYCOCK AV	COLLEGE ST	EMERSON ST	88	1803	EMERSON ST	NEW BERN AV	AYCOCK AV	80	1709	NEW BERN AV	COLLEGE ST	EMERSON ST	85
1809	AYCOCK AV	SAINT JOHN ST	COLLEGE ST	92	1703	EMERSON ST	CHESTNUT AV	PEMBROKE AV	90	2109	NEW BERN AV	PENNE	GRAVES ST	85
1921	AYC									2009	NEW BERN AV	GRAVES ST	CHARLES ST	88
1607	AYC													8
2008	AYC													0
2107	AYC													0
2209	AYC													0
2411	AYC													0
2309	AYC													0
2707	AYC													0
2808	AYCOCK AV													0
2406	AYCOCK AV	STAMORE ST	LOWELL EXTENDED	100	2106	LOWELL ST	HARTFORD AV	END ROAD	91	1901	PEARSON ST	MCKINLEY AV	NEW BERN AV	100
2110	CARD									1304	PEMBROKE AV	OSCAR DR	COUNTRY CLUB RD	78
2317	CAR													10
2211	CAR													0
1718	CHA													0
1819	CHA													0
2319	CHA													0
1717	CHA													0
2013	CHA													0
1908	CHA													0
2425	CHESTNUT AV	PEARSON ST	WAKE ST	95	2009	MCKINLEY AV	STAMORE ST	LOWELL EXTENDED	100	1714	OSCAR DR	LYNDEN AV	PEMBROKE AV	100
2425	CHESTNUT AV	OSCAR DR	TRENT ST	100	1709	MCKINLEY AV	LOWELL EXTENDED	WAKE ST	100	2004	THOMPSON ST	WYNN AV	WALTON AV	100
2425	CHE													0
2425	CHE													0
2425	CHE													0
2425	CHE													0
2425	CHE													0
2425	CHE													0
2425	CHE													0
2425	CHE													0
1710	COLLEGE ST				2711	MOORE AV	CARWELL ST	COLUMBA ST	100	1709	WAKE ST	CHESTNUT AV	ST THOMPSON LN	85
1813	COLLEGE ST	MCKINLEY AV	PEMBROKE AV	100	1901	MOORE AV	COLLEGE	COUNTRY CLUB RD	90	1909	WAKE ST	NEW BERN AV	MCKINLEY AV	80
					2101	MCKINLEY ST	AYCOCK AV	MOORE AV	95	2107	WAKE ST	MCKINLEY AV	AYCOCK AV	85
2200	COLLEGE ST	MOORE AVE	COUNTRY CLUB RD & HARTFORD AVE	100	1903	MCKINLEY ST	NEW BERN	AYCOCK AV	100	1808	WAKE ST	MCKINLEY AV	CHESTNUT AV	100
					2101	MCKINLEY ST	MOORE AV	END ROAD	100	2209	WAKE ST	HARTFORD AV	MOORE AV	100
					1909	NEW BERN AV	CARWELL ST	HARTFORD ST	90					

**Pembroke Neighborhood (Average PCR) 94.0**

**Charles Street (Chestnut - Pembroke) 39**

**Charles Street (Pembroke - McKinley) 63**

**Charles Street - FY 21 Paving Project**

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## Street Condition

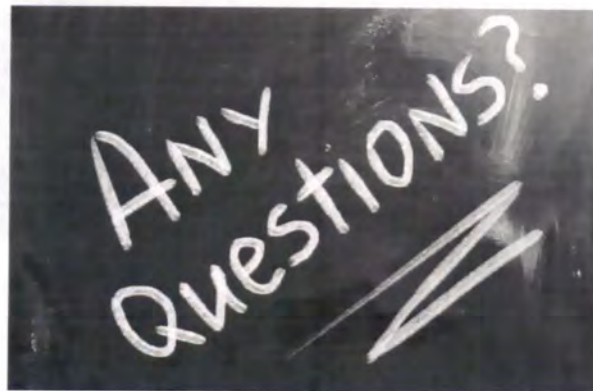


7

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NORTH CAROLINA

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## Street Condition



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NORTH CAROLINA

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## Pembroke Sidewalks



9

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## Pembroke Sidewalks

### Best Location for Sidewalks

- Reviewed the Approved Pedestrian Plan.
- Discussed with Development Services Staff.
- Visited the Pembroke Neighborhood .

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## Pembroke Sidewalks

### Sidewalk Cost

- 5' ADA sidewalks:  
**No Obstacles:** \$25-\$30 / Ft.
- Obstacles in Pembroke:  
 Roadside Ditches, Culvert , Trees, Power Poles
- Driveway Aprons:  
 Most of the driveways are gravel and would need to have concrete aprons added.

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## Pembroke Sidewalks



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## Pembroke Sidewalks



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## Pembroke Sidewalks

### Sidewalk Cost

- Trent Woods Sidewalk Projects:
  - Engineering Fees: \$50,000.00
  - 5' ADA sidewalks: \$100/Ft  
*(Ditch Relocation, Tree Removal, Driveway Aprons, Power Poles)*  
*(12 Bidders with the lowest three being within \$30,000)*
  
- Pembroke Sidewalks Projects:
  - Engineering Fees: \$50,000.00
  - 5' ADA sidewalks: \$50 - \$100 per foot.  
*(Ditch Relocation, Tree Removal, Driveway Aprons, Power Poles)*

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## Pembroke Sidewalks

- Pembroke Sidewalks at \$50.00 / Foot:

○ Engineering Fees:		\$ 50,000.00
○ 6,975 LF Sidewalks:	(Within Pembroke)	\$348,750.00
○ 1,150 LF Sidewalk:	(Along Country Club Rd.)	\$ 57,500.00
○ 3,300 LF Sidewalks:	(Add Alternate)	\$ 165,000.00
○ Contingencies	(10%)	\$ 57,125.00
	<b>Total</b>	<b>\$678,375.00</b>
  
- Pembroke Sidewalks at \$100 / Foot:

○ Engineering Fees:		\$ 50,000.00
○ 6,975 LF Sidewalks	(Within Pembroke)	\$ 697,500.00
○ 1,150 LF Sidewalks:	(Along Country Club Rd.)	\$ 115,000.00
○ 3,300 LF Sidewalks	(Add Alternate)	\$ 330,000.00
○ Contingencies	(10%)	\$ 114,250.00
	<b>Total</b>	<b>\$1,306,250.00</b>

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**QUESTIONS?  
COMMENTS?**

**NEW BERN**

NORTH CAROLINA

17 PUBLIC WORKS DEPARTMENT NEW BERN  
NORTH CAROLINA



## PEMBROKE COMMUNITY STREET RATING

Ref: 2018 Streets Conditioning Survey

Rating	Condition
91-100	Very Good
81-90	Good
66-80	Fair
51-65	Poor
0-50	Very Poor

BLOCK	STREET NAME	BEGINNING	END	RATING
2507	AYCOCK AV	LOWELL EXTENDED	WAKE ST	85
1709	AYCOCK AV	COLLEGE ST	EMERSON ST	88
1809	AYCOCK AV	SAINT JOHN ST	COLLEGE ST	92
1921	AYCOCK AV	CHARLES ST	SAINT JOHN ST	92
1607	AYCOCK AV	EMERSON ST	COUNTRY CLUB RD	92
2009	AYCOCK AV	GRAVES ST	CHARLES ST	92
2107	AYCOCK AV	PENN ST	GRAVES ST	92
2209	AYCOCK AV	PEARSON ST	PENN ST	92
2411	AYCOCK AV	WAKE ST	NELSON ST	92
2309	AYCOCK AV	NELSON ST	PEARSON ST	95
2707	AYCOCK AV	STIMPSON ST	SYCAMORE ST	95
2809	AYCOCK AV	CAROLINA ST	STIMPSON ST	100
2609	AYCOCK AV	SYCAMORE ST	LOWELL EXTENDED	100
2110	CAROLINA ST	MOORE AV	AYCOCK AV	100
2317	CAROLINA ST	HARTFORD EXTENDED	DEAD END	100
2211	CAROLINA ST	HARTFORD EXTENDED	MOORE AV	100
1719	CHARLES ST	PEMBROOKE EXT.	CHESTNUT AV	39
1819	CHARLES ST	MCKINLEY AV	PEMBROOKE EXT.	63
2319	CHARLES ST	HARTFORD AV	DEAD END	100
1717	CHARLES ST	CHESTNUT AV	EF THOMPCKINS LN	100
2013	CHARLES ST	AYCOCK AV	NEW BERN AV	100
1909	CHARLES ST	NEW BERN AV	MCKINLEY AV	100
2425	CHESTNUT AV	PEARSON ST	WAKE ST	95
2425	CHESTNUT AV	OSCAR DR	TRENT ST	100
2425	CHESTNUT AV	TRENT ST	SAINT PAUL ST	100
2425	CHESTNUT AV	SAINT PAUL ST	EMERSON ST	100
2425	CHESTNUT AV	EMERSON ST	COLLEGE ST	100
2425	CHESTNUT AV	COLLEGE ST	CHARLES ST	100
2425	CHESTNUT AV	CHARLES ST	PEARSON ST	100
2425	CHESTNUT AV	WAKE ST	WAKE ST	100
2425	CHESTNUT AV	WAKE ST	SYCAMORE ST	100
2425	CHESTNUT AV	SYCAMORE ST	STIMPSON ST	100
1710	COLLEGE ST	PEMBROKE AV	CHESTNUT AV	100
1813	COLLEGE ST	MCKINLEY AV	PEMBROKE AV	100
2200	COLLEGE ST	MOORE AVE	COUNTRY CLUB RD &	100



BLOCK	STREET NAME	BEGINNING	END	RATING
1911	COLLEGE ST	NEW BERN AV	DEAD END	
2001	EMERSON ST	NEW BERN AV	AYCOCK AV	80
1701	EMERSON ST	CHESTNUT AV	PEMBROKE AV	90
1801	EMERSON ST	PEMBROKE AV	MCKINLEY AV	95
1901	EMERSON ST	MCKINLEY AV	NEW BERN AV	100
2300	GRAVES ST	HARTFORD AV	DEAD END	98
1900	GRAVES ST	MCKINLEY AV	NEW BERN AV	100
2001	GRAVES ST	NEW BERN AV	AYCOCK AV	100
2101	GRAVES ST	AYCOCK AV	DEAD END	100
2007	HARTFORD AV	GRAVES ST	CHARLES ST	100
2107	HARTFORD AV	PENN ST	GRAVES ST	100
2209	HARTFORD AV	PEARSON ST	PENN ST	100
2500	HARTFORD AV	WAKE ST	LOWELL ST	100
1903	HARTFORD AV	CHARLES ST	SAINT JOHN EXT.	100
1807	HARTFORD AV	SAINT JOHN EXT.	COUNTRY CLUB RD	100
2300	LOWELL ST	HARTFORD AV	END MAINT	95
2211	LOWELL ST	HARTFORD AV	MOORE AV	100
2309	MCKINLEY AV	NELSON EXTENDED	PEARSON ST	75
1615	MCKINLEY AV	SAINT PAUL ST	TRENT ST	82
2011	MCKINLEY AV	GRAVES ST	CHARLES ST	85
1811	MCKINLEY AV	SAINT JOHN ST	COLLEGE ST	85
2109	MCKINLEY AV	PENN EXTENDED	GRAVES ST	86
2211	MCKINLEY AV	PEARSON ST	PENN EXTENDED	88
1400	MCKINLEY AV	TRENT ST	COUNTRY CLUB RD	92
1709	MCKINLEY AV	COLLEGE ST	EMERSON ST	92
1909	MCKINLEY AV	CHARLES ST	SAINT JOHN ST	92
1621	MCKINLEY AV	EMERSON ST	SAINT PAUL ST	95
2409	MCKINLEY AV	WAKE ST	NELSON EXT	100
2609	MCKINLEY AV	SYCAMORE ST	LOWELL EXTENDED	100
2509	MCKINLEY AV	LOWELL EXTENDED	WAKE ST	100
2729	MOORE AV	STIMPSON ST	SYCAMORE ST	73
2811	MOORE AV	CAROLINA ST	STIMPSON ST	88
2411	MOORE AV	WAKE ST	NELSON ST	92
2109	MOORE AV	PENN ST	GRAVES EXT.	92
1907	MOORE AV	CHARLES EXT.	SAINT JOHN EXT.	92
2611	MOORE AV	SYCAMORE ST	LOWELL ST	95
2011	MOORE AV	GRAVES EXT.	CHARLES EXT.	95
1807	MOORE AV	SAINT JOHN EXT.	COLLEGE	95
2309	MOORE AV	NELSON ST	PEARSON EXT	95
2209	MOORE AV	PEARSON EXT.	PENN ST	98
2509	MOORE AV	LOWELL ST	WAKE ST	100
2911	MOORE AV	CASWELL ST	CAROLINA ST	100
1803	MOORE AV	COLLEGE	COUNTRY CLUB RD	100
2101	NELSON ST	AYCOCK AV	MOORE AV	95
2003	NELSON ST	NEW BERN	AYCOCK AV	100
2201	NELSON ST	MOORE AV	END MAINT	100
1909	NEW BERN AV	CHARLES ST	SAINT JOHN ST	92

BLOCK	STREET NAME	BEGINNING	END	RATING
2300	NEW BERN AV	PEARSON ST	NELSON	95
1709	NEW BERN AV	COLLEGE ST	EMERSON ST	95
2109	NEW BERN AV	PENNE	GRAVES ST	95
2009	NEW BERN AV	GRAVES ST	CHARLES ST	98
1507	NEW BERN AV	SAINT PAUL EXT.	COUNTRY CLUB RD	98
2513	NEW BERN AV	LOWELL EXTENDED	WAKE ST	98
2711	NEW BERN AV	STIMPSON ST	SYCAMORE ST	100
1809	NEW BERN AV	SAINT JOHN ST	COLLEGE ST	100
1609	NEW BERN AV	EMERSON ST	SAINT PAUL EXT.	100
2209	NEW BERN AV	PEARSON ST	PENN ST	100
2615	NEW BERN AV	SYCAMORE ST	LOWELL EXTENDED	100
2800	NEW BERN AV	STIMPSON ST	DEAD END	100
1710	PEARSON ST	CHESTNUT AV	EF THOMPCKINS LN	100
2001	PEARSON ST	NEW BERN AV	AYCOCK AV	100
2300	PEARSON ST	HARTFORD AV	CUL DE SAC	100
1901	PEARSON ST	MCKINLEY AV	NEW BERN AV	100
1303	PEMBROKE AV	OSCAR DR	COUNTRY CLUB RD	78
1411	PEMBROKE AV	TRENT ST	OSCAR DR	100
1511	PEMBROKE AV	SAINT PAUL ST	TRENT ST	100
1615	PEMBROKE AV	EMERSON ST	SAINT PAUL ST	100
1711	PEMBROKE AV	COLLEGE ST	EMERSON ST	100
2100	PENN ST	NEW BERN AVE	AYCOCK AVE	92
2200	PENN ST	MOORE AV	HARTFORD AV	100
2100	PENN ST	AYCOCK AV	MOORE AV	100
1900	SAINT JOHN ST	MCKINLEY AV	NEW BERN AV	92
1801	SAINT JOHN ST	DEAD END	MCKINLEY AV	100
2000	SAINT JOHN ST	NEW BERN AV	AYCOCK AV	100
1801	SAINT PAUL ST	PEMBROKE AV	MCKINLEY AV	100
1701	SAINT PAUL ST	CHESTNUT AV	PEMBROKE AV	100
2109	STIMPSON ST	MOORE AV	AYCOCK AV	100
2009	STIMPSON ST	AYCOCK AV	NEW BERN AV	100
1927	STIMPSON ST	NEW BERN AV	CHESTNUT AV	100
2313	STIMPSON ST	HARTFORD EXTENDED	DEAD END	100
2213	STIMPSON ST	HARTFORD EXTENDED	MOORE AV	100
1807	SYCAMORE ST	MCKINLEY AV	CHESTNUT AV	100
1909	SYCAMORE ST	NEW BERN AV	MCKINLEY AV	100
2010	SYCAMORE ST	AYCOCK AV	NEW BERN AV	100
2109	SYCAMORE ST	MOORE AV	AYCOCK AV	100
1719	TRENT ST	PEMBROKE AV	CHESTNUT AV	95
1809	TRENT ST	MCKINLEY AV	PEMBROKE AV	
1709	WAKE ST	CHESTNUT AV	EF THOMPCKINS LN	85
1909	WAKE ST	NEW BERN AV	MCKINLEY AV	90
2107	WAKE ST	MOORE AV	AYCOCK AV	95
1809	WAKE ST	MCKINLEY AV	CHESTNUT AV	100
2209	WAKE ST	HARTFORD AV	MOORE AV	100



## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting the 2021 Holiday Calendar

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b>
<b>Department:</b> Human Resources	<b>Person Submitting Item:</b> Sonya Hayes
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The City of New Bern Holiday Schedule must be approved by the Board of Aldermen each year. The holiday calendar indicates dates the City of New Bern offices will be closed to the public in observance of designated holidays.
<b>Actions Needed by Board:</b>	Approval of 2021 Holiday Schedule.
<b>Backup Attached:</b>	Proposed 2021 Holiday Schedule and Memo from Sonya Hayes, Director of Human Resources.

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b> None
<b>If this requires an expenditure, has it be budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**



# NEW BERN

NORTH CAROLINA

303 First Street, P.O. Box 1129

New Bern, NC 28563

Phone: (252) 639-7571

Fax: (252) 639-7577

TO: Mayor and Board of Aldermen

FROM: Sonya H. Hayes, Director of Human Resources

DATE: October 27, 2020

**SUBJECT: 2021 Holiday Schedule**

Enclosed is a proposed 2021 Holiday Schedule for your review and consideration for approval.

### **Background Information**

Each year, in accordance with the Personnel Ordinance, we are required to seek approval from the Board of Aldermen for our Holiday Schedule. This has allowed us to propose a holiday calendar consistent with that of Craven County and the State of North Carolina since they normally observe many of the same holidays.

The State of North Carolina and Craven County will be observing the same holidays in 2021 with the exception of Veterans Day and Christmas. The State of NC will observe November 11<sup>th</sup> as Veterans Day. However, Craven County will observe November 11<sup>th</sup> and November 12<sup>th</sup> (floating) as Veterans Day. In accordance with Craven County policy, the "floating holiday" will be used in conjunction with holidays observed on Tuesday or Thursday.

The State of NC will be closed on December 23<sup>rd</sup>, 24<sup>th</sup> and 27<sup>th</sup> in observance of the Christmas Holiday. However, Craven County will be closed on December 24<sup>th</sup> and 27<sup>th</sup> in observance of the Christmas Holiday. The Craven County Holiday Schedule and the State of North Carolina Holiday Schedule reflect the observance of 12 holidays in 2021.

### **Recommendation**

It has been our practice to submit a proposed holiday schedule that aligns with Craven County's approved schedule. Therefore, we are requesting that the Board of Aldermen approve the proposed 2021 Holiday Schedule consistent with the Schedule approved by Craven County on August 17, 2020.

If you have any questions, please do not hesitate to contact me.

Enclosures

*Everything comes together here.*



# City of New Bern 2021 Holiday Schedule

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Friday	January 1, 2021	New Year's Day
Monday	January 18, 2021	Martin Luther King, Jr. Day
Friday	April 2, 2021	Good Friday
Monday	May 31, 2021	Memorial Day
Monday	July 5, 2021	Independence Day
Monday	September 6, 2021	Labor Day
Thursday	November 11, 2021	Veterans Day
Friday	November 12, 2021	Veterans Day
Thursday	November 25, 2021	Thanksgiving Day
Friday	November 26, 2021	Day After Thanksgiving
Friday	December 24, 2021	Christmas Holiday
Monday	December 27, 2021	Christmas Holiday

Craven County



## **CRAVEN COUNTY 2021 HOLIDAY SCHEDULE**

### **NEW YEAR'S DAY**

**Friday, January 1, 2021**

### **MARTIN LUTHER KING, JR. DAY**

**Monday, January 18, 2021**

### **GOOD FRIDAY**

**Friday, April 2, 2021**

### **MEMORIAL DAY**

**Monday, May 31, 2021**

### **INDEPENDENCE DAY**

**Monday, July 5, 2021**

### **LABOR DAY**

**Monday, September 6, 2021**

### **VETERANS DAY**

**Thursday, November 11, 2021**

**Friday, November 12, 2021 (Floating)**

### **THANKSGIVING**

**Thursday, November 25, 2021**

**Friday, November 26, 2021**

### **CHRISTMAS**

**Friday, December 24, 2021**

**Monday, December 27, 2021**

Approved by the Craven County Board of Commissioners at the  
August 17, 2020 regularly scheduled meeting.

A handwritten signature in cursive script that reads "Amber M. Parker".

Amber M. Parker  
Human Resources Director

**2021 Holiday Schedule**

<b>Holiday</b>	<b>Observance Date</b>	<b>Day of Week</b>
New Year's Day	January 1, 2021	Friday
Martin Luther King, Jr. Birthday	January 18, 2021	Monday
Good Friday	April 2, 2021	Friday
Memorial Day	May 31, 2021	Monday
Independence Day	July 5, 2021	Monday
Labor Day	September 6, 2021	Monday
Veterans Day	November 11, 2021	Thursday
Thanksgiving	November 25 & 26, 2021	Thursday & Friday
Christmas	December 23, 24 & 27, 2021	Thursday, Friday & Monday

# AGENDA ITEM COVER SHEET

## Agenda Item Title:

Consider Approving 2021 Board of Aldermen Meeting Roster

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b>
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The 2021 meeting roster provides for meeting on the 2nd and 4th Tuesdays of each month. It also establishes a retreat date and budget meeting during the month of May.
<b>Actions Needed by Board:</b>	Approval of roster
<b>Backup Attached:</b>	Proposed roster

<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**



**2021 CITY OF NEW BERN  
BOARD OF ALDERMEN MEETINGS**  
Meetings begin at 6 p.m. unless otherwise noticed

SCHEDULED BOARD MEETINGS

January 12, 2021  
January 26, 2021

February 9, 2021  
February 23, 2021

March 9, 2021  
March 23, 2021

April 13, 2021  
\*April 27, 2021

May 11, 2021  
May 25, 2021

June 8, 2021  
June 22, 2021

July 13, 2021  
July 27, 2021

August 10, 2021  
August 24, 2021

September 14, 2021  
September 28, 2021

October 12, 2021  
October 26, 2021

November 9, 2021  
November 23, 2021

December 14, 2021

SCHEDULED WORK SESSIONS

February 6, 2021 – 8 a.m.

\*May 4 & 5, 2021

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**\*FY2021-22 Budget:**

April 27, 2021:  
May 4 & May 5, 2021:

City Manager's overview and presentation of budget  
Budget workshops

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider adopting a Resolution to temporarily close portions of Middle Street, Pollock Street, and Craven Street to vehicular traffic.

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> Ward 1
<b>Department:</b> Parks & Recreation	<b>Person Submitting Item:</b> Foster Hughes, CPRE
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	Swiss Bear is requesting the continuation of downtown street closures to allow for the operation of street cafes pursuant to city code Section 66-71, on the following downtown streets; 200 block of Middle, 300 block of Middle, 300 block of Pollock, and 200 block of Craven from Morgan's to Pollock, through December 19, 2020. The request is for Friday and Saturday evenings between 5pm – 11pm.
<b>Actions Needed by Board:</b>	Adopt the Resolution
<b>Backup Attached:</b>	Resolution – Memo – Email–

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**

**Aldermen**

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham



Foster Hughes, CPRE  
Director of Parks & Recreation

Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance



Memo To: Mayor and Board of Aldermen  
From: Foster Hughes, CPRE  
Director of Parks and Recreation  
Re: Downtown Street Closure Request  
Date: October 16, 2020

**Background Information:**

Swiss Bear is requesting the continuation of downtown street closures to allow for the operation of street cafes pursuant to city code Section 66-71, on the following downtown streets; 200 block of Middle, 300 block of Middle, 300 block of Pollock, and 200 block of Craven from Morgan's to Pollock, through December 19, 2020. The request is for Friday and Saturday evenings between 5pm – 11pm.

**Recommendation:**

Approve the resolution

1307 Country Club Rd  
New Bern, NC 28562  
Office 252 639-2901  
Fax 252 636-4138

**RESOLUTION TO TEMPORARILY CLOSE PORTIONS OF MIDDLE STREET,  
POLLOCK STREET, AND CRAVEN STREET TO VEHICULAR TRAFFIC**

THAT WHEREAS, the Board of Aldermen of the City of New Bern desires to close to vehicular traffic the 200-300 blocks of Middle Street, 300 block of Pollock Street, and 200 block of Craven Street from Morgan's Tavern and Grill to the corner of Pollock Street to allow for the operation of street cafes pursuant to city code Section 66-71; and

WHEREAS, the Board desires to temporarily close said portions of the streets to vehicular traffic between the hours of 5:00 pm and 11:00 pm on the following dates:

- Friday, November 6 through Sunday, November 8, 2020,
- Friday, November 13 through Sunday, November 15, 2020,
- Friday, November 20 through Sunday, November 22, 2020,
- Friday, November 27 through Sunday, November 29, 2020,
- Friday, December 4 through Sunday, December 6, 2020,
- Friday, December 11 through Sunday, December 13, 2020, and
- Friday, December 18 through Sunday, December 20, 2020.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF  
THE CITY OF NEW BERN:**

That the aforesaid portions of Middle, Pollock, and Craven Streets shall be temporarily closed to vehicular traffic between the hours of 5:00 pm and 11:00 pm on the following dates:

- Friday, November 6 through Sunday, November 8, 2020,
- Friday, November 13 through Sunday, November 15, 2020,
- Friday, November 20 through Sunday, November 22, 2020,
- Friday, November 27 through Sunday, November 29, 2020,
- Friday, December 4 through Sunday, December 6, 2020,
- Friday, December 11 through Sunday, December 13, 2020, and
- Friday, December 18 through Sunday, December 20, 2020.

ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER, 2020.

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DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK



**From:** [Lynne Harakal](#)  
**To:** [Foster Hughes](#)  
**Cc:** [Sabrina Bengel](#)  
**Subject:** Street closure request  
**Date:** Tuesday, October 13, 2020 3:45:34 PM  
**Importance:** High

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On behalf of the Downtown restaurants, Swiss Bear is requesting the continuation of downtown street closures (200 Middle, 300 Middle, 300 Pollock, and 200 Craven from Morgan's to Pollock) through December 19, 2020. The request is for Friday and Saturday evenings between 5pm – 11pm. Thank you for you considering this request. Please let me know if you have any questions.

Lynne Harakal, *Executive Director*  
*Swiss Bear, Inc.*  
*Main Street program for City of New Bern since 1980*  
252-288-9825 (O)  
252-626-6280 (C)  
[director@swissbear.org](mailto:director@swissbear.org)



*As a Main Street America™ Accredited program, Swiss Bear, Inc. is a recognized leading program among the national network of more than 1,200 neighborhoods and communities who share both a commitment to creating high-quality places and to building stronger communities through preservation-based economic development. All Main Street America™ Accredited programs meet a set of National Accreditation Standards of Performance as outlined by the National Main Street Center.*



*New Bern is a North Carolina Main Street Community, designated by the NC Department of Commerce and Main Street and Rural Planning Center. Swiss Bear, Inc. is charged with administering the program at the local level and building a public-private partnership to spur economic development in partnership with the state agency.*

**NOTE:** Please be advised, City of New Bern email addresses changed to [user@newbernnnc.gov](mailto:user@newbernnnc.gov) as of October 23rd 2018. Please update your address book accordingly. Thank you for your assistance with this change. -----

----- If you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution to Transfer Properties to the Redevelopment Commission.

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> Wards: 1, 2 & 5
<b>Department:</b> Development Services	<b>Person Submitting Item:</b> Jeff Ruggieri, Director of Development Services
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Resolution to approve the conveyance of City owned property to The New Bern Redevelopment Commission as part of the approved Redevelopment Plan.
<b>Actions Needed by Board:</b>	Adopt Resolution
<b>Backup Attached:</b>	Memo, Resolution, Quit Claim Deed, Map

<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**



## **MEMORANDUM**

**TO:** Mayor Dana Outlaw, City of New Bern Board of Aldermen

**FROM:** Jeff Ruggieri, Director Development Services

**DATE:** October 16, 2020

**SUBJECT:** Consider Adopting a Resolution to Transfer Properties to the Redevelopment Commission.

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The City of New Bern Redevelopment Commission Redevelopment Plan was approved and adopted February 11, 2020 by the Board of Alderman. The Redevelopment plan facilitates rebuilding and rehabilitation in the Redevelopment Commission boundary which encompasses a total of 1,899 parcels located within 474 acres of land. The Redevelopment Plan is designed to reverse the overall decline of neighborhood character and create a functional transportation network that supports economic growth and public welfare.

Staff recommends The Board Consider Adopting a Resolution to Transfer City owned Properties to the Redevelopment Commission as part of the approved Redevelopment Plan.

Please contact Jeff Ruggieri at 639-7587 should you have questions or need additional information.

**RESOLUTION**

BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

That the Quitclaim Deed dated October 27, 2020 by and between the City of New Bern and the Redevelopment Commission of the City of New Bern, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and City Clerk are hereby authorized and directed to execute the same for and on behalf of the City.

ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER, 2020.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK



Prepared by and return to:

Michael Scott Davis  
DAVIS HARTMAN WRIGHT PLLC  
209 Pollock Street  
New Bern, NC 28560

PARCEL NOS. 8-006-003, 8-006-005, 8-006-026, 8-006-041, 8-006-046, 8-006-094, 8-006-095, 8-006-164, 8-006-179, 8-006-180, 8-006-181, 8-006-182, 8-006-183, 8-006-184, 8-006-185, 8-006-186, 8-006-207, 8-006-213, 8-006-222, 8-006-225, 8-006-253, 8-006-334, 8-006-394, 8-007-056, 8-007-071, 8-007-327, 8-007-328, 8-012-164, 8-012-196, 8-012-315, 8-013-146, 8-014-266, 8-014-313-B, 8-020-134, 8-006-016, 8-006-126, 8-007-089, 8-014-065, 8-014-217, 8-013-188, 8-012-183, 8-014-313, 8-007-126, 8-007-363, 8-011-162, 8-007-096 and 8-014-289

REVENUE STAMPS: \$0.00

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

THIS QUITCLAIM DEED, made and entered into this 27<sup>th</sup> day of October, 2020, by and between the **CITY OF NEW BERN**, a municipal corporation of the State of North Carolina, (“Grantor”), and the **REDEVELOPMENT COMMISSION OF THE CITY OF NEW BERN**, with a mailing address of Post Office Box 1129, New Bern, North Carolina 28563, (“Grantee”);

W I T N E S S E T H:

That for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations to it in hand paid by the Grantee, the receipt of which is hereby acknowledged, the Grantor has remised and released, and by these presents does remise, release and forever quitclaim unto the Grantee, its successors and assigns, all right, title and interest of the said Grantor in and to those certain lots or parcels of land located in Number Eight (8) Township, Craven County, North Carolina, and being more particularly described as follows:

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DAVIS HARTMAN WRIGHT PLLC  
Attorneys at Law  
209 Pollock Street  
New Bern, NC 28560

SEE EXHIBIT A ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

*The property herein conveyed does not include the primary residence of a Grantor.*

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereunto belonging to the said Grantee, its successors and assigns, free and discharged from all right, title, claim or interest of the said Grantor, or anyone claiming by, through or under it.

IN TESTIMONY WHEREOF, the **CITY OF NEW BERN** has caused this instrument to be executed as its act and deed by its Mayor, attested by its City Clerk, and its seal to be hereunto affixed, all by the authority of its Board of Aldermen, as of the day and year first above written.

**CITY OF NEW BERN**

(SEAL)

By: \_\_\_\_\_  
Dana E. Outlaw, Mayor

ATTEST:

\_\_\_\_\_  
Brenda E. Blanco, City Clerk

STATE OF NORTH CAROLINA

COUNTY OF CRAVEN

I, \_\_\_\_\_, Notary Public in and for said County and State, do hereby certify that on the \_\_\_\_ day of October, 2020, before me personally appeared DANA E. OUTLAW, with whom I am personally acquainted, who, being by me duly sworn, says that he is the Mayor and that BRENDA E. BLANCO is the City Clerk for the City of New Bern, the municipal corporation described in and which executed the foregoing instrument; that he knows the common seal of said municipal corporation; that the seal affixed to the foregoing instrument is said common seal; that the name of the municipal corporation was subscribed thereto by the said Mayor; that the said common seal was affixed, all by order of the Board of Aldermen of said municipal corporation; and that the said instrument is the act and deed of said municipal corporation.

WITNESS my hand and official seal this the \_\_\_\_ day of October, 2020.

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

## EXHIBIT A

All those certain tracts or parcels of land in Number Eight (8) Township, Craven County, North Carolina, and being more particularly described as follows:

### Tract No. 1 (Parcel No. 8-006-003)

Located in the City of New Bern, bearing the postal enumeration of 1135 H Street, and identified as Parcel Number 8-006-003, and being the same tract of land transferred to Eva Mack under the Will of Julia H. Dillahunt, said Will being on file in the Office of the Clerk of Superior Court of Craven County in File No. 75-E-44, reference to which is hereby made for a more perfect description.

This property was later transferred by Will from Eva Mack to Bertha White Brown, said Will being on file in the Office of the Clerk of Superior Court of Craven County in File No. 88-E-360; and was thereafter transferred by Will from Bertha White Brown to Christopher Sean Brown and Eva Gloria Brown, now Eva Brown Mitchell, said Will being on file in the Office of the Clerk of Superior Court of Craven County in File No. 01-E-56.

Being that same property conveyed by Christopher Sean Brown et al. to the City of New Bern by deed dated February 2, 2004, recorded in Book 2169 at Page 484 of the Craven County Registry.

### Tract No. 2 (Parcel No. 8-006-005)

Commencing at an existing iron pipe located at the intersection of the southern right-of-way line of H Street and the eastern right-of-way line of Biddle Street, and running thence along and with the southern right-of-way line of H Street South 38° 30' East 85 feet to a set iron rod, being the POINT OF BEGINNING. Thence from said point of beginning South 38° 30' East 24 feet to a set iron rod; thence South 52° 00' West 220.00 feet to a set iron rod; thence North 38° 30' West 24 feet to a set iron rod; thence North 52° 00' East 220.00 feet to the point of beginning, as appears on the attached map entitled "Plan of Existing Lots H Street" dated September 12, 2006, prepared by Arthur E. Munro, PLS, for the City of New Bern.

Being that certain house and lot referred to as "1129 H Street" as the same is known according to the present postal enumeration for the City of New Bern, North Carolina.

Being the same property devised to Odessa Dillahunt Tyler by Article VI of the Last Will and Testament of Julia Dillahunt, duly recorded in File No. 75-E-44 in the office of the Clerk of Superior Court of Craven County, North Carolina.

Being that same property conveyed by Jimmy E. Dillahunt, as Executor and Trustee under the Will of Odessa D. Tyler, to the City of New Bern by deed dated November 6, 2006 recorded in Book 2530 at Page 193 of the Craven County Registry.



Tract No. 3 (Parcel No. 8-006-026)

All that certain lot or parcel of land situate, lying and being in the City of New Bern, Craven County, North Carolina, and being Lot No. 52 of the subdivision known as Jerkinstown (a/k/a Jenkinstown), a plat of which appears in Book 64, at Page 94 in the Office of the Register of Deeds of Craven County, North Carolina; saving and excepting from the terms of this conveyance that part of said Lot No. 52, Jerkinstown, which was conveyed to Odell Mack and wife, Eva Mack, by deed bearing date February 1, 1956, which appears of record in Book 533 at Page 297 in the Office of the Register of Deeds of Craven County, North Carolina.

The part of said lot which is excepted from this conveyance is depicted on a plat of record in Map Book 6 at Page 31 in the Office of the Register of Deeds of Craven County.

Being Parcel Three in the deed from Elizabeth Warren Dunn and husband, Frank H. Dunn, to the City of New Bern dated November 15, 1988, recorded in Book 1207 at Page 241 of the Craven County Registry.

Tract No. 4 (Parcel No. 8-006-041)

Lying and being situate in Craven County, Number Eight (8) Township, in that suburb of New Bern known as Jerkins Town on K Street, beginning on K Street 280 feet East from H Street, then running parallel with K Street 35 feet to a corner; then North parallel with G Street 108 feet and two inches to corner; then 35 feet West to corner of Lot No. 8; thence South 108 feet and two inches to the beginning, being Lot No. 9 plotted by C. E. Potter and recorded in the Register of Deeds Office of Craven County.

The property hereinabove conveyed is known and identified by the postal enumeration for the City of New Bern as 1012 K Street.

Being that same property conveyed by Melissa Evelyn Vailes et al. to Donald D. Pollock and wife, M. R. Pollock, by deed dated September 29, 1981, appearing of record in Book 989 at Page 379, Craven County Registry. The said M. R. Pollock is now deceased.

Being also that same property conveyed by Donald D. Pollock, widower, to the City of New Bern by deed dated July 8, 2004, recorded in Book 2205 at Page 820 of the Craven County Registry.

Tract No. 5 (Parcel No. 8-006-046)

Beginning at the North corner of K and H Streets in subdivision known as Mechanicsville, running with H Street 36 feet 2 inches to corner. Thence East with J. E. Barber's line 105 feet to corner. Thence South 36 feet 2 inches to K Street. Thence West with North line of K Street to the beginning.

This being the same property as conveyed to Kattie L. Herran by J. S. Miller and his wife, Mattie S. Miller, by deed dated January 3, 1924, and registered in Book 253, Page 296, Office of the Register of Deeds of Craven County.

Being also that same property conveyed to the City of New Bern by Commissioner's Deed dated August 31, 2001, recorded in Book 1847 at Page 297 of the Craven County Registry.

Tract No. 6 (Parcel No. 8-006-094)

All that certain lot or parcel of land lying and being situate in the City of New Bern, said state and county, on the north side of "B" Street and east side of "F" Street, as appears upon a certain plot or plan made by H. T. Guion, Surveyor for A. T. Jerkins, recorded in the public records in the Office of the Register of Deeds of Craven County in Book 64, Folio 14, and bearing the number Eighteen (18) upon said plot or plan. It being a portion of the same land conveyed by Isaac H. Smith and wife to Luvinnia Kelly by deed bearing date of February 1, 1910, and recorded in Book 179, Folio 398 of said public records, to which reference is hereby made.

Being that same property conveyed by Paul Chapman, widower, to the City of New Bern by deed dated December 20, 2000, recorded in Book 1876 at Page 484 of the Craven County Registry.

Tract No. 7 (Parcel No. 8-006-095)

Lying in Number Eight Township, Craven County, North Carolina and being more particularly described as follows: Lying on the north side of B Street and on the west side of the Atlantic and North Carolina Railroad Tract and being the eastern one-half of Lot No. 17 in the subdivision known as Jerkinstown, a plat of which is recorded in Book 64, Page 94, in the Office of the Register of Deeds of Craven County, reference to said plat being hereby made for a more perfect description of said lot. Said lot is more specifically described by metes and bounds as follows: Beginning at a point in the southern right-of-way line of the Atlantic and North Carolina Railroad which point marks the intersection of said right-of-way with the western line of B Street. Thence from this point of beginning so located, South 51° 45' West 108.8 feet along the western line of B Street to an iron; thence North 38° 15' West 157.7 feet to a point in the southern right-of-way line of the Atlantic & North Carolina Railroad right-of-way; thence along and with the southern line of said right-of-way South 72° 51' East 191.6 feet to the point of beginning.

Being that same property conveyed by James McCotter Investment Company to the City of New Bern by deed dated June 20, 1980, recorded in Book 961 at Page 723 of the Craven County Registry.

Tract No. 8 (Parcel No. 8-006-164)

All of Lot 39 as said lot is shown on a map of Pavie Town, as said subdivision is shown on a map or plat recorded in Book 106, Page 385, Craven County Registry, which map or plat is incorporated herein for a more perfect description of the said Lot No. 39. Said lot being known as Number 39 Murray Street and being 52 feet on Murray Street and 102 feet deep. Said property bears postal enumeration 1006 Murray Street, New Bern, North Carolina.

Being that same property conveyed by Warren G. Keyes and wife, Ethel M. Keyes, to the City of New Bern by deed dated December 22, 2000, recorded in Book 1791 at Page 966 of the Craven County Registry.

Tract No. 9 (Parcel Nos. 8-006-179, 8-006-180, 8-006-181, 8-006-182, 8-006-183, 8-006-184, 8-006-185 and 8-006-186)

All those certain lots or parcels of land lying and being situate in the City of New Bern, Craven County, North Carolina, in that certain subdivision known as PAVIETOWN, a map or plat of which is of record in Map Book 2 at Page 139 in the Office of the Register of Deeds of Craven County, and being Lots Numbers 49, 50, 282, 283, 284, 302, 303 and 304 in said subdivision.

Being a portion of that property conveyed by C. C. Franks and wife, Ida Franks, to William Franks by deed dated October 2, 1987, appearing of record in Book 1168 at Page 1003 in the Office of the Register of Deeds of Craven County.

Being also those same properties conveyed by William Franks and wife, Melinda Franks, to the City of New Bern by deed recorded January 3, 2003 in Book 1986 at Page 881 of the Craven County Registry.

Tract No. 10 (Parcel No. 8-006-207)

All that certain lot of land in the City of New Bern, Number Eight Township, North Carolina, on the west side of Bloomfield Street between North and K Streets, and bounded as follows: Beginning in the western line of Bloomfield Street at a point 208 feet northwardly from North Street, and running thence westwardly along the southern line of Lot 278, 102 feet; thence northwardly 40 feet along the back line of Lot 278; thence eastwardly 102 feet to the western line of Bloomfield Street; thence southwardly along Bloomfield Street 40 feet to the point of beginning. Being the southern 40 feet of Lot Number 278 as shown on the map of the R. A. Nunn Property as recorded in Map Book 2, Page 139, in the Office of the Register of Deeds, Craven County, North Carolina.

Said property bearing the postal enumeration of 1015 Bloomfield Street, for the City of New Bern, North Carolina.

Being that same property conveyed to Jacqueline Pearsall by deed recorded in Book 1647, at Page 311, Craven County Registry. Being also that same property conveyed by Jacqueline Pearsall to Zaytoun-Raines Real Estate, Inc. by deed dated April 20, 2001, said deed appearing of record in Book 1817 at Page 36, Craven County Registry.

Being also that same property conveyed by Zaytoun-Raines Real Estate, Inc. to the City of New Bern by deed dated September 12, 2005, recorded in Book 2355 at Page 705 of the Craven County Registry.

Tract No. 11 (Parcel No. 8-006-213)

Beginning 76 ½ feet West from the northwest corner of North and Bloomfield Streets and running thence in northward direction and parallel with Bloomfield Street 52 feet more or less; thence westwardly and parallel with North Street 25 ½ feet more or less; thence southward and parallel with Bloomfield Street 52 feet more or less; thence eastward with the North line of North Street 25 ½ feet to the beginning. Being No. 1008 North Street according to postal enumeration of the City of New Bern on date of November 19, 1946.

Being the same property described in that certain deed recorded in Book 667 at Page 235 of the Craven County Registry.

Being also that same property conveyed by Relative Investment Associates to the City of New Bern by deed dated April 21, 1998 recorded in Book 1628 at Page 478 of the Craven County Registry.

Tract No. 12 (Parcel No. 8-006-222)

All of that lot or parcel of land in Craven County, North Carolina in the southernmost corner of the intersection of "K" Street and Pavie Avenue known and designated as Lot 1 of the Russell subdivision of lots 273 and 275 Pavie Town according to a plat or map of said subdivision recorded in the Office of the Register of Deeds of Craven County in Map Book 3 at Page 22 reference to which is hereby made.

Being that same property conveyed by Hamilton Edward Russell et al. to the City of New Bern by deed dated June 8, 1993 recorded in Book 1373 at Page 263 of the Craven County Registry.

Tract No. 13 (Parcel No. 8-006-225)

Being all of Lot No. 3 in the Russell Subdivision of Lots Nos. 273 and 275 of Paviatown, a map of which is recorded in the Office of the Craven County Register of Deeds in Map Book 3 at Page 22, said map being incorporated herein by reference for a more particular description of the aforesaid lot.



Being that same property conveyed by Alvin Earl Bell, widower, et al. to Miriam Bell Williams and Noraletta Elizabeth Williams by deed dated August 16, 1994, said deed appearing of record in Book 1430 at Page 844 of the Craven County Registry.

Being also that same property conveyed by Miriam Bell Williams et al. to the City of New Bern by deed dated December 31, 2004 recorded in Book 2263 at Page 381 of the Craven County Registry.

Tract No. 14 (Parcel No. 8-006-253)

BEGINNING at a point in the western line of Eubank Street 104 feet northwardly from the northwest corner of Main and Eubank Streets; running thence westwardly and parallel with the northern line of Main Street 102 feet; thence northwardly and parallel with Eubank Street 52 feet; thence eastwardly and parallel with the northern line of Main Street 102 feet to the western line of Eubank Street; thence southwardly with the western line of Eubank Street 52 feet to the beginning, according to a survey and map made by Darrel D. Daniels, C.E., in January 1951.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed appearing of record in Book 3186 at Page 395 in the Office of the Register of Deeds of Craven County. Craven County thereafter conveyed its interest in the said property to the City of New Bern by deed dated August 19, 2013 recorded in Book 3225 at Page 354 of the Craven County Registry.

Tract No. 15 (Parcel No. 8-006-334)

Beginning at the northwestern corner of Lot No. 33 on Murray Street according to the Plan of Paviatown duly recorded in the Craven County Register of Deeds in Book 106, Page 385, said beginning can also be located S. 6 35 W. 156 feet along the eastern line of Murray Street from the southeastern intersection of North and Murray Streets; thence S. 70 50 E. 102 feet along the northern line of Lot 33, thence S. 6 35 W. 49 feet along the eastern line of Lot 33, thence N. 78 55 W. 99.3 feet to the eastern line of Murray Street ; thence N. 6 35 E. 66.3 feet along the eastern line of Murray Street to the place of beginning.

Being that same property conveyed by Brian J. Gatchel, Administrator CTA of the Estate of Bessie J. Newkirk, to the City of New Bern by deed dated July 19, 2005 recorded in Book 2341 at Page 773 of the Craven County Registry.

Tract No. 16 (Parcel No. 8-006-394)

All that certain lot of land situate at the southwestern intersection of West and North Streets in the City of New Bern, North Carolina, and in that part of the said City commonly known as Farmville or Paviatown and being Lot Number Six (6) in the plan of the said Farmville, which said plan is recorded in Book No. 106 Page 385 in the Office of the Register of Deeds of Craven County, which said lot is bounded on the West by Lot No. 16, on the North by North Street, on

the East by West Street and on the South by Lot No. 5 according to the plan of the said Farmville as above mentioned.

It being the same lot and property formerly owned and occupied by Violet A. Wallace prior to her death.

Also Lot #16 according to the plan of Farmville which is fully described in that certain deed from Alice Kinsey to Violet Ann Wallace dated July 15, 1890 and recorded in Book 103, Page 445 in the Office of the Register of Deeds of Craven County. Save and excepting so much of the eastern portion of said Lot #16 as conveyed to C. T. Watson by Violet A. Wallace by deed dated July 26, 1892 and recorded in Book 109, Page 120 in the Office of the Register of Deeds of Craven County.

Both of these said lots or parcels of land being the same described in a deed from R. W. Williamson, Trustee, to E. C. Rea dated the 19<sup>th</sup> day of June, 1925, and which is recorded in Book 266, Page 168 in the records of Craven County. This further being the same parcels of land as described in that deed dated June 29, 1925 from E. C. Rea to John S. Johnson and his wife, Jennie H. Johnson and recorded in Book 312, Page 260, Craven County Registry.

Being also that same property conveyed by Harry W. Johnson, Jr., single, to the City of New Bern by deed dated March 7, 2005 recorded in Book 2283 at Page 182 of the Craven County Registry.

Tract No. 17 (Parcel No. 8-007-056)

Situate, lying and being in the City of New Bern, Craven County, North Carolina, and in that portion of the said City commonly known and designated as "Pavietown" as plotted and recorded in the public records in the Office of the Register of Deeds for said Craven County, in Book 106, Folio 385, and BEGINNING at the western intersection of Green and Boom Avenue, and runs southwardly along Green Street 30 feet; thence westwardly and parallel with Boom Avenue 90 feet; thence northwardly parallel to Green Street 30 feet to Boom Avenue; thence eastwardly along Boom Avenue to the place of beginning. For further reference see deed recorded in Book 299, Page 97 in the Office of the Register of Deeds for Craven County.

Being that same property conveyed by Ralph Eugene Cummings et al. to the City of New Bern by deed dated December 12, 2005 recorded in Book 2394 at Page 628 of the Craven County Registry.

Tract No. 18 (Parcel No. 8-007-071)

All that certain Lot No. 3 as shown on that certain map entitled "Property of the Lipman Realty Company, Inc." made by Albert Bell, C.E. on the 24<sup>th</sup> day of October, 1949 and being recorded in Map Book 3, Page 92 to which reference is hereby made for a complete and accurate description of said lot, together with the building situate thereon bearing No. 1037 Main Street

according to the postal enumeration of houses for the City of New Bern, together with the right of egress and ingress in and to, over and upon the common driveway which is 55 feet in depth. It being fully set out and described on said map recorded in Map Book 3 at Page 92, and for the use and benefit of both Lots 3 and 4 to all of which reference is hereby made.

Being part of the property conveyed by Joe Lipman to Lipman Realty Company, Inc. by deed dated December 28, 1948 and recorded in Book 425, Page 238, Office of the Register of Deeds of Craven County, to all of which reference is hereby made.

Being the same property conveyed by Lipman Realty Company, Inc. by deed dated the 1<sup>st</sup> day of May, 1952 and recorded in Book 470, Page 466 in the Office of the Register of Deeds to which reference is hereby made. Also being the same property conveyed to George Otis Barnwell by deed bearing date January 1, 1997, which appears of record in Book 1547 at Page 715 in the Office of the Register of Deeds of Craven County.

Being also that same property conveyed by George Otis Barnwell and wife to the City of New Bern by deed dated December 27, 2001 recorded in Book 1879 at Page 991 of the Craven County Registry.

Tract No. 19 (Parcel No. 8-007-327)

All that certain lot or parcel of land situate in the City of New Bern, Craven County, North Carolina, on the east side of Bern Street, bounded on the north by the Marshall lot, on the east by the Mary Dixon lot, on the south by the Asa Bynum or Mrs. Asa Bynum lot and on the west by Bern Street, 30 feet more or less front by 60 feet more or less depth, and being the lot on which the building No. 129 was situate before it was burned, and being the lot deeded to Bettie Coleman by her aunt, Minerva Jones.

Being also that same property conveyed by Bettie Coleman to her daughter, Clara E. Bell, by deed dated August 10, 1929, appearing of record in Book 285 at Page 469 in the Office of the Register of Deeds of Craven County.

Being also that same property conveyed by Gwendella Ward Johnson, unmarried, to the City of New Bern by deed dated May 4, 2009 recorded in Book 2819 at Page 358 of the Craven County Registry.

Tract No. 20 (Parcel No. 8-007-328)

Beginning at an iron rod located North 03° 20' East 106.11 feet from an iron rod which is set at the intersection of the eastern boundary of Bern Street and the northern boundary of Cedar Street. Running thence from said point and place of beginning the following courses and distances:

North 03° 20' East 21.45 feet; South 87° 17' East 107.41 feet; South 03° 20' West 22.32 feet; North 86° 49' West 107.41 feet to the point and place of beginning, as the same is shown on that survey for Constance E. Bronner and George O. Barnwell by Roy R. Smith, R.L.S., dated June 17, 1998, and recorded in Plat Cabinet G, Slide 58-E, Craven County Registry.

Being that same property conveyed by Joe L. Winbush and wife to the City of New Bern by deed dated August 6, 2009 recorded in Book 2848 at Page 518 of the Craven County Registry.

Tract No. 21 (Parcel No. 8-012-164)

All that certain lot or parcel of land located in Number Eight (8) Township, Craven County, North Carolina, in the City of New Bern, and being more particularly described as all that certain lot located on the South side of Cedar Street and being Lot No. Three (3) in that certain subdivision known and designated as the Plan of M.D. Taylor Subdivision of Lots Nos. 127 and 128 West End, New Bern, N.C., said map or plat being made by Albert R. Bell, C.E., November 6, 1947, and recorded in Map Book 3, Page 23 in the Office of the Register of Deeds of Craven County.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed appearing of record in Book 3186 at Page 393 in the Office of the Register of Deeds of Craven County. Craven County later conveyed its interest in the said property to the City of New Bern by deed dated August 19, 2013 recorded in Book 3225 at Page 358 of the Craven County Registry.

Tract No. 22 (Parcel No. 8-012-196)

Beginning at a point in the eastern side of Second Avenue which is North 10 degrees 15 minutes East 180 feet from the northeast intersection of Second Avenue and Elm Street, which point is the northwest corner of the Maggie Patrick lot and runs from thence with the eastern line of Second Avenue North 10 degrees 15 minutes East 70 feet to the southwest corner of the lot of Mrs. M. D. Taylor; thence with the Taylor line parallel with Elm Street South 79 degrees 45 minutes East 87.5 feet to the Issiac [sic] Smith property; thence with the Smith line and parallel with Second Avenue South 10 degrees 15 minutes West 70 feet to the northeast corner of the Maggie Patrick lot; thence with the Patrick line and parallel with Elm Street North 79 degrees 45 minutes West 87.5 feet to the beginning in the line of Second Avenue, it being the Maggie Patrick northwest corner, and being Lots 110-111 of the subdivision known as West End. Being the same property described in that certain deed from T. C. Abernethy, Substituted Trustee, to Home Owners' Loan Corporation dated August 26, 1936, and of record in Book 321, Page 430, Craven County Registry.

Being the same property conveyed to Kenneth A. Allen and wife, Mary F. Allen, by deed bearing date October 1, 1998, which appears of record in Book 1654 at Page 447 in the Office of the Register of Deeds of Craven County. Being known as 718 Second Avenue according to the postal enumeration of the City of New Bern.



Being also that same property conveyed by Kenneth A. Allen and wife to the City of New Bern by deed dated January 23, 2001 recorded in Book 1801 at Page 431 of the Craven County Registry.

Tract No. 23 (Parcel No. 8-012-315)

Being a portion of that certain lot numbered 46, situated in Craven County, North Carolina, carved out of the certain tract of land adjoining the western limits of the City of New Bern on Neuse Road, and known as the Miller Tract of land, as described in deed from W. F. Crockett and wife to T. A. Uzzell and J. W. Stewart dated March 18, 1911, and duly recorded in the Office of the Register of Deeds of Craven County in Book 187, Page 1, the same having been divided into lots and streets and duly plotted and laid down upon the certain plot duly recorded in the Office of the Register of Deeds in Book 187, Page 3, to which reference is made for description of said lands herein conveyed, and being more particularly described as follows: BEGINNING at a stake located in the intersection of the northern right-of-way line of Bay Street and the western right-of-way line of First Avenue and running thence from this point of beginning North 79° 45' West along and with the northern right-of-way line of Bay Street 87.5 feet to a stake; thence North 10° 15' East 23.9 feet to a stake; thence South 79° 45' East and parallel with the northern right-of-way line of Bay Street 87.5 feet to a stake in the western right-of-way line of First Avenue; thence South 10° 15' West along and with the western right-of-way line of First Avenue 23.9 feet to a stake, the point of beginning.

Reference is hereby made to that survey entitled "Survey for William Floyd Gaskins and wife, Nell Wooten Gaskins" by Floyd L. Suitt, Jr., R.L.S., dated August 16, 1976, which appears of record in Book 873, Page 122 in the Office of the Register of Deeds of Craven County.

Being that same property conveyed by Nell Wooten Gaskins to Stanley John Humienny, Jr. by deed dated August 20, 1976, appearing of record in Book 873, Page 119 in the Office of the Register of Deeds of Craven County.

Being also that same property conveyed by Stanley John Humienny, Jr. and wife, Brenda S. Humienny, to Neuse River Community Development Corporation, Inc. by deed dated December 19, 2003, said deed appearing of record in Book 2132, Page 57 in the Office of the Register of Deeds of Craven County.

Being also that same property conveyed by Neuse River Community Development Corporation, Inc. to the City of New Bern by deed dated July 29, 2004 recorded in Book 2215 at Page 474 of the Craven County Registry.

Tract No. 24 (Parcel No. 8-013-146)

All those certain lots or parcels of land situate, lying and being in the City of New Bern, Craven County, North Carolina, and being Lots No. 326 and 327 in that subdivision known as

Mechanicsville, a plat of which is recorded in the Office of the Register of Deeds of Craven County in Book 116 at Page 530, to which reference is made for a more perfect description.

Being Parcel One in that certain deed from Elizabeth Warren Dunn and husband to the City of New Bern dated November 15, 1988 recorded in Book 1207 at Page 241 of the Craven County Registry.

Tract No. 25 (Parcel No. 8-014-266)

All that certain lot, tract or parcel of land lying and being situate on Rose Street in the City of New Bern, and being known as Lot 68 as shown and designated on that certain map or plat of the subdivision known as Duffytown, which is recorded in Book 105 at Page 207 in the Office of the Register of Deeds of Craven County, to which reference is hereby made for a more particular description.

Being that same property conveyed by Margaret H. Stallings, widow, to the City of New Bern by deed dated June 3, 1999 recorded in Book 1701 at Page 286 of the Craven County Registry.

Tract No. 26 (Parcel No. 8-014-313-B)

All that certain lot or parcel of land situate, lying and being in the City of New Bern, Number Eight (8) Township, Craven County, North Carolina, on the north side of Biddle Street, and being more particularly described as follows:

BEGINNING at the intersection of the northern line of Biddle Street with the westernmost right-of-way line of the Atlantic and North Carolina Railroad at the corner of Biddle and F Streets in the City of New Bern; thence running from this beginning point along and with the right-of-way line of the said railroad in a northwestwardly direction 181 feet, more or less, to an iron stake in said right-of-way near a cypress tree (being the third corner called for in a deed from Cornelius W. Green and wife, Nora Green, to J. S. Miller and W. H. Henderson dated November 10, 1915, recorded in the Office of the Register of Deeds of Craven County in Book 207 at Page 231, said corner being Cornelius W. Green's easternmost corner); thence in a westwardly direction along said Cornelius W. Green's line 20 feet, more or less, to W. F. Ward, Jr.'s easternmost rear corner; thence in a southeastwardly direction and parallel with Descrew's eastern line (see deed dated December 5, 1961 from A. D. Ward and others to Kennedy W. Ward), said line being also parallel with the eastern line of the old Sam Brock tract (see Book 242 at Page 22 in the Office of the Register of Deeds of Craven County), to a corner located in the northern line of Biddle Street; thence northeastwardly along and with the northern line of Biddle Street 115 feet, more or less, to the point of beginning, a corner located at the intersection of the northern line of Biddle Street and the westernmost right-of-way line of the Atlantic and North Carolina Railroad.

Being part of that same property conveyed by William F. Ward and wife, Carrie Duffy Ward, to A. D. Ward, William F. Ward, Jr. and Kennedy W. Ward by deed dated August 27, 1956, as

appears of record in Book 540 at Page 134 in the Office of the Register of Deeds of Craven County.

Being also that same property conveyed by A. D. Ward and wife to the City of New Bern by deed dated January 17, 1986 recorded in Book 1106 at Page 1098 of the Craven County Registry.

Tract No. 27 (Parcel No. 8-020-134)

Being Lot Number 118 in Larksville, New Bern, North Carolina. For better description and reference see plat recorded in the Office of the Register of Deeds of Craven County, N.C. in Book 153, Page 300, said lot being part of Lot Number 1 as shown in Report of Commissioners recorded in the Office of the Register of Deeds of Craven County in Book 137, Page 555.

Being the same lot conveyed by Mark S. Dunn, Trustee, to Georgia Gibbs Jones by deed dated May 14, 1962. The dwelling upon said lot being known as 1424 Washington Street according to the postal enumeration of the City of New Bern.

For a more particular description, see deed from Lee Jones and wife, Georgia Gibbs Jones, to George Green and wife, Martha Green, recorded in Book 630, Page 397 in the Office of the Register of Deeds of Craven County.

Being that same property conveyed to the City of New Bern by Sheriff's Deed dated March 21, 2002 recorded in Book 1907 at Page 787 of the Craven County Registry.

Tract No. 28 (Parcel No. 8-006-016)

BEGINNING at an iron stake in the northern line of K Street which stands South 52 degrees 137 feet and 6 inches from the northwestern intersection of said K and H Streets and runs thence with the northern line of K Street South 52 degrees West 30 feet to an iron stake, R. B. Warrington's corner of his Cogdell lot; thence with his eastern line of said lot North 38 degrees 30 minutes West 104 feet to the northeast corner, an iron stake; thence parallel with K Street North 52 degrees East 30 feet to an iron stake; thence parallel with H Street South 38 degrees 30 minutes East 104 feet to an iron stake, the point of beginning.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed appearing of record in Book 3203 at Page 243 in the Office of the Register of Deeds of Craven County. Craven County thereafter conveyed its interest in the said property to the City of New Bern by deed dated August 19, 2013 recorded in Book 3225 at Page 362 of the Craven County Registry.

Tract No. 29 (Parcel No. 8-006-126)

All of that certain property more particularly described, as below in Deed Book 2179, at Page 723 in the Craven County Registry.

Beginning at a point on the north side of White Street one hundred (100) feet west of the northwestern corner of the intersection of White and George Streets, it being the southeastern corner of lot formerly owned by Ezekial Johnson, and now owned by A. T. Dill, and running eastwardly along the northern line of said street fifty (50) feet more or less to a stake; thence northwardly parallel with George Street fifty (50) feet, more or less to the southern line of the lot now owned by J. T. Barber; thence westwardly along said Barber's southern line fifty (50) feet more or less to the eastern line of said Dill's lot; thence southwardly along said Dill's eastern line fifty (50) feet, more or less to the point of beginning on White Street. It being a portion of the land described in Item "Third" of the Last Will and Testament of Samuel Chadwick deed as therein devised to Alfred C. Chadwick, which said Will is duly probated and recorded in the office of the Clerk of Superior Court for Craven County, in Book of Wills H, Folio 340, to which reference is hereby made.

Grantor Latham having inherited a one-half (1/2) interest in this property from her father, J. T. Barber, and Grantor Duell having inherited a one-half (1/2) interest from Mayme B. Lewis in Craven County File Number 92-E-63.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed dated March 2, 2017 recorded in Book 3493 at Page 2197 of the Craven County Registry. Craven County thereafter conveyed its interest in the said property to the City of New Bern by deed dated September 5, 2017 recorded in Book 3513 at Page 1068 of the Craven County Registry.

Tract No. 30 (Parcel No. 8-007-089)

That certain lot or parcel of land situate on the east side of Eubanks Street, known and designated as Lot 226 of the Subdivision known as Pavie Town or Farmville, a plat or plan of which is recorded in the Office of the Register of Deeds of Craven County in Book 106, Page 385, and incorporated herein by reference, more particularly described as follows:

Beginning at a point in the east line of Eubanks Street, which point is located southwardly 1560 feet measured along the east line of Eubanks Street from the south line of Main Street as shown on the subdivision of Pavie Town or Farmville, and from this point of beginning running thence in a southwardly direction along the east line of Eubanks Street 52 feet; thence eastwardly and parallel with Main Street 102 feet; thence northwardly and parallel with Eubanks Street 52 feet; thence westwardly and parallel with Main Street 102 feet to the point of beginning.

Said lot being 828 Eubanks Street according to the present postal enumeration of dwellings and buildings in the City of New Bern, N.C.



This property is also commonly referred to by its tax parcel identification number which is 8-007-089.

Being one of the properties conveyed to Craven County and the City of New Bern by Commissioner's Deed of Correction recorded December 11, 2017 in Book 3521 at Page 1762 of the Craven County Registry. Craven County thereafter conveyed its interest in said property to the City of New Bern by deed dated January 9, 2018 recorded in Book 3524 at Page 708 of the Craven County Registry.

Tract No. 31 (Parcel No. 8-014-065)

All that certain lot or parcel of land adjoining the City of New Bern and bearing the number One Hundred Eight Three upon the plan of Duffy Town or Mechanicsville as plotted and recorded in the Public Records in the Office of the Register of Deeds for said County in Book 116, Folio 530, to which reference is hereby made. It being the same land conveyed by E. B. Duffy and Frances Duffy, Trustee, to said J. L. Hahn by deed bearing date of November 14, 1904 and recorded in said public records.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed recorded October 30, 2017 in Book 3517 at Page 2116 of the Craven County Registry, as amended by Affidavit of Correction of Typographic or Other Minor Error recorded December 14, 2017 in Book 3522 at Page 360 of the Craven County Registry. Craven County thereafter conveyed its interest in said property to the City of New Bern by deed dated January 9, 2018 recorded in Book 3524 at Page 708 of the Craven County Registry.

Tract No. 32 (Parcel No. 8-014-217)

A portion of Lot Number 128 in the subdivision known as Mechanicsville, plot recorded in Book 116, Page 530. Being that same portion of Lot Number 128 currently bearing New Bern postal enumeration of 1113 Raleigh Street.

Also being that same property described in that certain deed of record in Book 1782, Page 474 of the Craven County Registry.

This property is also commonly referred to by its tax parcel identification number which is 8-014-217.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed recorded on October 11, 2017, in Book 3516, Page 695 of the Craven County Registry. Craven County thereafter conveyed its interest in the said property by deed dated December 21, 2017 recorded in Book 3523 at Page 1136 of the Craven County Registry.

Tract No. 33 (Parcel No. 8-013-188)

All that certain tract or parcel of land located in the City of New Bern and in that part thereof which has been laid off into lots and streets and known as Hendersonville, and being Lot Number 4 in Block E, situated on Main Street according to a map or plan of Hendersonville which is recorded in the Office of the Register of Deeds of Craven County in Book 192, Page 474. The house situated thereon bears the Number 1307 Main Street according to the postal enumeration of houses for the City of New Bern.

SAVE AND EXCEPT FROM Lot Number 4, Block E, 4½ feet for the perpetual right-of-way and easement for ingress, egress and regress over and across and upon the driveway for the use and benefit of Lots 3 and 4 in Block E of Hendersonville.

Being the same property conveyed by Lipman Realty Company, Inc by deed dated March 11, 1952 to Carrie Fonville, widow. And being the same land conveyed to John B. Hall and wife, Caroline G. Hall, by E. Lamar Sledge by deed recorded in Book 545, Page 439 in the Office of the Register of Deeds of Craven County. This being the same property described in that deed dated July 3, 1996 from Lathan T. Nobles and wife to Harry W. Johnson, Jr. and wife and recorded in Book 1522, Page 657, Craven County Registry.

Being also that same property conveyed by Harry W. Johnson, Jr., single, to the City of New Bern by deed dated May 12, 2015 recorded in Book 3368 at Page 658 of the Craven County Registry.

Tract No. 34 (Parcel No. 8-012-183)

All that certain lot or parcel of land situate in the City of New Bern, Craven County, North Carolina, on the eastern side of Third Avenue, and more particularly described as follows:

BEGINNING at a point in the eastern line of Third Avenue 74 feet, more or less, southwardly from the southeast corner of Cedar Street and Third Avenue, running thence eastwardly and parallel with Cedar Street 100 feet; thence southwardly and parallel with Third Avenue 37 feet; thence westwardly and parallel with Cedar Street 100 feet to the eastern line of Third Avenue; thence northwardly with the eastern line of Third Avenue 37 feet to the place of beginning; together with the dwelling situate thereon, and being No. 722 Third Avenue according to the present postal numbers of dwellings and buildings in the City of New Bern.

Being Tract Two described in and conveyed by deed dated March 1, 2000 from Ben Fulton and wife, Ada M. Fulton, to Matthew G. Jackson, appearing of record in Book 1742 at Page 482 in the Office of the Register of Deeds of Craven County.

Being that same property conveyed by Matthew G. Jackson and wife to the City of New Bern by deed dated April 23, 2009 recorded in Book 2817 at Page 916 of the Craven County Registry.

Tract No. 35 (Parcel No. 8-014-313)

All that certain lot, tract or parcel of land conveyed to William F. Ward, Jr. by A. D. Ward and others by deed dated December 5, 1961, said deed appearing in Book 626 at Page 386 in the Office of the Register of Deeds of Craven County, and said deed is incorporated herein by reference as fully as if set out for a more perfect description of the real property conveyed by this deed.

Said lot or tract being also that same property as shown and described as "W. F. Ward, Jr." on the map entitled "Survey for Terry D. Smith and wife, Judy K. Smith" prepared by Robert M. Chiles, P.E., on August 19, 1987, said map being appearing of record in Book 1165 at Page 289 in the Office of the Register of Deeds of Craven County, to which reference is hereby made for a more perfect description, and the same is incorporated herein by reference.

Being that same property conveyed by William F. Ward, Jr. and wife to the City of New Bern by deed dated May 12, 1988 recorded in Book 1191 at Page 611 of the Craven County Registry.

Tract No. 36 (Parcel No. 8-007-126)

All that certain lot or parcel of land situate on the west side of Bloomfield Street, south of Main Street, and north of Cedar Street, and being the northern half of Lot No. 182 in the Plan of Paviatown as plotted on map, or plot of same as recorded in the Office of the Register of Deeds of Craven County in Book No. 106, Page No. 385; said lot beginning at the northeast corner of Lot No. 182 and run thence in a southerly direction along the western line of Bloomfield Street, twenty-six (26) feet to the center of the eastern line of said lot on said street; thence in a westerly direction one hundred two (102) feet to the center of the western line of said Lot No. 182; thence in a northerly direction to the northwest corner of Lot No. 182; thence in an easterly direction one hundred two (102) feet, along and with the northern line of said Lot No. 182 to the western line of Bloomfield Street, the point of beginning, being a part of the Caroline Franks property, and being the same lot or parcel of land conveyed in a certain deed dated July 18, 1940 from Annie Franks Edwards, widow, to Gertrude Chapman, and recorded in the Office of the Register of Deeds of Craven County in Book No. 347, Page 247, to which further reference is hereby made. For a more particular description, see deed from Gertrude Chapman and husband, John Chapman, to Nancy L. Keys recorded in Book 506, Page 44, in the Office of the Register of Deeds of Craven County.

Being that same property conveyed to the City of New Bern by Sheriff's Deed dated March 21, 2002 recorded in Book 1907 at Page 796 of the Craven County Registry.

Tract No. 37 (Parcel No. 8-007-363)

Lying and being situate in New Bern, Craven County, North Carolina, and on the south side of Cedar Street, and being a part of the Second Tract as appears of record in Book 930 at Page 140, Craven County Registry, and more particularly described as follows: Beginning at an iron pipe in the southern right-of-way line of Cedar Street, said point of beginning being South 61 degrees

00 minutes East 34.28 feet from the junction of the eastern right-of-way line of West Street with the southern right-of-way line of Cedar Street, and thence from said point of beginning and with the southern right-of-way line of Cedar Street South 61 degrees 00 minutes East 17.57 feet to an iron pipe; thence south 29 degrees 57 minutes West 40.15 feet to an iron pipe; thence North 61 degrees 00 minutes West 17.57 feet to an iron pipe; thence North 29 degrees 57 minutes East 40.15 feet to the point of beginning in the southern right-of-way line of Cedar Street. Commonly known as 827 Cedar Street, New Bern, NC 28560.

Being that same property conveyed by Federal Home Loan Mortgage Corporation to the City of New Bern by deed dated August 6, 2019 recorded in Book 3579 at Page 1899 of the Craven County Registry.

Tract No. 38 (Parcel No. 8-011-162)

Adjoining the lands of Eliza Allen and Evaline Shepard et al., bounded as follows: beginning at a point in the west side of Lawson Street as laid out in the plot of land surveyed by H. A. Brown, surveyor, which plot of land is registered in the Office of the Register of Deeds of Craven County, North Carolina in Book 126, Page 501, to which reference is made, being Lot #16 according to said plot or plan. This property is also commonly referred to by its tax parcel identification number which is 8-011-162.

Being also that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed dated January 28, 2019 recorded in Book 3561 at Page 104 of the Craven County Registry. Craven County thereafter conveyed its interest in the said property by deed dated June 1, 2020 recorded in Book 3615 at Page 1019 of the Craven County Registry.

Tract No. 39 (Parcel No. 8-007-096)

FIRST: Situate in that portion of the City known as Paviatown and being more particularly described as follows: Beginning at a point in the western line of Pavie Avenue one hundred twenty nine (129) feet south of the southwest intersection of Pavie Avenue and Main Street, running thence southwardly along Pavie Avenue twenty-five (25) feet; thence westwardly parallel to Main Street one hundred two (102) feet; thence northwardly parallel to Pavie Avenue twenty-five (25) feet; thence eastwardly parallel to Main Street one hundred two (102) feet to the place of beginning. It being a part of Lot 197 in said plot or plan of Paviatown as plotted and recorded in the public records in the office of the Register of Deeds of Craven County in Book 106, Page 385, reference to which is hereby made for better description. Together with the dwelling and improvements situate thereon, and being No. 839 Pavie Avenue according to the present postal enumerations of dwellings and building in the City of New Bern. Being the same lot or parcel of land conveyed and described in the deed from Shade Alexander and his wife, Mariah H. Alexander to A.J. Johnson and his wife, Clara Mae Johnson, dated January 23, 1953, and recorded in the office of the Register of Deeds of Craven County in Book 481, Page 83, reference to which is hereby made. Saving and excepting a strip of land



from A.J. Johnson and his wife, Clara Mae Johnson to S.H. Fowler and his wife, Alice T. Fowler, dated April 23, 1953.

SECOND: Also a certain parcel or strip of land in Craven County, North Carolina, in the City of New Bern, and more particularly described as follows: Beginning at a point on the western side of Pavie Avenue 156 feet southwardly from the southwest corner of the intersection of Main Street and Pavie Avenue, it being northeast corner of Lot No. 198, Pavietown, and running thence westwardly with the northeast line of Lot 198, 102 feet to the southeast corner of Lot No. 206; thence northwardly with the eastern line of Lot No. 206, 2 feet; thence westwardly and parallel with the line of Lot No. 198, 102 feet to the western line of Pavie Avenue, thence southwardly with the western line of Pavie Avenue, 2 feet to the place of beginning. It being the southern 2 feet of Lot No. 197 Pavietown according to a plat or plan recorded in the office of the Register of Deeds of Craven County in Book 106, Page 385, reference to which is hereby made for better description. Together with the improvements situate thereon. Being the same parcel or strip of land conveyed and described in the deed from S.H. Fowler, et us, et al to A.J. Johnson and wife, Clara Mae Johnson, dated January 23, 1953, and recorded in the office of the Register of Deeds of Craven County in Book 481, Page 81, reference to which is hereby made.

Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed dated January 15, 2019 and recorded in Book 3560 at Page 886 of the Craven County Registry. Craven County thereafter conveyed its interest to the City of New Bern by deed dated April 6, 2020 recorded in Book 3608 at Page 672 of the Craven County Registry.

Tract No. 40 (Parcel No. 8-014-289)

All of Lot No. Twenty Six (26) as designated on a plat known as Duffytown (a subdivision in the City of New Bern, North Carolina), which plat is recorded in Book 105, Page 207 in the Office of the Register of Deeds of Craven County, reference to which is hereby made for a more complete description.

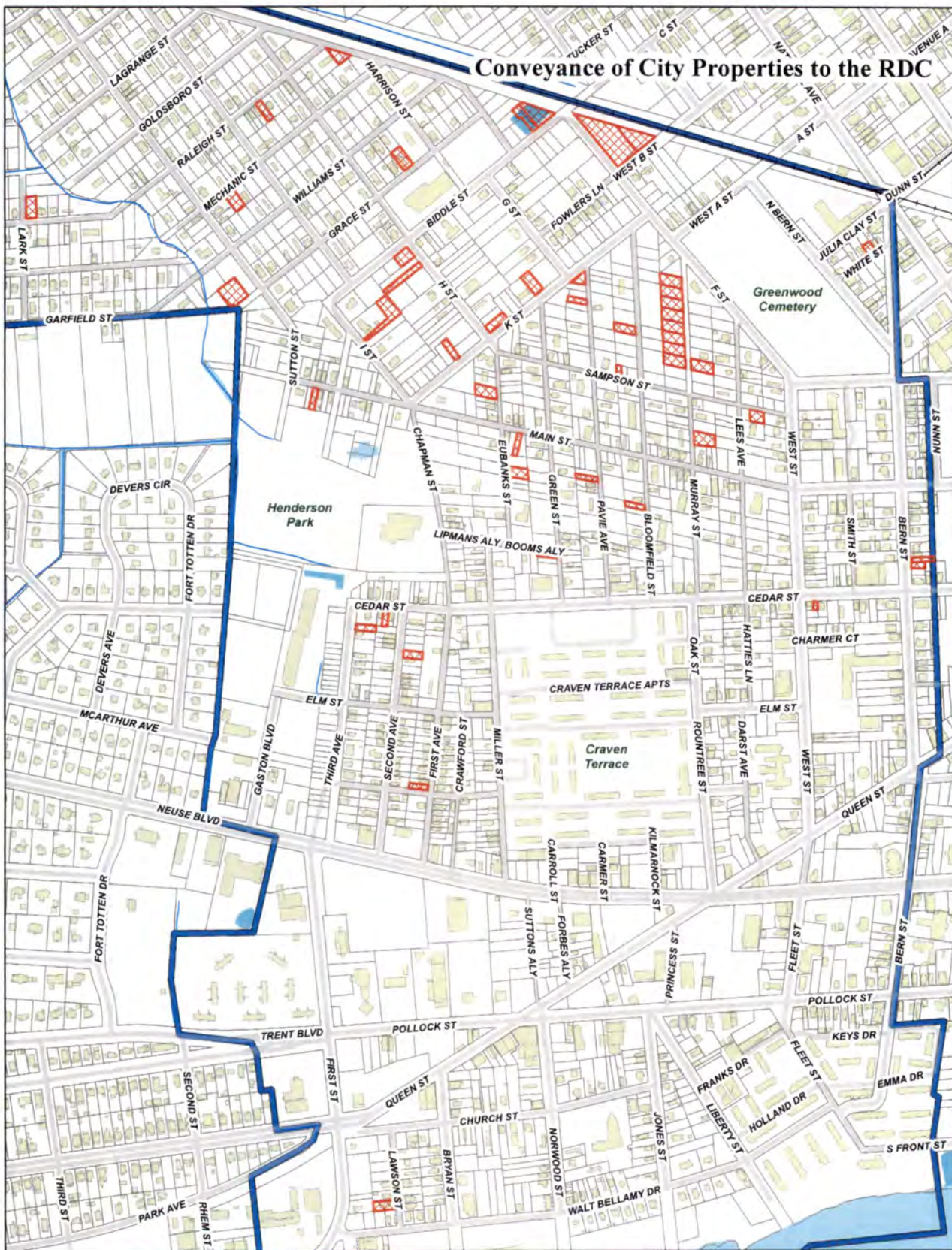
Being that same property conveyed to Craven County and the City of New Bern by Commissioner's Deed dated January 15, 2019 and recorded in Book 3560 at Page 884 of the Craven County Registry. Craven County thereafter conveyed its interest to the City of New Bern by deed dated April 6, 2020 recorded in Book 3608 at Page 672 of the Craven County Registry.

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THE CONVEYANCE OF EACH OF THE ABOVE REFERENCED TRACTS IS MADE EXPRESSLY SUBJECT TO ANY RESTRICTIVE COVENANTS, EASEMENTS OR RIGHTS-OF-WAY OF RECORD.



# Conveyance of City Properties to the RDC



PID	Address	Size (AC.)	PID	Address	Size (AC.)	PID	Address	Size (AC.)
8-006 -003	1135 H ST	0.1	8-006 -185	1011 MURRAY ST	0.11	8-007 -363	827 CEDAR ST	0.02
8-006 -005	1129 H ST	0.12	8-006 -186	1009 MURRAY ST	0.11	8-011 -162	209 LAWSON ST	0.1
8-006 -016	1104 K ST	0.07	8-006 -207	1015 BLOOMFIELD ST	0.08	8-012 -164	1225 CEDAR ST	0.05
8-006 -026	1110 I ST (REAR)	0.21	8-006 -213	1008 SAMPSON ST	0.03	8-012 -183	722 THIRD AVE	0.06
8-006 -041	1012 K ST	0.12	8-006 -222	1035 PAVIE AVE	0.08	8-012 -196	718 SECOND AVE	0.07
8-006 -046	1024 K ST	0.09	8-006 -225	1023 PAVIE AVE	0.05	8-012 -315	601 FIRST AVE	0.05
8-006 -094	720 FOWLERS LN	0.61	8-006 -253	911 EUBANKS ST	0.13	8-013 -146	GRACE ST	0.23
8-006 -095	700 FOWLERS LN	0.2	8-006 -334	910 MURRAY ST	0.15	8-013 -188	1307 MAIN ST	0.06
8-006 -126	606 WHITE ST	0.05	8-006 -394	913 SAMPSON ST	0.08	8-014 -065	1213 MECHANIC ST	0.12
8-006 -164	MURRAY ST	0.12	8-007 -056	815 GREEN ST	0.06	8-014 -217	1113 RALEIGH ST	0.07
8-006 -179	1023 MURRAY ST	0.11	8-007 -071	1037 MAIN ST	0.05	8-014 -266	1502 ROSE ST	0.08
8-006 -180	1021 MURRAY ST	0.11	8-007 -089	828 EUBANKS ST	0.11	8-014 -289	1010 GRACE ST	0.12
8-006 -181	1019 MURRAY ST	0.11	8-007 -096	839 PAVIE AVE	0.05	8-014 -313	816 BIDDLE ST	0.11
8-006 -182	1017 MURRAY ST	0.11	8-007 -126	833 BLOOMFIELD ST	0.05	8-014 -313-B	814 BIDDLE ST	0.19
8-006 -183	1015 MURRAY ST	0.11	8-007 -327	808 BERN ST	0.04	8-020 -134	WASHINGTON ST	0.11
8-006 -184	1013 MURRAY ST	0.11	8-007 -328	810 BERN ST	0.05			

**Legend**

- Railroad
- City Property to RDC
- RDC Boundary
- Bldg Footprints
- Parcels

1:5,000

0 200 400 800 Feet



## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting a Resolution Approving Extended Construction Hours for East Point Homes

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> 2
<b>Department:</b> City Clerk	<b>Person Submitting Item:</b> Brenda Blanco
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	The Housing Authority of the City of New Bern is developing a multifamily, low-income apartment complex at 703 Carolina Avenue. The City's noise ordinance prohibits construction beyond the hours of 7 a.m. to 9 p.m. without approval from the Board of Aldermen. The construction manager finds it necessary to perform certain work, such as pouring of concrete, outside of these hours and is requesting a brief exemption from the noise ordinance.
<b>Actions Needed by Board:</b>	Consider adopting the resolution
<b>Backup Attached:</b>	Resolution and request for exemption

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

<b>Cost of Agenda Item:</b> \$0
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**

## RESOLUTION

THAT WHEREAS, by Resolution adopted on November 13, 2018, the Board of Aldermen of the City of New Bern authorized the sale of approximately seven acres of real property located at 703 Carolina Avenue to The Housing Authority of the City of New Bern for the development of a multifamily low-income apartment complex ("Project"); and

WHEREAS, the Board of Aldermen of the City of New Bern has received a request from East Point Homes for an exemption from the City's noise ordinance to allow for construction of the Project to continue between the hours of 9:00 p.m. to 7:00 a.m. from approximately November 4, 2020 until approximately December 8, 2020, depending on weather conditions; and

WHEREAS, the Board of Aldermen deems it advisable and in the public interest to approve the requested exemption.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN THAT:**

**Section 1.** Pursuant to Section 26-68(5) of the Code of Ordinances of the City of New Bern, the Board of Aldermen of the City of New Bern hereby finds that it's in the public interest to allow East Point Homes to perform construction activities during the restricted hours of 9:00 p.m. to 7:00 a.m., from approximately November 1, 2020 through December 15, 2020.

**Section 2.** East Point Homes shall work with the City Manager to address any noise complaints raised by nearby residents in an effort to minimize the effects of sound created by construction activities as much as possible.

**Section 3.** This resolution shall be effective on adoption.

ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER, 2020.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK



## Brenda Blanco

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**From:** Buddy Yates <BuddyYates@qcenc.com>  
**Sent:** Wednesday, October 21, 2020 4:03 PM  
**To:** Brenda Blanco  
**Subject:** Carolina Avenue Apartments

Attention City Clerk

I'm requesting a noise permit for work being performed at 801 Carolina Avenue. We are planning to pour concrete slabs starting about November 4th through December 8th. We would like to start work about 4:30 AM and will possibly work as late as 9 or 10 in the evening. We start early to give as much sunshine on the concrete as possible. We will be pouring 1 to 2 days per week. The exact day of the pour is uncertain up to a several days before the pour due to weather conditions.

We desire to be good neighbours and not make any un-necessary noise, however the concrete trucks and concrete pump trucks are pretty loud. We will also be using a diesel powered generator to run light towers, so the generators also make a noise. Your consideration is greatly appreciated.

Sincerely

Buddy Yates  
819-330-8371  
East Point Homes

Get [Outlook for iOS](#)

NOTE: Please be advised, City of New Bern email addresses changed to user@newbernc.gov as of October 23rd 2018. Please update your address book accordingly. Thank you for your assistance with this change. -----

----- If  
you are not the intended recipient, you must destroy this message and inform the sender immediately. This electronic mail message and any attachments, as well as any electronic mail message(s) sent in response to it may be considered public record and as such subject to request and review by anyone at any time. It also may contain information which is confidential within the meaning of applicable federal and state laws.

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Request for a Resolution Authorizing the City Manager to execute a NCDOT Grant Agreement

<b>Date of Meeting:</b> October 27, 2020	<b>Ward # if applicable:</b> N/A
<b>Department:</b> Development Services	<b>Person Submitting Item:</b> Kim Maxey
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	The City of New Bern, on behalf of the New Bern Area Metropolitan Planning Organization (NBAMPO), is identified as the direct recipient of Section 5303 Federal Transit Administration Urban Planning Funds. The funds are managed by the NCDOT Public Transportation Division (PTD). Every year NCDOT-PTD requires that the MPO Lead Planning Agency (City of New Bern) elected officials approve a Resolution authorizing their representative to sign the Grant Agreement with NCDOT, in order to receive such funds. For Fiscal year 2021, the total 5303 allocation is \$25,000 with a Federal and State share of \$22,500 and local share of \$2,500 to be provided by NBAMPO's participating member agencies as described in attached memo.
<b>Actions Needed by Board:</b>	Adopt the Resolution authorizing the City Manager to execute the NCDOT Grant agreement for Fiscal Year 2021.
<b>Backup Attached:</b>	Memorandum with Local Match Breakdown, Resolution, Grant Agreement with attachments

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b> \$1,387.00 Local Match Share for the City of New Bern
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:** The contract must be signed by City Manager via DocuSign. ACTION IS REQUIRED ON PAGES 21, 22, & 24 – PLUS RESOLUTION



## Transportation Advisory Committee (TAC)

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**John Kirkland**  
Chairman

**Jeffrey Odham**  
Vice-Chairman

October 27, 2020

Memorandum

To: Mayor and New Bern Board of Aldermen

From: Kim Maxey, MPO Administrator

Subject: FY 2021 MPO Funding and Local Match

As of April 9, 2020, the New Bern Area MPO Transportation Advisory Committee unanimously approved the FY 2021 Unified Planning Work Program.

The 104f Federal Highway Planning grant request is for \$165,032, with a required local match of \$41,258, for a total of \$206,290 programmed for FY 2021. The 5303 Federal Transit Planning grant request is for \$20,000 with a State match of \$2,500 and a required local match of \$2,500 for a total of \$25,000 programmed for FY 2021. The combined required local match is of \$43,758.

The following amounts represent the FY20-21 local matches for each jurisdiction:

<b>FY 2021 104 f and 5303 Local Match</b>	<b>Jurisdiction</b>	<b>% of UZA</b>	<b>FHWA Cost Share</b>	<b>FTA Cost Share</b>	<b>Total Cost Share</b>
<b>\$43,758</b>	New Bern	55.48%	\$22,889.94	\$1,387.00	<b>\$24,276.94</b>
	River Bend	5.94%	\$2,450.72	\$148.50	<b>\$2,599.22</b>
	Trent Woods	8.14%	\$3,358.40	\$203.50	<b>\$3,561.90</b>
	Bridgeton	0.84%	\$346.57	\$21.00	<b>\$367.57</b>
	Craven County	29.60%	\$12,212.37	\$740.00	<b>\$12,952.37</b>

Please contact me at 639-7592 or via email at [maxeyk@nbampo.org](mailto:maxeyk@nbampo.org) if you require additional information.

**RESOLUTION  
AUTHORIZING THE CITY OF NEW BERN  
TO ENTER INTO AN AGREEMENT WITH  
THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

WHEREAS, the State of North Carolina is the Designated Recipient of Section 5303 Federal Transit Administration ("FTA") Planning Funds; and

WHEREAS, the City of New Bern, on behalf of the New Bern Area Metropolitan Planning Organization ("NBAMO") has been identified as the Direct Recipient of Section 5303 FTA Planning Funds.

NOW THEREFORE, BE IT RESOLVED that the New Bern City Manager is hereby authorized to enter into contracts with the Department of Transportation and execute all agreements and contracts with the North Carolina Department of Transportation, Public Transportation Division that address Section 5303 FTA Planning Funds.

This the 27<sup>th</sup> day of October, 2020.

The motion to adopt this Resolution was made by Alderman \_\_\_\_\_,  
seconded by Alderman \_\_\_\_\_ and passed by a vote of \_\_\_\_\_ to \_\_\_\_\_.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK





STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

ROY COOPER  
GOVERNOR

J. ERIC BOYETTE  
SECRETARY

October 5, 2020

Mr. Mark A. Stevens, City Manager  
City of New Bern  
P. O. Box 1129  
New Bern, NC 28563-1129

RE: FY2021 Metropolitan Planning Program (Section 5303)  
Project No. 21-08-125  
WBS Element No(s). 36230.42.7.6 (Planning)  
Agreement ID. TBD  
Period of Performance: 7/1/2020 – 6/30/2021

Dear Mr. Stevens:

On April 2, 2020, the Board of Transportation approved your organization's request for a FY21 Metropolitan Planning Program (Section 5303) grant in the amount of \$25,000. The agreement to be executed between City of New Bern and NCDOT is enclosed. The individual authorized to enter into this agreement for the financial assistance on behalf of your agency will sign the agreement. Please provide a copy of the agreement to all parties that will be involved in the administration of the grant, and request that the agreement be reviewed carefully. Instructions for completion of the grant agreement process are enclosed.

Please refer to Section 6b of the grant agreement that requires sub-recipients to submit monthly or quarterly requests for reimbursement.

If you have any question related to the grant agreement, please contact Myra Freeman, Financial Manager at 919-707-4672 or your assigned Accounting Specialist. In any correspondence, please reference your assigned project number, WBS element, Agreement number and period of performance referenced on this letter.

Sincerely,

Heather J. Hildebrandt  
Interim Director

HH\mf

Attachments

**NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**

and

**CITY OF NEW BERN  
On behalf of  
NEW BERN AREA METROPOLITAN  
PLANNING ORGANIZATION**

**PUBLIC TRANSPORTATION GRANT AGREEMENT FOR  
5303 METROPOLITAN PANNING GRANT PROGRAM**

***Federal Award Identification***

Agreement Number:  
NCDOT Project Number: **21-08-125**  
Approved Indirect Cost Rate: **NA**  
FAIN Number(s): **NC-2019-062-01**  
CFDA Number: **20.505**  
DUNS Number: **111460197**  
Total Amount of Award: **\$25,000**



**Federal Funded Programs:**

- 5303 Metropolitan Planning Grant**
- 5307 Urbanized Area Formula Grant**
- 5310 Enhanced Mobility of Seniors & Individuals with Disabilities Grant**
- 5311 Community Transportation Rural Formula Grant**
- 5311 Appalachian Development Transit Assistance Program Grant**
- 5311f Intercity Bus Grant**
- 5316 Job Access Reverse Commute Grant**
- 5317 New Freedom Grant**
- 5339 Bus and Bus Facility Grant**

THIS AGREEMENT made this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, (hereinafter referred to as AGREEMENT) by and between the NORTH CAROLINA DEPARTMENT OF TRANSPORTATION (hereinafter referred to as "Department", an agency of the State of North Carolina) and **CITY OF NEW BERN On behalf of NEW BERN AREA METROPOLITAN PLANNING ORGANIZATION**, (acting in its capacity as the grant recipient hereinafter referred to as the "Subrecipient" and together with Department as "Parties").

### **1. Purpose of Agreement**

The purpose of this Agreement is to provide for the undertaking of nonurbanized and small urban public transportation services as described in the project application (hereinafter referred to as "Project") and to state the terms and conditions as to the manner in which the Project will be undertaken and completed. This Agreement contains the entire agreement between the parties and there are no understandings or agreements, verbal or otherwise, regarding this Agreement except as expressly set forth herein. This Agreement is solely for the benefit of the identified parties to the Agreement and is not intended to give any rights, claims, or benefits to third parties or to the public at large.

### **2. Availability of Funds**

All terms and conditions of this Agreement are dependent upon, and, subject to the allocation of funds for the purpose set forth in the Agreement and the Agreement shall automatically terminate if funds cease to be available.

### **3. Period of Performance**

This Agreement shall commence upon the date of execution with a period of performance for all expenditures that extends from **July 1, 2020 to June 30, 2021**. Any requests to change the Period of Performance must be made in accordance with the policies and procedures established by the Department or FTA. The Subrecipient shall commence, carry on, and complete the approved Project in a sound, economical, and efficient manner.

### **4. Project Implementation**

- a. Scope of Project. **The City of New Bern on behalf of New Bern Area Metropolitan Planning Organization will use funds for transit planning in the MPO Area.**
- b. The Subrecipient shall undertake and complete the project in accordance with the procedures, terms, and conditions herein and as included in the related grant application for financial assistance, the terms of which are incorporated by reference.

- c. Amendment. Any amendment to this Agreement shall be done in writing and in accordance with established policies and procedures and only by mutual consent of the Parties.

**5. Cost of Project/Project Budget**

The total cost of the Project approved by the Department is **TWENTY-FIVE THOUSAND DOLLARS (\$25,000)** as set forth in the Project Description and Budget, incorporated into this Agreement as **Attachment A**. The Department shall provide, from Federal and State funds, the percentages of the actual net cost of the Project as indicated below, not in excess of the identified amounts for eligible Administrative, Operating, and Capital expenses. The Subrecipient hereby agrees that it will provide the percentages of the actual net cost of the Project, as indicated below, and any amounts in excess of the Department's maximum (Federal plus State shares) contribution. The net cost is the price paid minus any refunds, rebates, or other items of value received by the Subrecipient which have the effect of reducing the actual cost.

<b>Planning WBS</b>	Planning Total	Planning Federal (80%)	Planning State (10%)	Planning Local (10%)
36230.42.7.6	\$25,000	\$20,000	\$2,500	\$2,500
Agreement #				
<b>Project Total</b>	Project Total	Project Total Federal	Project Total State	Project Total Local
	\$25,000	\$20,000	\$2,500	\$2,500

**6. Project Expenditures, Payments, and Reimbursement**

- a. General. The Department, utilizing available state and federal funds, shall reimburse the Subrecipient for allowable costs for work performed under the terms of this Agreement.
- b. Reimbursement Procedures. The Subrecipient shall submit for reimbursement all eligible costs incurred within the agreement Period of Performance.
  - i. Claims for reimbursement shall be made no more than monthly or less than quarterly, using the State's grant system, Enterprise Business Services (EBS) Partner Application.
  - ii. All requests for reimbursement must be submitted within (30) days following the end of the project's reporting period. Any Subrecipient that fails to submit a request for reimbursement for the first two quarters of agreement fiscal year by January 31 or the last two quarters by July 31 will forfeit its ability to receive reimbursement for those periods.



- iii. All payments issued by the Department will be on a reimbursable basis unless the Subrecipient requests and the Department approves an advance payment.
  - iv. Supporting documentation for proof of payment may be requested.
- c. Subrecipient Funds.** Prior to reimbursement, the Subrecipient shall provide the Department with proof that the Subrecipient has met its proportionate share of project costs from sources other than FTA or the Department. Any costs for work not eligible for Federal and State participation shall be financed one hundred percent (100%) by the Subrecipient.
- d. Operating Expenditures.** In order to assist in financing the operating costs of the project, the Department shall reimburse the Subrecipient for the lesser of the following when providing operating assistance:
- i. The balance of unrecovered operating expenditures after deducting all farebox revenue, or
  - ii. The percentage specified in the Approved Project Budget of the allowable total operating expenditures which shall be determined by available funding.
- e. Travel Expenditures.** The Subrecipient shall limit reimbursement for meals, lodging and travel to rates established by the State of North Carolina Travel Policy. Costs incurred by the Subrecipient in excess of these rates shall be borne by the Subrecipient.
- f. Allowable Costs.** Expenditures made by the Subrecipient shall be reimbursed as allowable costs to the extent they meet all of the requirements set forth below. They must be:
- i. Consistent with the Project Description, plans, specifications, and Project Budget and all other provisions of this Agreement
  - ii. Necessary in order to accomplish the Project
  - iii. Reasonable in amount for the goods or services purchased
  - iv. Actual net costs to the Subrecipient, i.e., the price paid minus any refunds (eg, refundable sales and use taxes pursuant to NCGS 105-164.14), rebates, or other items of value received by the Subrecipient that have the effect of reducing the cost actually incurred

- v. Incurred (and be for work performed) within the period of performance and period covered of this Agreement unless specific authorization from the Department to the contrary is received
  - vi. Satisfactorily documented
  - vii. Treated uniformly and consistently under accounting principles and procedures approved or prescribed by the Department
- g. Excluded Costs.** The Subrecipient understands and agrees that, except to the extent the Department determines otherwise in writing, the Department will exclude:
- i. Any Project cost incurred by the Subrecipient before the period of performance of the agreement,
  - ii. Any cost that is not included in the latest Approved Project Budget,
  - iii. Any cost for Project property or services received in connection with a third-party contract, sub-agreement, lease, or other arrangement that is required to be, but has not been, concurred in or approved in writing by the Department, and
  - iv. Any cost ineligible for FTA participation as provided by applicable Federal or State laws, regulations, or directives.
- h. Final Allowability Determination.** The subrecipient understands and agrees that payment to the subrecipient on any Project cost does not constitute the Federal or State Government's final decision about whether that cost is allowable and eligible for payment and does not constitute a waiver of any violation by the subrecipient of the terms of this Agreement. The subrecipient acknowledges that the Federal or State Government will not make a final determination about the allowability and eligibility of any cost until an audit of the Project has been completed. If the Federal or State Government determines that the subrecipient is not entitled to receive any portion of the Federal or State assistance the subrecipient has requested or provided, the Department will notify the Subrecipient in writing, stating its reasons. The Subrecipient agrees that Project closeout will not alter the Subrecipient's responsibility to return any funds due the Federal or State Government as a result of later refunds, corrections, or other transactions; nor will Project closeout alter the Federal or State Government's right to disallow costs and recover funds on the basis of a later audit or other review. Unless prohibited by Federal or State law or regulation, the Federal or State Government may recover any Federal or State assistance funds made available for the Project as necessary to satisfy any outstanding monetary claims that the Federal or State Government may have against the Subrecipient.

- i. Federal or State Claims, Excess Payments, Disallowed Costs, Including Interest.
  - i. Subrecipient's Responsibility to Pay. Upon notification to the Subrecipient that specific amounts are owed to the Federal or State Government, whether for excess payments of Federal or State assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Subrecipient agrees to remit to the Department promptly the amounts owed, including applicable interest and any penalties and administrative charges within 60 days of notification.
  - ii. Interest Paid to the Department. The Subrecipient agrees to remit to the Department interest owed as determined in accordance with NCGS § 147-86.23.
  - iii. Interest and Fees Paid on Federal Funds. For amounts owed by the Subrecipient to the Federal Government, whether for excess payments of Federal assistance, disallowed costs, or funds recovered from third parties or elsewhere, the Subrecipient agrees to remit to the Federal Government promptly the amounts owed, including applicable interest, penalties and administrative charges as established by the Federal Transit Authority Master Agreement with NCDOT.
- j. De-obligation of Funds. The Subrecipient agrees that the Department may de-obligate unexpended Federal and State funds for grants that are inactive for six months or more.
- k. Project Closeout. Project closeout occurs when the Department issues the final project payment or acknowledges that the Subrecipient has remitted the proper refund. The Subrecipient agrees that Project closeout by the Department does not invalidate any continuing requirements imposed by this Agreement.

## **7. Accounting Records**

- a. Establishment and Maintenance of Accounting Records. The Subrecipient shall establish and maintain separate accounts for the public transportation program, either independently or within the existing accounting system. All costs charged to the program shall be in accordance with most current approved Project Budget and shall be reported to the Department in accordance with NCDOT Uniform Public Transportation Accounting System (UPTAS) guide.
- b. Documentation of Project Costs. All costs charged to the Project, including any approved services performed by the Subrecipient or others, shall be supported by properly executed payrolls, time records, invoices, contracts, or vouchers evidencing in detail the nature and propriety of the charges.

## **8. Reporting, Record Retention, and Access**

- a. Progress Reports. The Subrecipient shall advise the Department, through EBS, regarding the progress of the Project at a minimum quarterly, and at such time and in such a manner as the Department may require. Such reporting and documentation may include, but not be limited to: operating statistics, equipment usage, meetings, progress reports, and monthly performance reports. The Subrecipient shall collect and submit to the Department such financial statements, data, records, contracts, and other documents related to the Project as may be deemed necessary by the Department. Reports shall include narrative and financial statements of sufficient substance to be in conformance with the reporting requirements of the Department. Progress reports throughout the useful life of the project equipment shall be used, in part, to document utilization of the project equipment. Failure to fully utilize the project equipment in the manner directed by the Department shall constitute a breach of contract, and after written notification by the Department, may result in termination of the Agreement or any such remedy as the Department deems appropriate.
- b. Failure to comply with grant reporting and compliance guidelines set forth in the NCDOT PTD State Management Plan could result in financial penalties up to and including loss of current and future grant funding.
- c. Record Retention. The Subrecipient and its third party subrecipients shall retain all records pertaining to this Project for a period of five (5) years from the date of final payment to the Subrecipient, or until all audit exceptions have been resolved, whichever is longer.
- d. Project Closeout. The Subrecipient agrees that Project closeout does not alter the reporting and record retention requirements of this Agreement.
- e. State Auditor Oversight. The Subrecipient agrees to audit oversight by the Office of the State Auditor, to provide the Office of the State Auditor with access to accounting records, and to make available any audit work papers in the possession of any auditor of the Subrecipient.
- f. Financial Reporting and Audit Requirements. In accordance with 09 NCAC 03M.0205, all reports shall be filed with the Department in the format and method specified by the agency no later than three (3) months after the end of the recipient's fiscal year, unless the same information is already required through more frequent reporting. Audit Reports must be provided to the funding agency no later than nine (9) months after the end of the recipient's fiscal year.
- g. Parts Inventory. Financial audits must address parts inventory management.



- h. Third Party Loans. Within 30 days of receipt, the Subrecipient shall disclose to the Department any loans received from a local government entity or other entity not party to this agreement.
- i. Audit Costs. Unless prohibited by law, the costs of audits made in accordance with Title 2 CFR 200, Subpart F "Audit Requirements" are allowable charges to State and Federal awards. The charges may be considered a direct cost or an allocated indirect cost, as determined in accordance with cost principles outlined in Title 2 CFR 200, Subpart E "Cost Principles." The cost of any audit not conducted in accordance with Title 2 CFR 200 and NCGS§ 159-34 is unallowable and shall not be charged to State or Federal grants.

## **9. Compliance with Laws and Regulations**

- a. No terms herein shall be construed in a manner that conflicts with the rules and regulations of the Department or with state or federal law.
- b. The Subrecipient agrees to comply with all applicable state and federal laws and regulations, including titles 09 NCAC 3M and 19A NCAC 5B, as amended.

## **10. Conflicts of Interest Policy**

The subrecipient agrees to file with the Department a copy of the subrecipient's policy addressing conflicts of interest that may arise involving the subrecipient's management employees and the members of its board of directors or other governing body. The subrecipient's policy shall address situations in which any of these individuals may directly or indirectly benefit, except as the subrecipient's employees or members of its board or other governing body, from the subrecipient's disbursing of State funds, and shall include actions to be taken by the subrecipient or the individual, or both, to avoid conflicts of interest and the appearance of impropriety. The conflicts of interest policy shall be filed with the Department prior to the Department disbursing funds to the subrecipient.

## **Prohibition on Bonus or Commission Payments**

The Subrecipient affirms that it has not paid and will not pay any bonus or commission to any party to obtain approval of its Federal or State assistance application for the Project.

## **11. Tax Compliance Certification**

The Subrecipient shall complete and submit to the Department a sworn written statement pursuant to NCGS 143C-6-23(c), stating that the Subrecipient does not have any overdue tax debts, as defined by GS 105-243.1, at the Federal, State, or local level. The Subrecipient acknowledges that the written statement must be submitted to the Department prior to execution of this Agreement and disbursement of funds. The certification will be incorporated into this Agreement as Attachment B.

## **12. Assignment**

- a. Unless otherwise authorized in writing by the Department, the Subrecipient shall not assign any portion of the work to be performed under this Agreement, or execute any contract, amendment, or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement without the prior written concurrence of the Department.
- b. The Subrecipient agrees to incorporate the terms of this agreement and any applicable State or Federal requirements into written third-party contracts, sub-agreements, and leases, and to take the appropriate measures necessary to ensure that all Project participants comply with applicable Federal and State laws, regulations, and directives affecting their performance, except to the extent the Department determines otherwise in writing.

## **13. Hold Harmless.**

Except as prohibited or otherwise limited by law, the Subrecipient agrees to indemnify, save, and hold harmless the Department, the State of North Carolina and the United States of America and its officers, agents, and employees acting within the scope of their official duties against any liability, including costs and expenses, resulting from any willful or intentional violation by the Subrecipient of proprietary rights, copyrights, or right of privacy, arising out of the publication, translation, reproduction, delivery, use, or disposition of any data furnished under the Project.

## **14. Real Property, Equipment, and Supplies.**

Federal or State Interest. The Subrecipient understands and agrees that the Federal or State Government retains an interest in any real property, equipment, and supplies financed with Federal or State assistance (Project property) until, and to the extent, that the Federal or State Government relinquishes its Federal or State interest in that Project property. NCDOT shall be informed and included in all ribbon cuttings / dedications / groundbreakings. With respect to any Project property financed with Federal or State assistance under this Agreement, the Subrecipient agrees to comply with the following provisions, except to the extent FTA or the Department determines otherwise in writing:

- a. Use of Project Property. The Subrecipient agrees to maintain continuing control of the use of Project property. The Subrecipient agrees to use Project property for appropriate Project purposes (which may include joint development purposes that generate program income, both during and after the award period and used to support public transportation activities) for the duration of the useful life of that property, as required by FTA or the Department. Should the Subrecipient unreasonably delay or fail to use Project property during the useful life of that property, the Subrecipient agrees that it may be required to return the entire amount of the Federal and State assistance expended on that property. The

Subrecipient further agrees to notify the Department immediately when any Project property is withdrawn from Project use or when any Project property is used in a manner substantially different from the representations the Subrecipient has made in its Application or in the Project Description for this Agreement for the Project. In turn, the Department shall be responsible for notifying FTA.

- b. Maintenance and Inspection of Vehicles. The Subrecipient shall maintain vehicles at a high level of cleanliness, safety, and mechanical soundness in accordance with the minimum maintenance requirements recommended by the manufacturer and comply with the Department's State Management Plan ("SMP"). The Subrecipient shall register all vehicle maintenance activities into the Department's Asset Management System (AssetWorks) or an electronic version of same. The Department shall conduct frequent inspections to confirm proper maintenance pursuant to this subsection and the SMP. The Subrecipient shall collect and submit to the Department at such time and in such manner as it may require information for the purpose of the Department's Asset Management System (AssetWorks) and the Transit Asset Maintenance ("TAM") Plan.
- c. Maintenance and Inspection of Facilities and Equipment. The Subrecipient shall maintain any Project facility, including any and all equipment installed into or added on to the facility as part of the Project, in good operating order and at a high level of cleanliness, safety and mechanical soundness in accordance with good facility maintenance and upkeep practices and in accordance with the minimum maintenance requirements recommended by the manufacturer for all equipment installed in or added to the facility as part of the Project. Such maintenance shall be in compliance with applicable Federal and state regulations or directives that may be issued, except to the extent that the Department determines otherwise in writing. The Subrecipient shall document its maintenance program in a written plan. The Department shall conduct inspections as it deems necessary to confirm proper maintenance on the part of the Subrecipient pursuant to this subsection and SMP. Such inspections may or may not be scheduled ahead of time but will be conducted such that they shall not significantly interfere with the ongoing and necessary functions for which the Project was designed. The Subrecipient shall make every effort to accommodate such inspections by the Department in accordance with the Department's desired schedule for such inspections.
- d. The Subrecipient shall collect and submit to the Department at such time and in such manner as the Department may require information for the purpose of updating the TAM Plan Inventory and any and all other reports the Department deems necessary. The Subrecipient shall also maintain and make available to the Department upon its demand all documents, policies, procedures, purchase orders, bills of sale, internal work orders and similar items that demonstrate the Subrecipient's maintenance of the facility in good operating order and at a high level of cleanliness, safety and mechanical soundness.
- e. Incidental Use. The Subrecipient agrees that any incidental use of Project property will not exceed that permitted under applicable laws, regulations, and directives.



- f. Title to Vehicles. The Certificate of Title to all vehicles purchased under the Approved Budget for this Project shall be in the name of the Subrecipient. The Department's Public Transportation Division shall be recorded on the Certificate of Title as first lien-holder. In the event of project termination or breach of contract provisions, the Subrecipient shall, upon written notification by the Department, surrender Project equipment and/or transfer the Certificate(s) of Title for Project equipment to the Department or the Department's designee within 30 days of request.
- g. Encumbrance of Project Property. The Subrecipient agrees to maintain satisfactory continuing control of Project property as follows:
- (1) Written Transactions. The Subrecipient agrees that it will not execute any transfer of title, lease, lien, pledge, mortgage, encumbrance, third party contract, subagreement, grant anticipation note, alienation, innovative finance arrangement (such as a cross border lease, leveraged lease, or otherwise), or any other obligation pertaining to Project property, that in any way would affect the continuing Federal and State interest in that Project property.
  - (2) Oral Transactions. The Subrecipient agrees that it will not obligate itself in any manner to any third party with respect to Project property.
  - (3) Other Actions. The Subrecipient agrees that it will not take any action adversely affecting the Federal and State interest in or impair the Subrecipient's continuing control of the use of Project property.
- h. Alternative Use, Transfer, and Disposition of Project Property. The Subrecipient understands and agrees any alternative uses, transfers, or disposition of project property must be approved by the Department and done in accordance with Departmental procedures.
- i. Insurance Proceeds. If the Subrecipient receives insurance proceeds as a result of damage or destruction to the Project property, the Subrecipient agrees to:
- (1) Apply those insurance proceeds to the cost of replacing the damaged or destroyed Project property taken out of service, or
  - (2) Return to the Department an amount equal to the remaining Federal and State interest in the damaged or destroyed Project property.
- j. Misused or Damaged Project Property. If any damage to Project property results from abuse or misuse occurring with the Subrecipient's knowledge and consent, the Subrecipient agrees to restore the Project property to its original condition or refund the value of the Federal and State interest in that property, as the Department may require.



- k. Responsibilities after Project Closeout. The Subrecipient agrees that Project closeout by the Department will not change the Subrecipient's Project property management responsibilities, and as may be set forth in subsequent Federal and State laws, regulations, and directives, except to the extent the Department determines otherwise in writing.

## **15. Insurance**

The Subrecipient shall be responsible for protecting the state and/or federal financial interest in the facility construction/renovation and equipment purchased under this Agreement throughout the useful life. The Subrecipient shall provide, as frequently and in such manner as the Department may require, written documentation that the facility and equipment are insured against loss in an amount equal to or greater than the state and/or federal share of the real value of the facility or equipment. Failure of the Subrecipient to provide adequate insurance shall be considered a breach of contract and, after notification may result in termination of this Agreement. In addition, other insurance requirements may apply. The Subrecipient agrees to comply with the insurance requirements normally imposed by North Carolina State and local laws, regulations, and ordinances, except to the extent that the Department determines otherwise in writing.

## **16. Termination**

- a. Either party may terminate the Agreement by providing 60 days written notice to the other party, or as otherwise permitted by law.
- b. Should the Subrecipient terminate the Agreement without the concurrence of the Department, the Subrecipient shall reimburse the Department one hundred percent (100%) of all costs expended by the Department and associated with the work.

## **17. Additional Repayment Requirements and Remedies**

- a. The repayment requirements and remedies addressed in this Paragraph are in addition to those repayment requirements and other remedies set forth elsewhere in this Agreement, including the requirements to repay unspent funds. No remedy conferred or reserved by or to the Department is intended to be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy provided for in this Agreement, or now or hereinafter existing at law, in equity, or by statute, and any such right or power may be exercised from time to time and as often as may be deemed expedient.
- b. If there is a breach of any of the requirements, covenants or agreements in this Agreement (including, without limitation, any reporting requirements), or if there are any representations or warranties which are untrue as to a material fact in this Agreement or in relation to the Project (including the performance thereof),

the Subrecipient agrees that the Department may require repayment from the Subrecipient of an amount of funds to be determined in the Department's sole discretion but not to exceed the amount of funds the Subrecipient has already received under this Agreement.

**18. Civil Rights and Equal Opportunity**

Under this Agreement, the Subrecipient shall at all times comply with the requirements included as part of this agreement in the Federal Terms and Conditions.

**19. Choice of Law and Venue**

This agreement is to be interpreted according to the laws of the State of North Carolina. The Parties hereby agree that the proper venue for any claims filed as a result of this Agreement shall be the Superior Court of Wake County, North Carolina.

**20. Severability**

If any provision of the FTA Master Agreement or this Agreement for the Project is determined invalid, the remainder of that Agreement shall not be affected if that remainder would continue to conform to the requirements of applicable Federal or State laws or regulations.

**21. Incorporated Terms and Conditions**

In addition to the Terms and Conditions contained in this agreement and the terms and conditions included in the grant application, which are hereby incorporated by reference, additional terms and conditions incorporated by reference into this agreement are checked below.



**Federal Terms and Conditions, Attached**

## **22. Federal Terms and Conditions**

State Management Plan. The State Management Plan for Federal and State Transportation Programs and any subsequent amendments or revisions thereto, are herewith incorporated by reference, and are on file with and approved by the Department. Nothing shall be construed under the terms of this Agreement by the Department or the Subrecipient that shall cause any conflict with Department, State, or Federal statutes, rules, or regulations.

Allowable Costs. Eligible costs are those costs attributable to and allowed under the FTA program and the provisions of 2 CFR Parts 200 and 1201, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."

No Federal Government Obligations to Third Parties. The Subrecipient acknowledges and agrees that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying Agreement, absent the express written consent by the Federal Government, the Federal Government is not a party to this Agreement and shall not be subject to any obligations or liabilities to the Subrecipient or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying Agreement.

The Subrecipient agrees to include the above clause in each contract financed in whole or in part with Federal assistance provided by the FTA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Program Fraud and False or Fraudulent Statements or Related Acts. The Subrecipient acknowledges that the provisions of the Program Fraud Civil Remedies Act of 1986, as amended, 31 USC § 3801 et seq. and U.S. DOT regulations, "Program Fraud Civil Remedies," 49 CFR part 31, apply to its actions pertaining to this project. Upon execution of the underlying Agreement, the Subrecipient certifies or affirms the truthfulness and accuracy of any statement it has made, it makes, it may make, or causes to be made, pertaining to the underlying Agreement or the FTA assisted project for which this Agreement work is being performed. In addition to other penalties that may be applicable, the Subrecipient further acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification, the Federal Government reserves the right to impose the penalties of the Program Fraud Civil Remedies Act of 1986 on the Subrecipient to the extent the Federal Government deems appropriate.

The Subrecipient also acknowledges that if it makes, or causes to be made, a false, fictitious, or fraudulent claim, statement, submission, or certification to the Federal Government under a contract connected with a project that is financed in whole or in part with Federal assistance originally awarded by FTA under the authority of 49 USC chapter 53, the Government reserves the right to impose the penalties of 18 USC § 1001 and 49 USC § 5323(l) on the Subrecipient, to the extent the Federal Government deems appropriate.

The Subrecipient agrees to include the above two clauses in each subcontract financed in whole or in part with Federal assistance provided by FTA. It is further agreed that the clauses shall not be modified, except to identify the subcontractor who will be subject to the provisions.

Access to Records and Reports.

a. Record Retention. The Subrecipient will retain, and will require its subcontractors of all tiers to retain, complete and readily accessible records related in whole or in part to the Agreement, including, but not limited to, data, documents, reports, statistics, sub-agreements, leases, subcontracts, arrangements, other third-party agreements of any type, and supporting materials related to those records.

c. Access to Records. The Subrecipient agrees to provide sufficient access to FTA and its contractors to inspect and audit records and information related to performance of this Agreement as reasonably may be required.

d. Access to the Sites of Performance. The Subrecipient agrees to permit FTA and its contractors access to the sites of performance under this Agreement as reasonably may be required.

Federal Changes. The Subrecipient agrees to comply with all applicable federal requirements and federal guidance. All the standards or limits included in this agreement are minimum requirements. The federal requirements and guidance that applied at the time of the award this Agreement may be modified from time to time, and the modifications will apply to the Subrecipient.

Civil Rights and Equal Opportunity. Under this Agreement, the Subrecipient shall at all times comply with the following requirements and shall include these requirements in each subcontract entered into as part thereof.

1. Nondiscrimination. In accordance with Federal transit law at 49 USC § 5332, the Subrecipient agrees that it will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, disability, or age. In addition, the Subrecipient agrees to comply with applicable Federal implementing regulations and other implementing requirements FTA may issue.

2. Race, Color, Religion, National Origin, Sex. In accordance with Title VII of the Civil Rights Act, as amended, 42 USC § 2000e et seq., and Federal transit laws at 49 USC § 5332, the Subrecipient agrees to comply with all applicable equal employment opportunity requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor," 41 CFR chapter 60, and Executive Order No. 11246, "Equal Employment Opportunity in Federal Employment," September 24, 1965, 42 USC § 2000e note, as amended by any later Executive Order that amends or supersedes it, referenced in 42 USC § 2000e note. The Subrecipient agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, or sex (including sexual orientation and gender identity). Such



action shall include, but not be limited to, the following: employment, promotion, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

3. Age. In accordance with the Age Discrimination in Employment Act, 29 USC §§ 621634, U.S. Equal Employment Opportunity Commission (U.S. EEOC) regulations, "Age Discrimination in Employment Act," 29 CFR part 1625, the Age Discrimination Act of 1975, as amended, 42 USC § 6101 et seq., U.S. Health and Human Services regulations, "Nondiscrimination on the Basis of Age in Programs or Activities Receiving Federal Financial Assistance," 45 CFR part 90, and Federal transit law at 49 USC § 5332, the Subrecipient agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

4. Disabilities. In accordance with section 504 of the Rehabilitation Act of 1973, as amended, 29 USC § 794, the Americans with Disabilities Act of 1990, as amended, 42 USC § 12101 et seq., the Architectural Barriers Act of 1968, as amended, 42 USC § 4151 et seq., and Federal transit law at 49 USC § 5332, the Subrecipient agrees that it will not discriminate against individuals on the basis of disability. In addition, the Subrecipient agrees to comply with any implementing requirements FTA may issue.

Disadvantaged Business Enterprises. It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises (DBEs) as defined in 49 CFR Part 26 shall have the equal opportunity to compete fairly for and to participate in the performance of contracts financed in whole or in part by Federal Funds. The Subrecipient is also encouraged to give every opportunity to allow DBE participation in Supplemental Agreements. The Subrecipient, subconsultant, and subcontractor shall not discriminate on the basis of race, religion, color, national origin, age, disability or sex in the performance of this contract. The Subrecipient shall comply with applicable requirements of 49 CFR Part 26 in the award and administration of federally assisted contracts. Failure by the Subrecipient to comply with these requirements is a material breach of this contract, which will result in the termination of this contract or such other remedy, as the Department deems necessary.

When payments are made to Disadvantaged Business Enterprise (DBE) Subrecipients, including material suppliers, Subrecipients at all levels (Subrecipient, Subconsultant or Subrecipient) shall provide the Contract Administrator with an accounting of said payments. The accounting shall be listed on the Department's Subrecipient Payment Information Form (Form DBE-IS). In the event the Subrecipient has no DBE participation, the Subrecipient shall indicate this on the Form DBE-IS by entering the word 'None' or the number 'zero' and the form shall be signed. Form DBE-IS may be accessed on the website at: <https://apps.dot.state.nc.us/quickfind/forms/Default.aspx>.

A responsible fiscal officer of the payee Subrecipient, subconsultant or Subrecipient who can attest to the date and amounts of the payments shall certify that the accounting is

correct. A copy of an acceptable report may be obtained from the Department of Transportation. This information shall be submitted as part of the requests for payments made to the Department.

Prompt payment provisions. When a subcontractor has performed in accordance with the provisions of his contract, the contractor shall pay to his subcontractor and each subcontractor shall pay to his subcontractor, within seven days of receipt by the contractor or subcontractor of each periodic or final payment, the full amount received for such subcontractor's work and materials based on work completed or service provided under the subcontract NCGS §22C-1.

Incorporation of FTA Terms. Provisions of this Agreement include, in part, certain standard terms and conditions required by the U.S. DOT. All contractual provisions required by the U.S. DOT, as set forth in FTA Circular 4220.1, as amended, are incorporated by reference. Anything to the contrary herein notwithstanding, all FTA-mandated terms shall be deemed to control in the event of a conflict with other provisions contained in this Agreement. The Subrecipient shall not perform any act, fail to perform any act, or refuse to comply with any Department request, which would cause the Department to be in violation of FTA terms and conditions, as referenced in the current FTA Master Agreement shall prevail and be the instrument governing the receipt of Federal assistance from the Federal Transit Administration.

Energy Conservation. The Subrecipient agrees to comply with mandatory standards and policies relating to energy efficiency, which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act.

Debarment, Suspension, Ineligibility and Voluntary Exclusion. The Subrecipient shall comply and facilitate compliance with U.S. DOT regulations, "Non-procurement Suspension and Debarment," 2 CFR part 1200, which adopts and supplements the U.S. Office of Management and Budget (U.S. OMB) "Guidelines to Agencies on Government-wide Debarment and Suspension (Non-procurement)," 2 CFR part 180. As such, the Subrecipient shall verify that its principals, affiliates, and subcontractors are eligible to participate in this federally funded Agreement and are not presently declared by any Federal department or agency to be:

- a) Debarred from participation in any federally assisted Award;
- b) Suspended from participation in any federally assisted Award;
- c) Proposed for debarment from participation in any federally assisted Award;
- d) Declared ineligible to participate in any federally assisted Award;
- e) Voluntarily excluded from participation in any federally assisted Award; or
- f) Disqualified from participation in any federally assisted Award.

By signing and submitting this Agreement, Subrecipient certifies as follows:

The certification in this clause is a material representation of fact relied upon by the Department. If it is later determined by the Department that the Subrecipient knowingly rendered an erroneous certification, in addition to remedies available to the Department, the Federal Government may pursue available remedies, including but not limited to suspension and/or debarment. The Subrecipient agrees to comply with the requirements of 2 CFR part 180, subpart C, as supplemented by 2 CFR part 1200, throughout the period of this Agreement. The Subrecipient further agrees to include a provision requiring such compliance in its lower tier covered transactions. These provisions apply to each contract at any tier of \$25,000 or more, and to each contract at any tier for a federally required audit (irrespective of the contract amount), and to each contract at any tier that must be approved by an FTA official irrespective of the contract amount.

Lobbying Restrictions. The Subrecipient agrees that neither it nor any third-party participant will use federal assistance to influence any officer or employee of a federal agency, member of Congress or an employee of a member of Congress, or officer or employee of Congress on matters that involve this agreement, including any extension or modification, according to the following:

(1) Laws, Regulations, Requirements, and Guidance. This includes:

(a) The Byrd Anti-Lobbying Amendment, 31 USC § 1352, as amended,

(b) U.S. DOT regulations, "New Restrictions on Lobbying," 49 CFR part 20, to the extent consistent with 31 USC § 1352, as amended, and

(c) Other applicable federal laws, regulations, requirements, and guidance prohibiting the use of federal assistance for any activity concerning legislation or appropriations designed to influence the U.S. Congress or a state legislature, and

(2) Exception. If permitted by applicable federal law, regulations, requirements, or guidance, such lobbying activities described above may be undertaken through the subrecipient's proper official channels.

The Subrecipient agrees to submit a signed and dated Certification on Lobbying that appears in the attachment.

Clean Air Act and Federal Water Pollution Control Act. The Subrecipient agrees:

1) It will not use any violating facilities;

2) It will report the use of facilities placed on or likely to be placed on the U.S. EPA "List of Violating Facilities;"

3) It will report violations of use of prohibited facilities to FTA; and

4) It will comply with the inspection and other requirements of the Clean Air Act, as amended, (42 USC §§ 7401 – 7671q); and the Federal Water Pollution Control Act as amended, (33 USC §§ 1251-1387).



Public Transportation Employee Protective Arrangements. The Subrecipient agrees to comply with the following employee protective arrangements of 49 USC § 5333(b):

1. Sections 5307 and 5339. Under this Agreement or any Amendments thereto that involve public transportation operations that are supported with 49 USC § 5307 or 49 USC § 5339 federal assistance, a certification issued by U.S. DOL is a condition of the Contract.

2. Section 5311. When the Agreement involves public transportation operations and is supported with federal assistance appropriated or made available for 49 USC § 5311, U.S. DOL will provide a Special Warranty for its Award. The U.S. DOL Special Warranty is a condition of the Agreement.

3. Section 5310. The conditions of 49 USC § 5333(b) do not apply to Subrecipients providing public transportation operations pursuant to 49 USC § 5310. FTA reserves the right to make case-by-case determinations of the applicability of 49 USC § 5333(b) for all transfers of funding authorized under title 23, United States Code (flex funds), and make other exceptions as it deems appropriate, and, in those instances, any special arrangements required by FTA will be incorporated herein as required.

Charter Service. The Subrecipient agrees to comply with 49 USC 5323(d), 5323(r), and 49 CFR part 604, which provides that recipients and subrecipients of FTA assistance are prohibited from providing charter service using federally funded equipment or facilities if there is at least one private charter operator willing and able to provide the service, except as permitted under:

1. Federal transit laws, specifically 49 USC § 5323(d);
2. FTA regulations, "Charter Service," 49 CFR part 604;
3. Any other federal Charter Service regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

The Subrecipient agrees that if it engages in a pattern of violations of FTA's Charter Service regulations, FTA may require corrective measures or impose remedies on it. These corrective measures and remedies may include:

1. Barring it or any subcontractor operating public transportation under its Award that has provided prohibited charter service from receiving federal assistance from FTA;
2. Withholding an amount of federal assistance as provided by Appendix D to part 604 of FTA's Charter Service regulations; or
3. Any other appropriate remedy that may apply. The Subrecipient should also include the substance of this clause in each subcontract that may involve operating public transit services.



School Bus Operations. The Subrecipient agrees to comply with 49 USC 5323(f), and 49 CFR part 605, and not engage in school bus operations using federally funded equipment or facilities in competition with private operators of school buses, except as permitted under:

1. Federal transit laws, specifically 49 USC § 5323(f);
2. FTA regulations, "School Bus Operations," 49 CFR part 605;
3. Any other Federal School Bus regulations; or
4. Federal guidance, except as FTA determines otherwise in writing.

If Subrecipient violates this School Bus Agreement, FTA may:

1. Bar the Subrecipient from receiving Federal assistance for public transportation; or
2. Require the Subrecipient to take such remedial measures as FTA considers appropriate.

When operating exclusive school bus service under an allowable exemption, the contractor may not use federally funded equipment, vehicles, or facilities.

The Subrecipient shall include the substance of this clause in each subcontract or purchase under this contract that may operate public transportation services.

Substance Abuse Requirements (Recipients of Sections 5307, 5311, and 5339 funds only). The Subrecipient agrees to establish and implement a drug and alcohol testing program that complies with 49 CFR parts 40 and 655, produce any documentation necessary to establish its compliance with part 655, and permit any authorized representative of the United States Department of Transportation or its operating administrations or the Department to inspect the facilities and records associated with the implementation of the drug and alcohol testing program as required under 49 CFR part 655 and review the testing process. The Subrecipient agrees further to submit the Drug and Alcohol Management Information System (DAMIS) reports before February 15 to NCDOT Public Transportation Compliance Office or its designee.

### **23. Contract Administrators.**

All notices permitted or required to be given by one Party to the other and all questions about this Agreement from one Party to the other shall be addressed and delivered to the other Party's Contract Administrator. The name, postal address, street address, telephone number, fax number, and email address of the Parties' respective initial Contract Administrators are set out below. Either Party may change the name, postal address, street address, telephone number, fax number, or email address of its Contract Administrator by giving timely written notice to the other Party.

For the Department:

Name: Myra Freeman  
Title: Financial Manager  
Agency: NCDOT/PTD  
Email: Msfreeman1@ncdot.gov  
MSC: 1550 Mail Service Center – Raleigh, NC 27699-1550  
Physical Address: 1 S. Wilmington St, Rm 542, Transportation Building, Raleigh, NC 27601  
Phone: 919-707-4672 Fax: 919-733-2304

For the Subrecipient:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Agency: \_\_\_\_\_  
Email: \_\_\_\_\_  
Phone: \_\_\_\_\_

IN WITNESS WHEREOF, this Agreement has been executed by the Department, an agency of the State of North Carolina, and the Subrecipient by and through a duly authorized representative and is effective the date and year first above written.

**CITY OF NEW BERN**  
**On behalf of**  
**New Bern Area Metropolitan**  
**Planning Organization**

SUBRECIPIENT'S FEDERAL TAX ID  
NUMBER:

\_\_\_\_\_

SUBRECIPIENT'S FISCAL YEAR END:

**JUNE 30, 2021**

\_\_\_\_\_

BY:

\_\_\_\_\_

TITLE:

**CITY MANAGER**

\_\_\_\_\_

ATTEST:

\_\_\_\_\_

TITLE:

\_\_\_\_\_

DEPARTMENT OF  
TRANSPORTATION

\_\_\_\_\_

BY:

\_\_\_\_\_

TITLE:

**DEPUTY SECRETARY FOR  
MULTI-MODAL TRANSPORTATION**

\_\_\_\_\_

ATTEST:

\_\_\_\_\_

TITLE:

\_\_\_\_\_





**Attachment**

**Certification Regarding Lobbying**

The Subrecipient certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Subrecipient's Authorized Representative \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

PUBLIC TRANSPORTATION DIVISION  
 PROJECT NUMBER: 21-08-125  
 APPROVED BUDGET SUMMARY  
 EFFECTIVE DATE 07/1/2020

PROJECT SPONSOR: CITY OF NEW BERN  
 PROJECT DESCRIPTION: FY2021 METROPOLITAN PLANNING PROGRAM (SECTION 5303)

I. TOTAL PROJECT EXPENDITURES  
 DEPARTMENT - 4526 PLANNING - 36230.42.7.6 \$25,000  
 PERIOD OF PERFORMANCE JULY 01, 2020 - JUNE 30, 2021

II. TOTAL PROJECT FUNDING

		<u>TOTAL</u>	<u>FEDERAL</u>	<u>STATE</u>	<u>LOCAL</u>
PLANNING -	36230.42.7.6	100%	80.00%	10.00%	10.00%
AGREEMENT		\$25,000	\$20,000	\$2,500	\$2,500
TOTAL		\$25,000	\$20,000	\$2,500	\$2,500

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION  
PUBLIC TRANSPORTATION DIVISION  
APPROVED PROJECT BUDGET

PROJECT: 21-08-125  
SPONSOR: CITY OF NEW BERN  
WBS: 36230.42.7.6

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DEPARTMENT 4526 - PLANNING I  
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<u>OBJECT</u>	<u>TITLE</u>	<u>APPROVED BUDGET</u>
M302	442100-PROG SUPT ADMIN	1,000
M304	442301-L-RNG TRN PLN SYS	4,000
M305	442302-L-RNG TRN PLN PROJ	1,000
M306	442400-S-RNG TRNSP PLN	2,000
M313	442700-OTHER ACTIVITIES	<u>17,000</u>
<b>TOTAL PLANNING</b>		<b>25,000</b>

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Executing Utility Relocation Agreement U-5713/R-5777A/R-5777B known as US 70 James City.

<b>Date of Meeting:</b> October 27, 2020	<b>Ward # if applicable:</b> N/A
<b>Department:</b> Public Utilities	<b>Person Submitting Item:</b> Charles Bauschard
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Request for Mayor to execute Utility Relocation Agreement U-5713/R-5777A/R-5777B; known as US 70 James City
<b>Actions Needed by Board:</b>	Execution by Mayor Outlaw
<b>Backup Attached:</b>	Memo, Utility Relocation Agreement, Cost Estimate, Resolution

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b> N/A
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:** Reimbursement of non-budgeted construction expenditures estimated at ~~\$1,950,718.48~~ \$2,183,718.00.





# NEW BERN

CITY OF NEW BERN

DEPARTMENT OF PUBLIC UTILITIES

210 Kale Road, P.O. Box 1129

New Bern, NC 28563-1129

**TO:** Mayor Outlaw, Board of Aldermen

**FROM:** Charles D. Bauschard, Director of Public Utilities

**COPIES:** Mark Stephens, City Manager; File

**SUBJECT:** NCDOT / Utility Relocation Agreement (US 70 James City)

**DATE:** October 23, 2020

The North Carolina Department of Transportation has requested that the City of New Bern relocate City owned electric utilities for the purpose of constructing NC DOT Element No. 50111.1.1 / Program No. U-5713, R-5777A, R-5777B; known as the US 70 James City freeway. The scope of work includes the relocation of overhead and underground electrical distribution facilities that conflict with the NCDOT project, of which is fully reimbursable by NC DOT.

Staff requests your consideration towards executing the attached "Utility Relocation Agreement". This action establishes the utilities construction estimate of \$2,183,718.00 and terms for reimbursement by NC DOT.

## RESOLUTION

**BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

That the Utility Relocation Agreement for Transportation Improvement Program No. U-5713/R-5777A&B for US 70 James City dated October 27, 2020 by and between the NC Department of Transportation and the City of New Bern, a copy of which is attached hereto and incorporated herein by reference, be and the same is hereby approved, and the Mayor and the City Clerk are hereby authorized and directed to execute the same, in duplicate originals, for and on behalf of the City.

ADOPTED THIS 27<sup>TH</sup> DAY OF OCTOBER, 2020.

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DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

\*\*\*\*\*

**UTILITY RELOCATION AGREEMENT**

**NCDOT HIGHWAY WBS ELEMENT NO.** 50111.3.1

**TRANSPORTATION IMPROVEMENT PROGRAM NO.** U-5713/R-5777 A&B

**COUNTY** Craven

\*\*\*\*\*

This agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the Department of Transportation, an agency of the State of North Carolina, hereinafter referred to as the DEPARTMENT, and City of New Bern Inc. hereinafter referred to as the COMPANY:

**W I T N E S S E T H:**

**THAT WHEREAS, the DEPARTMENT will submit a project for construction as follows:**

The City of New Bern electrical utility relocation for NCDOT project U-5713/R-5777 a &B James City US 70

known as route US 70 in Craven County, North Carolina to be designated as N.C. State Highway Project and/or WBS Element 50111.3.1 and, WHEREAS, the construction of said project will require certain adjustments to be made to the existing facilities of the COMPANY;

**NOW, THEREFORE, in order to facilitate the orderly and expeditious relocation of the said facilities of COMPANY, the DEPARTMENT and the COMPANY have agreed as follows:**

**1. That the scope, description, and location of work to be undertaken by the COMPANY are as follows**

The City of New Bern, North Carolina has been informed by the NCDOT of their intent to reconfigure US 70 south of the Trent River.

**2. That any work performed under this agreement shall comply with DEPARTMENT's "POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS OF WAY" dated January 1, 1975, and such amendments thereto as may be in effect at the date of this agreement. The work to be performed by the COMPANY shall conform with Federal Highway Administration's Federal-Aid Policy Guide, Subchapter G, Part 645, Subpart A hereinafter referred to as FAPG dated December 9, 1991, and such amendments thereto as may be in effect at the date of this agreement. The provisions of said FAPG and amendments thereto are incorporated in this agreement by reference as fully as if herein set out. Any work performed under this agreement not in compliance with FAPG shall constitute unauthorized work and the DEPARTMENT shall be relieved of participating in the costs of such unauthorized work unless such work is done pursuant to a supplemental agreement attached to and made a part hereof.**

**3. That the COMPANY will prepare an estimate, broken down as to estimated cost of labor, construction overhead, materials and supplies, handling charges, transportation and equipment, rights of way, preliminary engineering and construction engineering, including an itemization of appropriate credits for salvage and betterments, and accrued depreciation all in sufficient detail to provide the DEPARTMENT a reasonable basis for analysis. Unit costs, such as broad gauge units of property, may be used for estimating purposes where the COMPANY uses such units in its own operations. The COMPANY will also prepare plans, sketches or drawings showing their existing facilities, temporary and permanent changes to be made with reference to the DEPARTMENT's new right of way using appropriate nomenclature, symbols, legend, notes, color coding or the like. The before mentioned estimate and plans are attached hereto and made a part hereof. The DEPARTMENT will not reimburse the COMPANY for any utility relocations or changes not necessitated by the construction of the highway project, nor for changes made solely for the benefit or convenience of the COMPANY, its contractor, or a highway contractor.**

**4. That the DEPARTMENT's authority, obligation, or liability to pay for relocations as set forth in this agreement is based on the COMPANY having a right of occupancy in its existing location by reason of the fee, an easement or other real property interest, the damaging or taking of which is compensable in eminent domain.**



5. That payment for all work done hereunder shall be made in accordance with the requirements of FAPG unless payment is being made pursuant to a supplemental agreement attached to and made a part of this agreement.

6. That the construction work provided for in this agreement will be performed by the method or methods as specified below:

**BY COMPANY'S REGULAR FORCE:** The COMPANY proposes to use its regular construction or maintenance crews and personnel at its standard schedule of wages and working hours in accordance with the terms of its agreement with such employees.

**BY EXISTING WRITTEN CONTINUING CONTRACT:** The COMPANY proposes to use an existing written continuing contract under which certain work as shown by the COMPANY's estimate is regularly performed for the COMPANY and under which the lowest available costs are developed.

**BY CONTRACT:** The COMPANY does not have adequate staff or equipment to perform the necessary work with its own forces. The COMPANY proposes to award a contract to the lowest qualified bidder who submits a proposal in conformity with the requirements and specifications for the work to be performed as set forth in an appropriate solicitation for bids.

7. a. It is contemplated by the parties hereto that the construction of this State Highway Project will begin on or about the \_\_\_ day of \_\_\_\_\_, \_\_\_\_ .

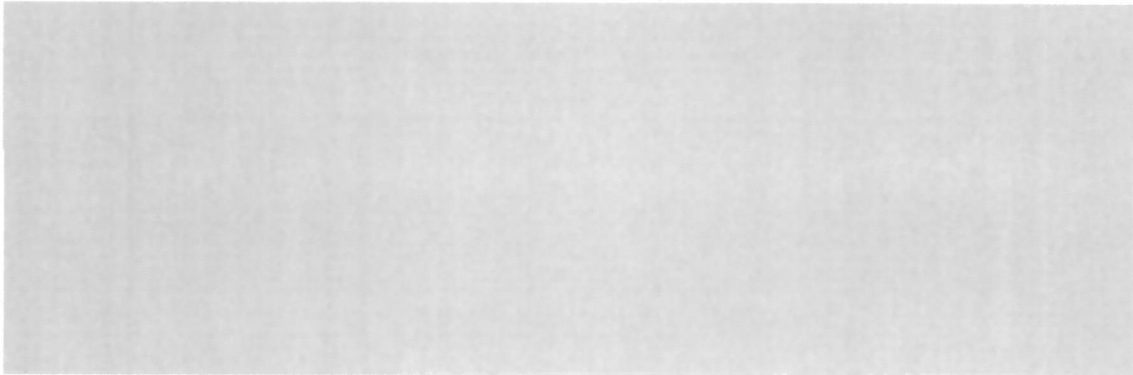
b. Based on the best information available at the present time to the COMPANY, indicate applicable paragraph below:

Materials are available and it is expected that work will be complete prior to highway construction.

All work will take place during highway construction and arrangements for said work will be coordinated with highway construction operations at preconstruction conference.

Work will begin promptly upon notification by DEPARTMENT; however, it is not expected to be complete prior to highway construction. Any remaining work will be coordinated with highway construction operations at preconstruction conference.

Other (Specify)



8. That the method used by the COMPANY in developing the relocation costs shall be as indicated by Paragraph (a), (b), or (c) as follows:

- a.  Actual direct and related indirect costs accumulated in accordance with a work order accounting procedure prescribed by the applicable Federal or State regulatory body.
- b.  Actual direct and related indirect costs accumulated in accordance with an established accounting procedure developed by the COMPANY and approved by the DEPARTMENT.
- c.  On a lump-sum basis where the estimated cost to the DEPARTMENT does not exceed \$100,000.00. Except where unit costs are used and approved, the estimate shall show such details as man-hours by class and rate; equipment charges by type, size, and rate; materials and supplies by items and price; and payroll additives and other overhead factors.

9. Indicate if (a) or (b) is applicable:

- a.  That the replacement facility is not of greater functional capacity or capability than the one it replaces, and includes no COMPANY betterments.
- b.  That the replacement facility involves COMPANY betterments, or is of greater functional capacity or capability than the one it replaces.

10. That the total estimated cost of the work proposed herein, including all cost to the DEPARTMENT and COMPANY less any credit for salvage, is estimated to be ----- \$ 2193407.00

The estimated non-betterment cost to the DEPARTMENT, including all cost less any credits for salvage, betterments, accrued depreciation and additional work done by the COMPANY will be ----- \$ 9,688.52

The estimated cost to the COMPANY including betterments, and any additional work done by the COMPANY will be ----- \$ 2183718.00

*(The above costs shall be supported by attached estimate and plans)*

11. That in the event it is determined there are changes in the scope of work, extra work, or major changes from the statement of work covered by this agreement, reimbursement shall be limited to costs covered by a modification of this agreement or a written change or extra work order approved by the DEPARTMENT.

12. Periodic progress billings of incurred costs may be made by COMPANY to the DEPARTMENT not to exceed monthly intervals; however, total progress billing payments shall not exceed 95% of the approved non-betterment estimate. Progress billing forms may be obtained from the Area Utility Agent.

13. One final and detailed complete billing of all cost shall be made by COMPANY to the DEPARTMENT at the earliest practicable date after completion of work and in any event within six months after completion of work. The statement of final billing shall follow as closely as possible the order of the items in the estimate portion of this agreement.

14. That the DEPARTMENT shall have the right to inspect all books, records, accounts and other documents of the COMPANY pertaining to the work performed by it under this agreement at any time after work begins and for a period of 3 years from the date final payment has been received by the COMPANY.

15. That the COMPANY obligates itself to erect, service and maintain the facilities to be retained and installed over and along the highway within the DEPARTMENT right of way limits in accordance with the mandate of the Statute and such other laws, rules, and regulations as have been or may be validly enacted or adopted, now or hereafter.

16. That if, in the future, it becomes necessary due to highway construction or improvement to adjust or relocate utilities covered in this agreement being relocated at DEPARTMENT expense that are crossing or otherwise occupying highway right of way, the non-betterment cost of same will be that of the DEPARTMENT.

17. That if, at any time, the DEPARTMENT shall require the relocation of or changes in the location of the encroaching facilities covered in this agreement being relocated at COMPANY expense, the COMPANY binds itself, its successors and assigns, to promptly relocate or alter the facilities, in order to conform to the said requirements, without any cost to the DEPARTMENT.

18. That the COMPANY agrees to relinquish their rights in that portion of right of way vacated by their existing facilities now absorbed within DEPARTMENT right of way.

19. Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with all local, State and Federal regulations.

20. The COMPANY agrees to comply with the environmental rules and regulations of the State of North Carolina. Violation to the NC Sedimentation Pollution Control Act, Clean Water Act, NC Coastal Management Act, or other environmental commitment outlined in the project permits may result in work stoppage, penalties and/or construction delays.

21. The COMPANY agrees to comply with Buy America. United States Codes (USC) 313 and Code of Federal Regulations 23 CFR 635.410: Requires the use of domestic steel and iron in all federally funded construction projects.

**IN WITNESS WHEREOF, the parties hereby have affixed their names by their duly authorized officers the day and year first above written.**

**DEPARTMENT OF TRANSPORTATION**

**BY:** \_\_\_\_\_  
**AREA UTILITY AGENT**

**ATTEST OR WITNESS**

\_\_\_\_\_  
**(TITLE)**

**ATTEST:** \_\_\_\_\_  
City of New Bern  
**(NAME OF COMPANY)**

**By:** \_\_\_\_\_  
Brenda. E Blanco

**BY:** \_\_\_\_\_  
Dana E. Outlaw

**Title:** City Clerk

**TITLE:** \_\_\_\_\_  
Mayor

**N.C.G.S. § 133-32 and Executive Order 24 prohibit the offer to, or acceptance by, any State Employee of any gift from anyone with a contract with the State, or from any person seeking to do business with the State. By execution of any response in this procurement, you attest, for your entire organization and its employees or agents, that you are not aware that any such gift has been offered, accepted, or promised by any employees of your organization.**



## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern all contract documents and change orders within the contract amount for the Quarry 1 and Quarry 2, Hurricane Florence drainage ditch project.

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> Wards 4 & 5
<b>Department:</b> Public Works	<b>Person Submitting Item:</b> Matt Montanye, Director of Public Works
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b> N/A

<b>Explanation of Item:</b>	Over the past two years the City has been working with FEMA on a project to remove sediment and debris from 66 miles of drainage ditches throughout the City. This project is for two of the ten drainage areas that services the Derby Park, Colony Estates and surrounding areas.
<b>Actions Needed by Board:</b>	Adopt attached resolution
<b>Backup Attached:</b>	Memo, Resolution, Bid Tabulation, Advertisement for Bids, Project Plan

<b>Is item time sensitive?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b> \$655,835.00
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**



Public Works Department  
P.O. Box 1129, 1004 S. Glenburnie Road  
New Bern, N.C. 28563-1129  
Phone: (252) 639-7501  
Fax: (252) 636-1848

October 5, 2020

**Memo to:** Mayor and Board of Aldermen

**From:** Matt Montanye, Director of Public Works

**Re:** Consider adopting a resolution authorizing the City Manager to execute all contract documents and change orders within the contract amount for the Quarry 1 and Quarry 2, Hurricane Florence drainage ditch project.

**Background Information:**

In late 2018 following Hurricane Florence, the City of New Bern began working with FEMA on a project to remove sediment and debris from 66 miles of drainage ditches within the City. This project was obligated by FEMA on January 27, 2020. Since being obligated, the City has been working with Draper Aden and Associates to identify damages, develop construction plans and to obtain state and federal permits for work within ten different drainage basins. On August 18, 2020, work within two of the ten drainage basins (Quarry 1 and Quarry 2) was advertised for bids. However, on September 17, 2020, only two bids were received for this project. Therefore, the project was readvertised and on September 28, 2020, after receiving no additional bids, the bids were opened, with the low bidder for this project being Pintail Oilfield Services, LLC. The Quarry 1 and Quarry 2 drainage basin project consist of removing debris from 209 locations, consisting of more than 1,640 tons of vegetative debris, 2,500 tons of sediment, 22 tons of miscellaneous debris and the cleaning of 2,550-feet of drainage culverts. The contract time for this project is 150 days.

**Recommendation:**

Draper Aden and Associates have vetted Pintail Oilfield Services LLC and found no issues or concerns. The Public Works Department is recommending and request the Board consider adopting a resolution authorizing the City Manager to execute on behalf of the City of New Bern, all contract documents and any change orders for the Quarry 1 and Quarry 2, Hurricane Florence drainage ditch project within the contract amount.

If you have any questions concerning this matter, please feel free to contact me directly.

cc: George Chiles, Staff Engineer

## RESOLUTION

THAT WHEREAS, the Quarry 1 and Quarry 2 Hurricane Florence Drainage Ditch Project was publicly advertised on August 18, 2020 and again on September 17, 2020, and a pre-bid meeting was held on September 10, 2020; and

WHEREAS, the following two qualified bids were received on September 28, 2020:

Pintail Oilfield Services	\$ 655,835.00
Trader Construction Company	\$ 859,655.00

WHEREAS, the Director of Public Works of the City of New Bern recommends the City Manager be authorized to execute contract documents with the lowest bidder, Pintail Oilfield Services, in the amount of \$655,835.00, for the Quarry 1 and Quarry 2 Hurricane Florence Drainage Ditch Project, and any change orders within the budgeted amount.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:**

That the City Manager is hereby authorized to execute on behalf of the City of New Bern all contract documents with Pintail Oilfield Services for the Quarry 1 and Quarry 2 Hurricane Florence Drainage Ditch Project and any change orders within the budgeted amount.

ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER, 2020.

\_\_\_\_\_  
DANA E. OUTLAW, MAYOR

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK



# Draper Aden Associates

Engineering • Surveying • Environmental Services

## CERTIFIED BID TABULATION

PROJECT: Hurricane Florence Debris Removal Activities – Quarry 1 and Quarry 2 Drainage Basins

PROJECT #: 19080319-07

BID DATE: September 28, 2020

BID TIME: 1:00 PM

LOCATION: City of New Bern Public Works Department / Microsoft Teams

	Pintail Oilfield Services, LLC	Trader Construction Company			
Bid Bond	✓	✓			
Contractor's License Information	#83386	#2942			
Bidder Qualification Statement	✓	✓			
City's General Provisions and Byrd Anti-Lobbying Certification	✓	✓			
Anti-Collusion Affidavit	✓	✓			
MBE / HUB Documentation	✓	✓			
Bid Signed	✓	✓			
Receipt of Addenda	✓	✓			
Division 1 - Quarry 1 Drainage Basin Total	\$269,956.00	\$345,700.00			
Division 2 - Quarry 2 Drainage Basin Total	\$385,879.00	\$513,955.00			
Deduction (if bidding Divisions 1 and 2 together)	\$3,800.00	\$15,000.00			

This is to certify that the bids tabulated herein were publicly opened and read aloud at 1:00 PM on the Twenty-Eighth day of September, 2020, at the City of New Bern Public Works Department in New Bern, North Carolina.

NOTE: Values indicated in RED above have been corrected





## ADVERTISEMENT FOR BIDS

City of New Bern  
New Bern, North Carolina

### Hurricane Florence Debris Removal Activities – Quarry 1 and Quarry 2 Drainage Basins

#### General Notice

The City of New Bern (Owner) is requesting Bids for the construction of the following Project:

#### Hurricane Florence Debris Removal Activities – Quarry 1 and Quarry 2 Drainage Basins DAA PN: 19080319-070302

Bids for the construction of the Project will be received at the City of New Bern Public Works Department located at 1004 S. Glenburnie Road, until September 17, 2020 at 1:30 PM local time. At that time the Bids received will be publicly opened and read.

In response to the current State of Emergency and “Stay at Home” order pursuant of Executive Order 121, dated March 27, 2020, the public bid opening shall be made available through online video conference. Access to the online video conference shall be made available to all plan holders at least 24 hours prior to opening of bids.

The Project includes the following Work:

This project generally involves the removal of previously identified and as encountered sediment, vegetative debris, and miscellaneous hazardous debris within open-air stormwater ditches, piping, culverts, and wetlands. Work also includes clearing, grubbing, installation of access roads, necessary traffic control, erosion and sediment control, excavation, reduction, hauling of debris.

Bids are requested for the following Contract: **Hurricane Florence Debris Removal Activities – Quarry 1 and Quarry 2 Drainage Basins**

#### Obtaining the Bidding Documents

Information and Bidding Documents for the Project can be found at the following designated website:

[www.daa.com](http://www.daa.com)

Bidding Documents may be downloaded from the designated website. Prospective Bidders are urged to register with the designated website as a plan holder, even if Bidding Documents are obtained from a plan room or source other than the designated website in either electronic or paper format. The designated website will be updated periodically with addenda, lists of registered plan holders, reports, and other information relevant to submitting a Bid for the Project. All official notifications, addenda, and other Bidding Documents will be offered only through the designated website. Neither Owner nor Engineer will be responsible for Bidding Documents, including addenda, if any, obtained from sources other than the designated website.

The Issuing Office for the Bidding Documents is:

**Draper Aden Associates**  
**114 Edinburgh South Drive, Suite 200, Cary, NC 27511**

Due to the ongoing COVID-19 pandemic, bidders are strongly encouraged to register as a plan holder from the aforementioned website. Physical documents will not be available from the Issuing Office. Neither Owner nor Engineer will be responsible for full or partial sets of Bidding Documents, including addenda, if any, obtained from sources other than the Issuing Office.

The Owner is an Equal Opportunity Employer and encourages bidding by small, minority and female contractors and does not discriminate on the basis of handicapped status. Bids from qualified historically underutilized businesses (HUB's) are encouraged. Bidder must provide 10% of total contract cost to HUB's or demonstrate good faith effort. The Work will be subject to the prevailing wage rates and to the Equal Employment Opportunity requirements established by the U.S. Department of Labor. The project will be funded in whole/part using FEMA funds provided by the U.S. Department of Homeland Security. All Federal laws and regulations will apply to use of FEMA funds.

Digital copies of the Bidding Documents are available free of charge from the designated website. Physical copies of the Bidding Documents may be purchased from the Issuing Office. Cost does not include shipping charges. Upon Issuing Office's receipt of payment, printed Bidding Documents will be sent via the prospective Bidder's delivery service. The shipping charge amount will depend on the shipping method chosen. Bidding Documents are available for purchase in the following formats:

Format	Cost
Physical Bidding Documents (including Full-Size Drawings)	\$100

#### Pre-bid Conference

Pre-bid conference attendance is not required. A virtual pre-bid conference is scheduled, through Microsoft Teams, on September 10, 2020 at 1:30 PM. In response to the current State of Emergency and "Stay at Home" order pursuant of Executive Order 121, dated March 27, 2020, the pre-bid meeting shall be made available through online video conference. Access to the online video conference shall be made available to all interested parties at least 24 hours prior to the scheduled meeting. Interested parties are required to contact Kim Phillips by email at [kphillips@daa.com](mailto:kphillips@daa.com) to request the conference link.

#### Instructions to Bidders.

For all further requirements regarding bid submittal, qualifications, procedures, and contract award, refer to the Instructions to Bidders that are included in the Bidding Documents.

#### This Advertisement is issued by:

Owner: City of New Bern  
By: Matthew L. Montanye  
Title: Director of Public Works  
Date: August 18, 2020

# HURRICANE FLORENCE FEMA CATEGORY A DEBRIS REMOVAL ACTIVITIES - QUARRY 1 AND QUARRY 2 DRAINAGE BASINS

JULY 31, 2020

NAME OF PROJECT: HURRICANE FLORENCE FEMA CATEGORY A DEBRIS REMOVAL ACTIVITIES - QUARRY 1 AND QUARRY 2 DRAINAGE BASINS

ENGINEER: ANDREW P. WENZEL, P.E.  
AWENZEL@ADA.COM  
DRAPER ADEN ASSOCIATES  
114 CONROUGH SOUTH DRIVE  
SUITE 200, CARY, NC 27511

PH: MULTIPLE  
DEED REFERENCE: MULTIPLE

WATERSHED CLASSIFICATION: NEUSE RIVER BASIN  
DISTURBED AREA: 16.47 ACRES



VICINITY MAP - NO SCALE

Sheet List Table	
Sheet Number	Sheet Title
C1.0	COVER SHEET
C2.0	NOTES
C3.1	SITE LAYOUT - QUARRY 1 DRAINAGE BASIN
C3.2	QUARRY 1 DRAINAGE BASIN - WEST
C3.3	QUARRY 1 DRAINAGE BASIN - EAST
C3.4	QUARRY 1 DRAINAGE BASIN - SOUTH
C4.1	SITE LAYOUT - QUARRY 2 DRAINAGE BASIN
C4.2	QUARRY 2 DRAINAGE BASIN - NORTH
C4.3	QUARRY 2 DRAINAGE BASIN - WEST
C4.4	QUARRY 2 DRAINAGE BASIN - SOUTH
C4.5	QUARRY 2 DRAINAGE BASIN - SOUTH CONTINUED
C1.1	QUARRY 1 REMEDIATION & EDC PLAN (1 OF 2)
C1.2	QUARRY 1 REMEDIATION & EDC PLAN (2 OF 2)
C1.3	QUARRY 2 REMEDIATION & EDC PLAN (1 OF 2)
C1.4	QUARRY 2 REMEDIATION & EDC PLAN (2 OF 2)
C6.0	DETAILS
C6.1	DETAILS

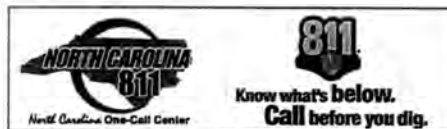
**DRAPER ADEN ASSOCIATES REVIEW**

THESE PLANS HAVE BEEN SUBJECT TO TECHNICAL AND QUALITY REVIEWS BY:

NAME: SAM FRENCH  
PROJECT DESIGNER SIGNATURE DATE

NAME: MATTHEW C. BARNETTE, PLS., DVM  
PROJECT MANAGER SIGNATURE DATE

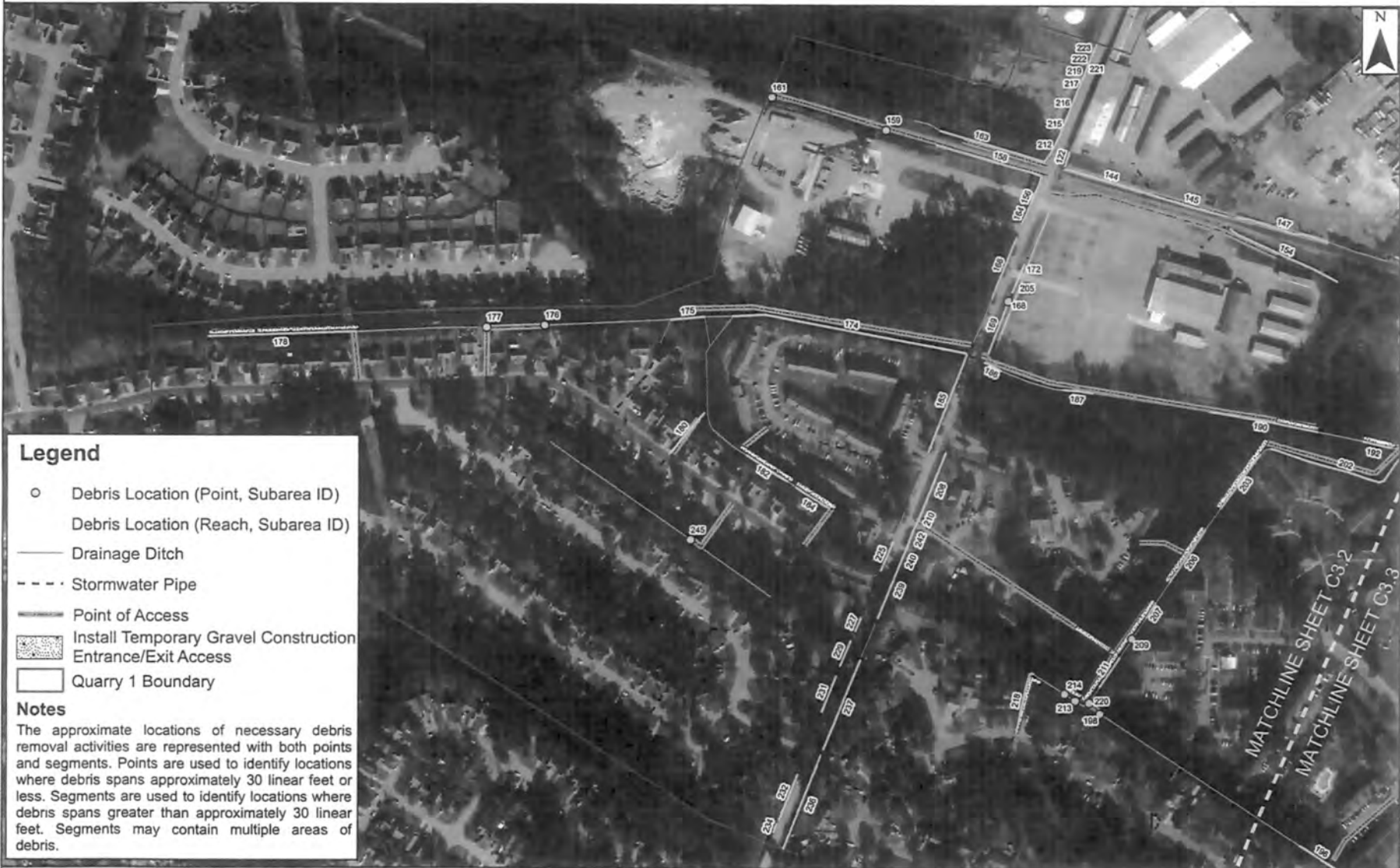
NAME: DANIEL S. WATTS  
QUALITY REVIEWER SIGNATURE DATE











**Legend**

- Debris Location (Point, Subarea ID)
- Debris Location (Reach, Subarea ID)
- Drainage Ditch
- - - Stormwater Pipe
- Point of Access
- Install Temporary Gravel Construction Entrance/Exit Access
- Quarry 1 Boundary

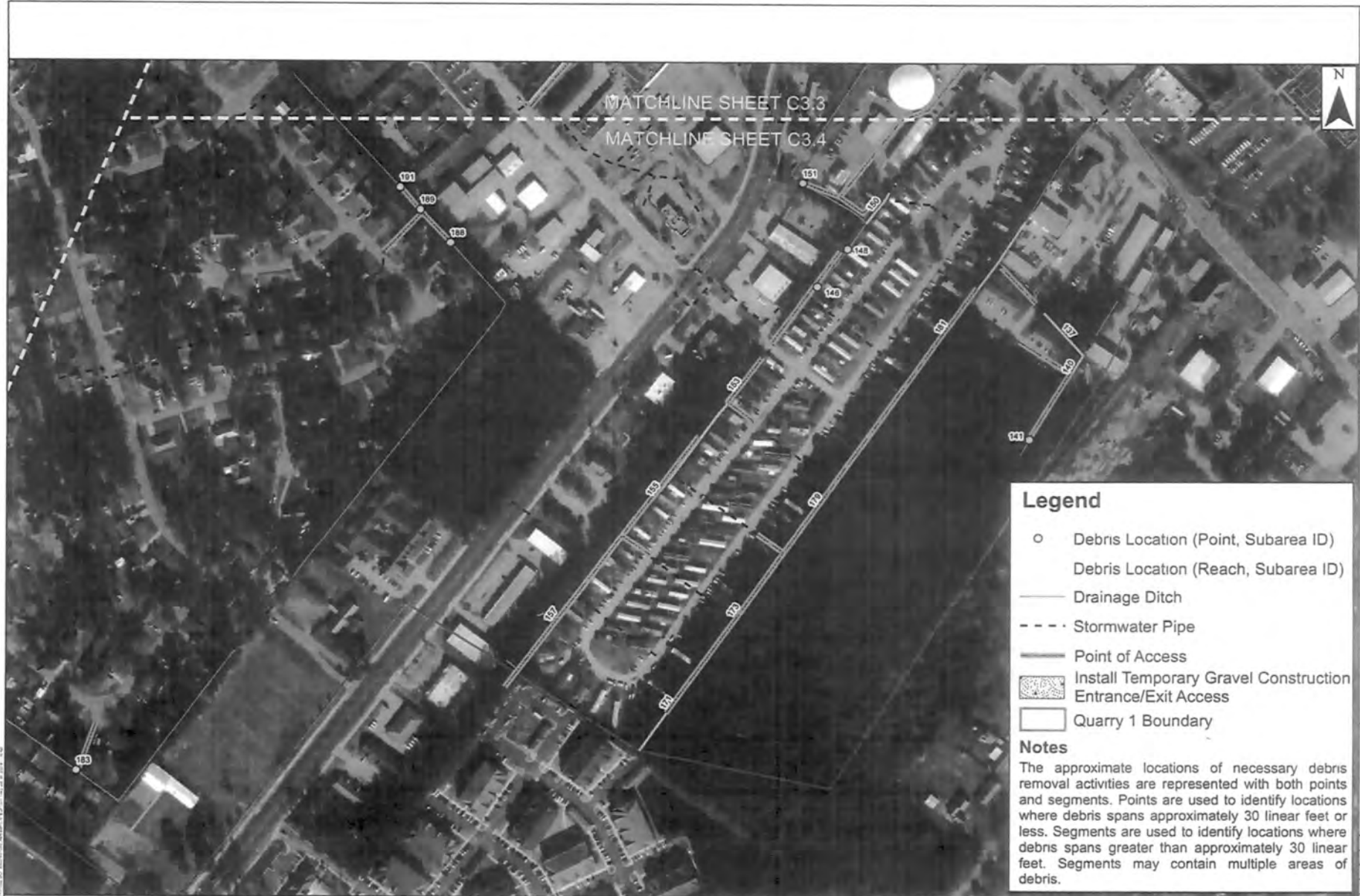
**Notes**

The approximate locations of necessary debris removal activities are represented with both points and segments. Points are used to identify locations where debris spans approximately 30 linear feet or less. Segments are used to identify locations where debris spans greater than approximately 30 linear feet. Segments may contain multiple areas of debris.



REVISIONS	
REVISION BY	DBH
DRAWN BY	SLP
CHECKED BY	DBH
SCALE	NONE
DATE	JULY 01 2020
PROJECT NUMBER	19080319-070302





MATCHLINE SHEET C3.3  
 MATCHLINE SHEET C3.4



**Legend**

- Debris Location (Point, Subarea ID)
- Debris Location (Reach, Subarea ID)
- Drainage Ditch
- - - Stormwater Pipe
- Point of Access
- ▨ Install Temporary Gravel Construction Entrance/Exit Access
- Quarry 1 Boundary

**Notes**

The approximate locations of necessary debris removal activities are represented with both points and segments. Points are used to identify locations where debris spans approximately 30 linear feet or less. Segments are used to identify locations where debris spans greater than approximately 30 linear feet. Segments may contain multiple areas of debris.

**Draper Aden Associates**  
 Engineering • Surveying • Environmental Services  
 14600 Lee Blvd, Suite 200  
 Springfield, Virginia 22154  
 Phone: 703.441.1100  
 Fax: 703.441.1101

• Arlington, VA  
 • Blacksburg, VA  
 • Charlottesville, VA  
 • Fairfax, VA  
 • Falls Church, VA  
 • Herndon, VA  
 • Reston, VA  
 • Springfield, VA  
 • Stafford, VA  
 • Warrenton, OR

QUARRY 1 DRAINAGE BASIN - SOUTH  
 HURRICANE FLORENCE FEMA CATEGORY A DEBRIS  
 REMOVAL ACTIVITIES: QUARRY 1 AND QUARRY 2 DRAINAGE BASINS

REVISIONS

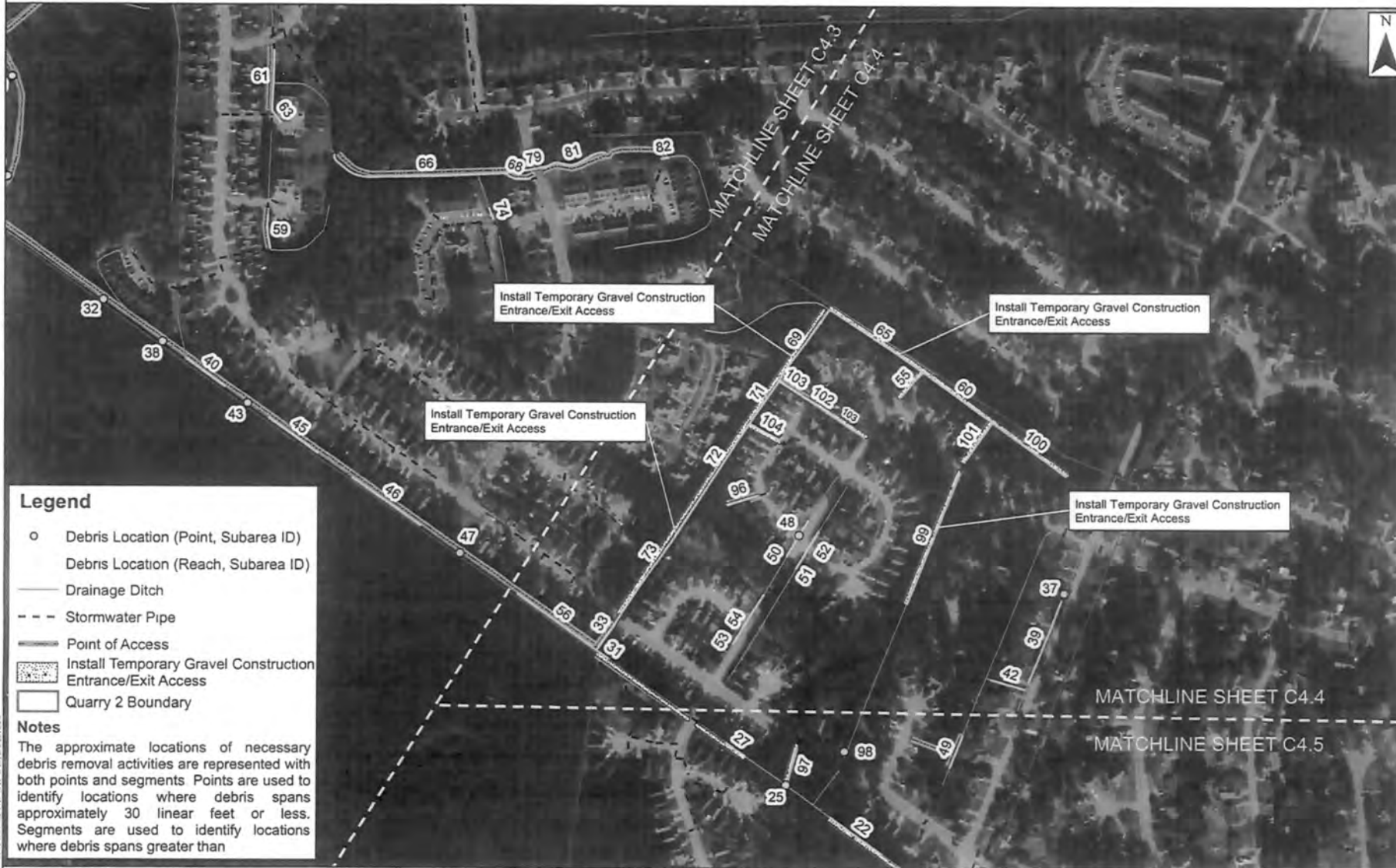
NO.	DATE	DESCRIPTION
1	07/21/2023	ISSUED FOR PERMIT

C3.4









**Legend**

- Debris Location (Point, Subarea ID)
- Debris Location (Reach, Subarea ID)
- Drainage Ditch
- - - Stormwater Pipe
- Point of Access
- ▨ Install Temporary Gravel Construction Entrance/Exit Access
- Quarry 2 Boundary

**Notes**

The approximate locations of necessary debris removal activities are represented by both points and segments. Points are used to identify locations where debris spans approximately 30 linear feet or less. Segments are used to identify locations where debris spans greater than

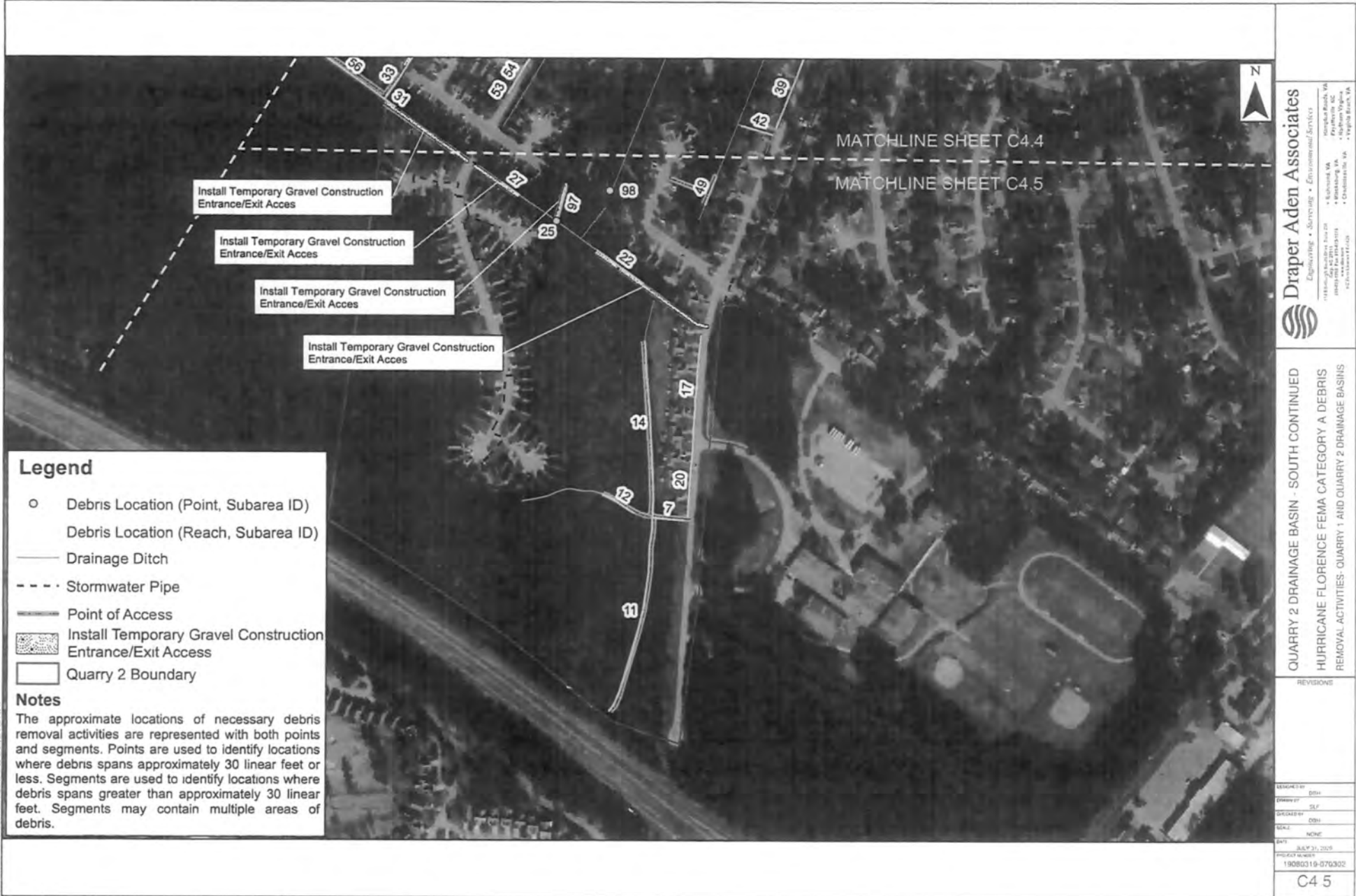
**Draper Aden Associates**  
 Engineering • Surveying • Environmental Services  
 1400-B South Lakes Blvd., Suite 100 • Blacksburg, VA 24060  
 540-939-7500 • Fax: 540-939-7501  
 www.draperaden.com

QUARRY 2 DRAINAGE BASIN - WEST  
 HURRICANE FLORENCE FEMO CATEGORY A DEBRIS  
 REMOVAL ACTIVITIES - QUARRY 1 AND QUARRY 2 DRAINAGE BASINS

REVISIONS	
DESIGNED BY	DSH
DRAWN BY	SLP
CHECKED BY	DSH
SCALE	NONE
DATE	JULY 31, 2020
PROJECT NUMBER	19080319-070302
C4.3	







**Legend**

- Debris Location (Point, Subarea ID)
- Debris Location (Reach, Subarea ID)
- Drainage Ditch
- - - Stormwater Pipe
- Point of Access
- ▨ Install Temporary Gravel Construction Entrance/Exit Access
- Quarry 2 Boundary

**Notes**

The approximate locations of necessary debris removal activities are represented with both points and segments. Points are used to identify locations where debris spans approximately 30 linear feet or less. Segments are used to identify locations where debris spans greater than approximately 30 linear feet. Segments may contain multiple areas of debris.

**Draper Aden Associates**  
 Engineering • Surveying • Environmental Services



11500 Old Mill Road, Suite 200  
 22030 Leesdale, VA  
 540-883-8888  
 www.draperaden.com

QUARRY 2 DRAINAGE BASIN - SOUTH CONTINUED  
 HURRICANE FLORENCE FEMA CATEGORY A DEBRIS  
 REMOVAL ACTIVITIES- QUARRY 1 AND QUARRY 2 DRAINAGE BASINS

REVISIONS

DESIGNED BY	DBH
DRAWN BY	SLF
CHECKED BY	DBH
SCALE	NONE
DATE	JULY 31, 2019
PROJECT NUMBER	19080319-076302












Activity	Location	Description of Activity	ESC Description	START DATE	START COMPLETION	END DATE	END COMPLETION
27	201	Remove sediment accumulated in basin of ditch, grade to match basin.	Place sand pipe into position at upper end of sediment, then an outlet stabilization structure at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
28	202	Remove sediment accumulated in basin of ditch, grade to match basin.	Place 12 inch diam of the roadway gutter at the outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
29	203	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
30	204	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
31	205	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
32	206	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
33	207	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
34	208	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
35	209	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
36	210	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
37	211	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
38	212	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
39	213	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
40	214	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
41	215	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
42	216	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
43	217	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
44	218	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
45	219	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
46	220	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
47	221	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
48	222	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
49	223	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
50	224	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019
51	225	Remove sediment accumulated in basin of ditch, grade to match basin.	Place an outlet stabilization structure at the outlet of the ditch, then sand pipe into position at lower end of outlet.	05/13/2019	07/15/2019	05/13/2019	07/15/2019

**QUARRY 2 REMEDIATION & ESC PLAN (2 OF 2)**

HURRICANE FLORENCE FEMA CATEGORY A DEBRIS

REMOVAL ACTIVITIES QUARRY 1 AND QUARRY 2 DRAINAGE BASINS



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11111-A • 11111-A • 11111-A  
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- Alexandria, VA
- Arlington, VA
- Blacksburg, VA
- Charlottesville, VA
- Fairfax, VA
- Falls Church, VA
- Herndon, VA
- Manassas, VA
- Reston, VA
- Stafford, VA
- Sterling, VA
- Warrenton, VA

PROJECT NO: CS.4

DATE: 08/13/2019

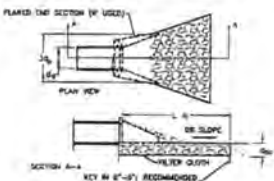
SCALE: AS SHOWN

PROJECT LOCATION: 11111-A • 11111-A • 11111-A

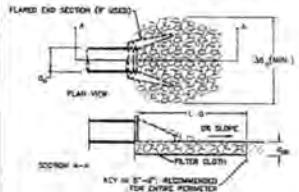
- CONSTRUCTION SPECIFICATIONS**
1. USE DRAIN LINES AS SHOWN (LARGE DRAIN LINES WITH PROTECTIVE PIPES).
  2. DRINK ABOUT STEEL PILES 2 FEET INTO THE DRAINAGE SUBGRADE. THE INLET PROTECTION SHOULD BE LOCATED AT THE POINT WHERE THE SALT FENCE MATERIAL IS 4 FEET AWAY.
  3. SUBGRADE THE PILES WITH 18" SAND OR EQUIVALENT. COVER THE WIRE MESH TO THE STEEL PILES AT THE TOP, AND AT THE BOTTOM PLACE A 2" SAND FILL ON THE WIRE MESH. THE SAND FILL FOR AND UNDER IS RECOMMENDED.
  4. PLACE SALT FENCE MATERIAL ON TOP OF THE SAND FILL WITH AN UPLIFT OF 18 INCHES ABOVE THE WIRE. AND BRUSH TO FIT WITH SAND.
  5. DRINK THE COMPROMISED DRAINAGE AREA HAS BEEN REBUILT. REMOVE ALL DEBRIS AND MATERIAL FROM THE DRAINAGE AREA. STABILIZE THE AREA PROPERLY AND STABILIZE IT WITH VEGETATION.



**PIPE OUTLET CONDITION - PIPE OUTLET TO FLAT AREA WITH NO DEFINED CHANNEL**



**PIPE OUTLET CONDITION - PIPE OUTLET TO WELL-DEFINED CHANNEL**



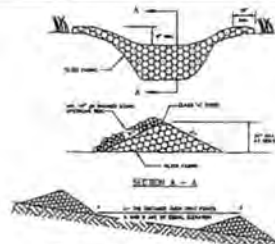
**OUTLET STABILIZATION STRUCTURE**  
NOT TO SCALE

**RECOMMENDATIONS**

1. ENSURE THAT THE SURGRADE FOR THE FILTER AND RIP-RAP FOLLOWS THE REQUIRED SLOPE AND GRADES SHOWN IN THE PLAN. COMPACT ANY TILL REQUIRED IN THE SURGRADE TO THE DEPTH OF THE SUBGRADE. UNDESIRABLE MATERIAL, LOW AREAS IN THE SURGRADE ON UNDESIRABLE SOIL, MAY ALSO BE FILLED BY INCREASING THE RIP-RAP THICKNESS.
2. THE RIP-RAP AND GRAVEL FILTER MUST CONFORM TO THE SPECIFIED GRADING LISTED SHOWN ON THE PLAN.
3. FILTER CLOTH, WHEN USED, MUST MEET DESIGN REQUIREMENTS AND BE PROPERLY PROTECTED FROM PUNCHING OR TEARING DURING INSTALLATION. REPAIR ANY DAMAGE BY REMOVING THE RIP-RAP AND PLACING ANOTHER PIECE OF FILTER CLOTH OVER THE DAMAGED AREA. ALL CONNECTING JOINTS SHOULD OVERLAP A MINIMUM OF 1 FT. IF THE DAMAGE IS EXTENSIVE, REPLACE THE ENTIRE FILTER CLOTH.
4. RIP-RAP MAY BE PLACED BY EQUIPMENT, BUT TAKE CARE TO AVOID DAMAGING THE FILTER.
5. THE MINIMUM THICKNESS OF THE RIP-RAP SHOULD BE 1.5 TIMES THE MAXIMUM STONE DIAMETER.
6. RIP-RAP MAY BE FIELD STONE OR RUGH QUARRY STONE. IT SHOULD BE HARD, ANGULAR, HEAVY WEAR-RESISTANT AND WELL GRADED. INSTALLATION SHOULD BE STRAIGHT THROUGHOUT. AT THE END, MAKE THE TOP OF THE RIP-RAP AT THE DOWNSTREAM END LEVEL WITH THE RECEIVING AREA OR SLOVELY BELOW IT.
7. ENSURE THAT THE APPROX. ON ZERO GRADE WITH NO OVERFALL AT THE END. MAKE THE TOP OF THE RIP-RAP AT THE DOWNSTREAM END LEVEL WITH THE RECEIVING AREA OR SLOVELY BELOW IT.
8. ENSURE THAT THE APPROX. IS PROPERLY PLACED WITH THE RECEIVING STREAM AND PREFERABLY STRAIGHT THROUGHOUT ITS LENGTH. IF A CURVE IS NEEDED TO FIT SITE CONDITIONS, PLACE IT IN THE UPPER SECTION OF THE APPROX. IMMEDIATELY AFTER CONSTRUCTION. STABILIZE ALL DISTURBED AREAS WITH VEGETATION.

**MAINTENANCE**

1. INSPECT RIP-RAP OUTLET STRUCTURES WEEKLY AND AFTER SIGNIFICANT (1/2 INCH OR GREATER) RAINFALL EVENTS TO SEE IF ANY DISCOGN ARE ABOVE OR BELOW THE RIP-RAP HAS TAKEN PLACE, OR IF STONES HAVE BEEN DISLOADED. PROMPTLY MAKE ALL NEEDED REPAIRS TO PREVENT FURTHER DAMAGE.



1. STONE SHOULD BE PLACED OVER THE DAMMING DAM TO KEEP WATER FROM SPRING UNDER THE DAM.
2. STONE UNDER DAM SHOULD BE SPACED IN A CHANNEL OF THAT THE END OF THE DOWNSTREAM DAM IS AT THE SAME ELEVATION AS THE TOP OF UPSTREAM DAM.

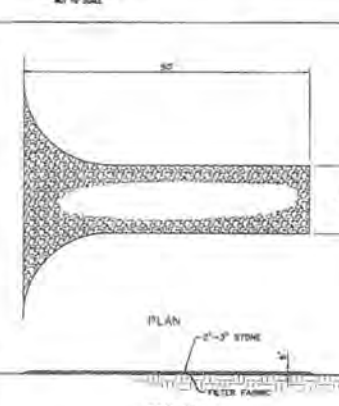
**CONSTRUCTION SPECIFICATIONS**

1. PLACE STONE TO THE LINE AND DIMENSIONS SHOWN IN THE PLAN AND A FILTER FABRIC FOUNDATION.
2. KEEP THE CENTER STONE SYSTEM AT LEAST 4 FEET BELOW NATURAL GROUND LEVEL WHERE THE DAM ABUTS THE CHANNEL BANKS.
3. LAY STONE AT LEAST 1.5 FEET SPACING THE STONE BANK TO KEEP WATER FROM CUTTING AROUND THE SIDES OF THE CHECK DAM.
4. SET SPACING BETWEEN DAMS TO ASSURE THAT THE ELEVATION AT THE TOP OF THE LOWER DAM IS THE SAME AS THE TOP ELEVATION OF THE UPPER DAM.
5. PROTECT THE CHANNEL UPON THE LOWER DAM FROM HEAVY FLOWS THAT COULD CAUSE DISCOGN.
6. MAKE SURE THAT THE CHANNEL REACHES ABOUT THE NEXT UPSTREAM DAM IS STABLE.
7. ENSURE THAT OTHER AREAS OF THE CHANNEL WHICH DISCOGN CHANNELS BELOW THE CHECK DAMS ARE NOT SUBJECT TO DAMAGE OR SLOTTAGE FROM SUPPLACED STONES.

**MAINTENANCE**

1. INSPECT DAMS AND CHANNELS AT LEAST WEEKLY AND AFTER EACH SIGNIFICANT (1/2" OR GREATER) RAINFALL EVENT AND REPAIR IMMEDIATELY. CLEAR BUT SENSITIVE STREAM LINES OR OTHER SCENES MAY OCCUR BELOW THE CHANNEL, WHICH MAY BE NECESSARY TO MAINTAIN THE CHECK DAM AND UPSTREAM FROM HIGH FLOWS ABOVE THE CHECK DAM. CORRECT ALL DAMAGE IMMEDIATELY. IF SIGNIFICANT DISCOGN OCCURS BETWEEN DAMS, ADDITIONAL MEASURES CAN BE TAKEN SUCH AS INSTALLING A PROTECTIVE RIP-RAP LAYER IN THAT PORTION OF THE CHANNEL, REMOVE OBSTACLES FROM THE BANK AS NEEDED TO PREVENT DAMAGE TO CHANNEL, VEGETATION, ALLOW THE CHANNEL TO BRUSH THROUGH THE STONE CHECK DAM, AND PREVENT DAMAGE FROM HIGH FLOWS WHICH SCOUR THE DAM. ADD STONES TO DAMS AS NEEDED TO MAINTAIN DESIGN HEIGHT AND CROSS SECTION.

**CHECK DAM**  
NOT TO SCALE



**CONSTRUCTION**

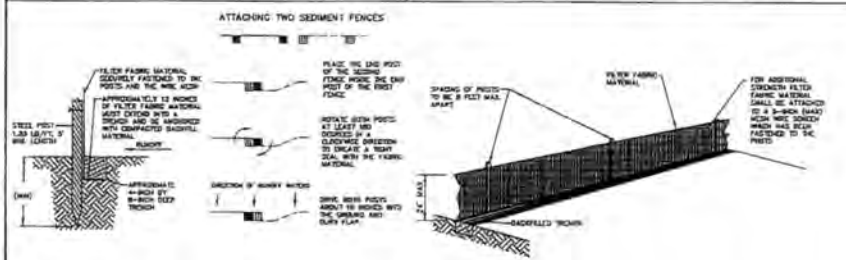
1. CLEAR THE ENTRANCE AND EXIT AREA OF ALL VEGETATION, ROOTS, AND OTHER OBSTRUCTIONAL MATERIAL AND PROPERLY GRACE IT.
2. PLACE THE GRAVEL TO THE SPECIFIC GRADE AND DIMENSIONS SHOWN ON THE PLAN AND SMOOTH IT.
3. PROVIDE DRAINAGE TO CARRY WATER TO A SEDIMENT TRAP OR OTHER SUITABLE CATCHER.
4. USE GEOTEXTILE FABRICS INSTEAD THEY APPROVE STABILITY OF THE FOUNDATION IN AREAS SUBJECT TO SEVERAGE OR HIGH WATER TABLES.

**MAINTENANCE**

1. MAINTAIN THE GRAVEL PAD IN A CONDITION TO PREVENT AND OR SEDIMENT FROM LEAVING THE CONSTRUCTION SITE. THIS MAY REQUIRE TOPDRESSING WITH 2.0 INCH STONE, IMMEDIATELY REPAIR ALL COLLECTION MATERIALS SPILLED, WASHED OR TRACKED ONTO PUBLIC ROADWAYS.

**TEMPORARY CONSTRUCTION ENTRANCE/EXIT**  
NOT TO SCALE

**SEDIMENT FENCE DETAIL**  
NOT TO SCALE



**SEDIMENT FENCE INSTALLATION USING THE DIGGING METHOD**

INSTEAD OF DIGGING A TRENCH, PLACING FABRIC AND THEN BACKFILLING TRENCH, SEDIMENT FENCE MAY BE INSTALLED USING SPECIALTY EQUIPMENT THAT ADAPTS THE FABRIC INTO A DIRT SLEED IN THE GROUND WITH A DIG.

**INSTALLATION SPECIFICATIONS**

1. THE BASE OF BOTH END POSTS SHOULD BE AT LEAST ONE FOOT HIGHER THAN THE MIDDLE OF THE FENCE. CHECK WITH A LEVEL, IF NECESSARY.
2. INSTALL POSTS 4 FEET APART IN CRITICAL AREAS AND 8 FEET APART ON STANDARD APPLICATIONS.
3. INSTALL POSTS 2 FEET DEEP ON THE DOWNSTREAM SIDE OF THE SALT FENCE, AND AS CLOSE AS POSSIBLE TO THE FABRIC. CHAINING POSTS TO SUPPORT THE FABRIC FROM UPSTREAM WATER PRESSURE.
4. INSTALL POSTS WITH THE RIP-RAP FACING AWAY FROM THE SALT FENCE.
5. ATTACH THE FABRIC TO EACH POST WITH THREE (3) 1/4" GALVANIZED WIRE (10#) 8 INCHES OF THE FABRIC ATTACH EACH TO EACH VERTICAL APART. ALSO EACH TO THE FABRIC WITH EACH PUNCTURE AT LEAST 1 INCH VERTICAL APART. ALSO EACH TO THE FABRIC SHOULD BE POSITIONED TO HANG ON A POST HORIZONALLY TO PREVENT SAGGING.
6. RIP-RAP APPROXIMATELY 6 INCHES OF FABRIC AMONG THE END POSTS AND SHOULD WITH 3 FEET.
7. NO MORE THAN 24 INCHES OF A 24 INCH FABRIC IS ALLOWED ABOVE GROUND LEVEL.
8. THE INSTALLATION SHOULD BE CHECKED AND CORRECTED FOR ANY JOINTS BEFORE COMPACTION.
9. COMPACTION IS VITALLY IMPORTANT FOR EFFECTIVE RESULTS. CONTACT THE SOIL IMMEDIATELY NEXT TO THE SALT FENCE FABRIC WITH THE FRONT WHEEL OF THE TRACTOR, 2400 STEER, OR ROLLER EXERTING AT LEAST 50 POUNDS PER SQUARE INCH. COMPACT THE UPSTREAM SIDE FIRST, AND THEN BACK SIDE TWICE FOR A TOTAL OF 4 TRIPS.

**MAINTENANCE**

1. INSPECT SEDIMENT FENCES AT LEAST ONCE A WEEK AND AFTER EACH RAINFALL. MAKE ANY REQUIRED REPAIRS IMMEDIATELY.
2. CHECK THE FABRIC OF A SEDIMENT FENCE COLLAPSE, TEAR, DISCOGN OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.
3. REMOVE SEDIMENT OF A SEDIMENT FENCE COLLAPSE, TEAR, DISCOGN OR BECOME INEFFECTIVE, REPLACE IT PROMPTLY.
4. REMOVE SEDIMENT DEPOSITS AS NECESSARY TO PREVENT EXCESSIVE SPONGE VOLUME FOR THE NEXT RAIN AND TO REDUCE PRESSURE ON THE FABRIC PROTECTIVE. THIS CAN BE AVOID UNDERMINING THE INLET PROTECTION DURING CLEANOUTS.
5. REMOVE ALL FENCING MATERIALS AND MATERIALS (DEBRIS) DEPOSITS AND BRUSH THE AREA TO GRADE AND STABILIZE IT AFTER THE CONTINUING DRAINAGE AREA HAS BEEN PROPERLY STABILIZED.

**ROCK PIPE INLET PROTECTION**  
NOT TO SCALE



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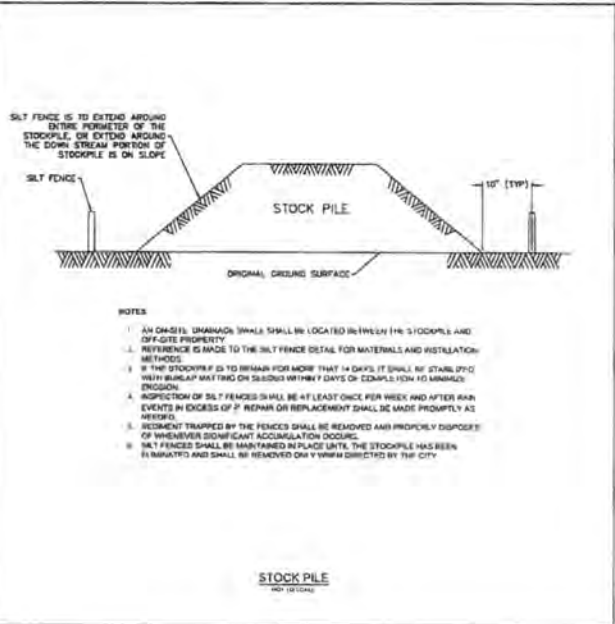
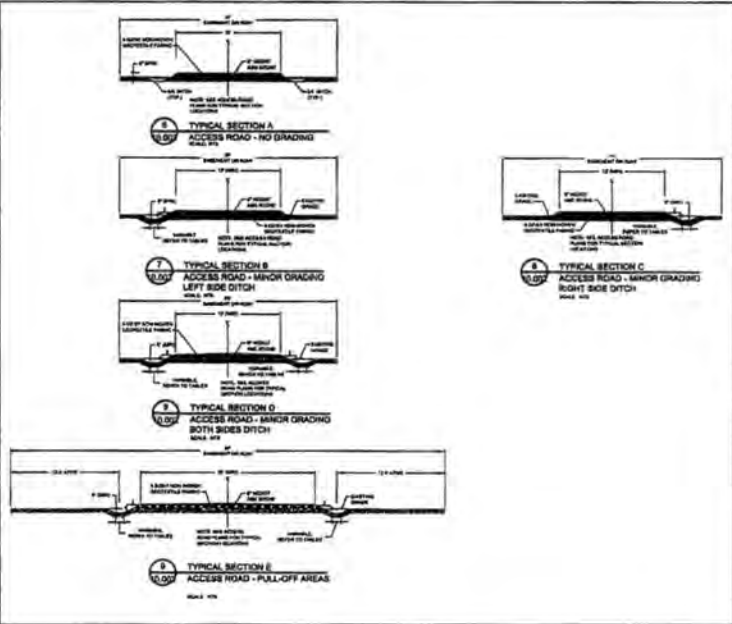
**DETAILS**

**HURRICANE FLORENCE FEMA CATEGORY 4 DEBRIS REMOVAL ACTIVITIES - QUARRY 1 AND QUARRY 2 DRAINAGE BASINS**

REVISIONS:

DESIGNED BY:	CHM
CHECKED BY:	SLJ
DATE:	06/13/2018
SCALE:	AS SHOWN
PROJECT NUMBER:	19080019-070302

**C6.0**



- NOTES**
1. AN ON-SITE DRAINAGE SWALE SHALL BE LOCATED BETWEEN THE STOCKPILE AND OFF-SITE PROPERTY.
  2. REFERENCE IS MADE TO THE SILT FENCE DETAIL FOR MATERIALS AND INSTALLATION METHODS.
  3. IF THE STOCKPILE IS TO REMAIN FOR MORE THAN 14 DAYS, IT SHALL BE STABILIZED WITH BURLAP MATTING OR SLUSHES WITHIN 7 DAYS OF COMPLETION TO MINIMIZE EROSION.
  4. INSPECTION OF SILT FENCES SHALL BE AT LEAST ONCE PER WEEK AND AFTER RAIN EVENTS IN EXCESS OF 2" REPAIR OR REPLACEMENT SHALL BE MADE PROMPTLY AS NEEDED.
  5. SEDIMENT TRAPPED BY THE FENCES SHALL BE REMOVED AND PROPERLY DISPOSED OF WHENEVER SIGNIFICANT ACCUMULATION OCCURS.
  6. SILT FENCES SHALL BE MAINTAINED IN PLACE UNTIL THE STOCKPILE HAS BEEN DEMONSTRATED AND SHALL BE REMOVED ON A Y WY W M DIRECTED BY THE CITY.

**Draper Aden Associates**  
Engineering • Surveying • Environmental Services  
1118 Magnolia Lakeside Lane  
Huntsville, AL 35893  
256-833-4444  
256-833-4445

• Registered Professional Engineer  
• Registered Professional Surveyor  
• Registered Professional Environmental Scientist  
• Registered Professional Geologist

**DETAILS**  
HURRICANE FLORENCE FEMA CATEGORY A DEBRIS  
REMOVAL ACTIVITIES QUARRY 1 AND QUARRY 2 DRAINAGE BASINS

DESIGNED BY	CSH
DRAWN BY	SLF
CHECKED BY	DBH
DATE	NOV 14 2013
DATE	AUG 31 2013
PROJECT NUMBER	15080319-070302
<b>C6.1</b>	

## AGENDA ITEM COVER SHEET

**Agenda Item Title:** Discuss the Addition of a School Resource Officer at Creekside Elementary School.

<b>Date of Meeting:</b> October 27, 2020	<b>Ward # if applicable:</b>
<b>Department:</b> Police	<b>Person Submitting Item:</b> Chief Toussaint E. Summers, Jr.
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	Discuss the request of 1 additional SRO to be placed in Creekside Elementary School with grant funding from Craven County BOE. If the Board is supportive of this request, a MOU will be on a future agenda to approve the addition of an SR at
<b>Actions Needed by Board:</b>	Direction on how to proceed.
<b>Backup Attached:</b>	Memo and Draft Memorandum of Understanding

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b> \$43,817.00
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**Additional Notes:**





Founded 1797

# NEW BERN

## NEW BERN POLICE DEPARTMENT

P.O. Box 1129, New Bern, NC 28563-1129

(252) 672-4100

*Police and Community come together here.*



Toussaint E. Summers, Jr.  
Chief of Police

**TO:** Mayor Outlaw and the Board of Aldermen

**FROM:** Toussaint E. Summers, Jr., Chief of Police

**SUBJECT:** Discuss Approval of One Additional School Resource Officer

**DATE:** October 16, 2020

The New Bern Police Department requests a discussion for possible future approval to proceed with the implementation of one additional School Resource Officer. We have been advised that the Craven County Board of Education has approved \$49,500 for the additional School Resource Officer and said SRO will be placed in Creekside Elementary School. Creekside Elementary School is the last campus in the Craven County School District to have a School Resource Officer allocated to it. In addition, the assigned SRO will provide the crime prevention education and available to supplement staffing west of James City especially during the three months the school is out of session, improving police coverage during Highway 70 construction.

The City will need to increase the number of officers in the Police Department to accommodate this request. The School Resources Officer will be staffed by an existing Master Police Officer. The Board of Education will be reimbursing the City \$49,500 for the SRO. The table below provides a breakdown of the approximate current annual cost of 1 MPO, the portion of that cost allocated to the SRO program. The annual cost of vehicles, uniforms and equipment are 20% of their purchase price.

	Average Annual MPO Cost	SRO Program 9 of 12 month
Salary & Benefits	\$82,287.76	\$61,715.92
Vehicles	\$9,448.80	\$7,086.60
Uniforms & Equipment	\$1,580.00	\$1,185.00
	\$93,316.56	\$69,987.52
Craven BOE Reimbursement	(\$49,500.00)	(\$49,500.00)
	\$43,816.56	\$20,487.52

\*Reflects costs associated with the hiring of one additional officer at a lower pay grade for a portion of the year.

In order to reduce the budgetary impact of an additional SRO position, we will hire 1 additional Police Officer and retain 1 vehicle scheduled for replacement this current year.

In light of heightened school violence nationwide, it is recommended that the Board of Aldermen consider approving the above request for one additional School Resource Officer.



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NORTH CAROLINA

City of New Bern  
SCHOOL RESOURCE OFFICER CONTRACT

CRAVEN COUNTY

THIS CONTRACT is made and entered into effective January 1, 2021 by and between CRAVEN COUNTY BOARD OF EDUCATION (hereinafter Local Board of Education or "LBE"), a body corporate of North Carolina with its principal office in Craven County, North Carolina, and the CITY OF NEW BERN (hereinafter Local Law Enforcement Agency or "LLEA"), with its principal office in New Bern, Craven County, North Carolina.

**WITNESSETH:**

WHEREAS, LBE desires to contract with LLEA to provide one (1) School Resource Officer (SRO), at Creekside Elementary School for the period from January 1, 2021 through December 31, 2021, including appropriate summer programs, if any, who will: provide security for schools the entire time school is in session or school activities are taking place, whether under a traditional school calendar, year-round calendar, or summer school program; provide security at school sponsored extra-curricular activities held at school after the student instructional day, including, but not limited to, PTA meetings, athletic events, drama performances and student band, chorus and/or orchestra concerts; participate with and mentor students in educational programs and activities that will increase student's knowledge of and respect for the law and the function of law enforcement agencies; participate in crisis planning and management; participate in and assist with training and preparation in response to violent crime incidents with the schools; diligently patrol the school grounds for suspicious activity and investigate as needed; act swiftly and cooperatively with school staff when responding to school disruptions, acts of violence and criminal offenses at the schools, including, but not limited to, the crimes that must be reported by the principal to law enforcement personnel listed in NCGS Sec. 115C-288(g) and disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sale and/or distribution of controlled substances, and riots; receive principal reports of crimes listed in NCGS Sec. 115C-288(g) that occur on campus; cooperate and coordinate with other law enforcement officials in their investigations of criminal offenses which occur on or off campus and that impact the schools; cooperate and coordinate with the District Attorney's Office in their prosecution of criminal offenses which occur on or off campus and that impact the schools; provide traffic control at the beginning and end of the student day at the school to which each SRO is assigned for the safety and protection of students and the general public; maintain a highly visible and mobile law enforcement presence on school grounds while on duty.

NOW, THEREFORE, the parties do hereby agree as follows:

1. SRO and his/her supervisor shall be employees of the LLEA and not the LBE and shall be subject to the administration, supervision and control of the LLEA, except as such administration, supervision and control are subject to the terms and conditions of this Contract between the LLEA and LBE.
2. LBE will furnish to LLEA funds in the total sum of \$49,500.00 per SRO to offset the cost of salary and related benefits of members of the LLEA who will act as SRO to the schools pursuant to the terms hereinafter expressed.

3. LBE will also furnish for the use of the SRO on the schools' premises an office, telephone, computer and a short wave radio.
4. LLEA will furnish each SRO with an appropriate "marked" law enforcement vehicle and cover all vehicular expenses.
5. Each SRO will be assigned full-time to the schools during the school year and the SRO is expected to work forty (40) hours per week and will be assigned specific duties and responsibilities by the Principal of the schools, subject to the general supervision, rules, and policies of the LLEA. On a typical day, the SROs shall be on duty at an assigned school(s) from approximately thirty (30) minutes before the beginning of the student instructional day until approximately thirty (30) minutes after the end of the students' school day unless modified by mutual agreement between the parties. Any remaining time shall be used to provide after school and/or evening security at school events or other assignments as determined by the Principal, subject to the general supervision, rules and policies of the LLEA.
6. The LLEA, in its sole discretion, shall have the power and authority to hire, discharge and discipline SROs and their supervisors. However, the LLEA hereby agrees to consult with and to ask for a non-binding recommendation from the principal in regard to the hiring, evaluation, discipline and termination of the SRO assigned to a particular school.
7. All SROs shall be required by the LLEA to attend annual training and periodic (monthly) briefing sessions. Briefing sessions during the term of this Contract shall be conducted to provide for the exchange of information between the LLEA, SROs and officials of the LBE. Annual training sessions shall provide SROs with training for working in schools, such as updates in school law, as well as basic law enforcement and firearm training. Every effort shall be made to schedule the annual training in the summer, when school is not in session. The LLEA shall allow the LBE to provide training for SROs in LBE policies, regulations, and procedures.
8. A performance review of each SRO will be performed at the end of each school year by the school Principal and submitted in writing to the LLEA.
9. The SRO will appear on campus in uniform at all times. In the event of the necessary absence of the SRO during school hours for non-SRO reasons, another appropriate LLEA Officer will be assigned by the LLEA as a substitute SRO at the schools so that there will be present and on duty at all times an appropriate LLEA Officer at the schools. During the summer months of vacation for the schools, the SRO will be re-assigned to duties to be determined by the LLEA; however, the schools, by action of the Principal, will have access to the SRO's services at all times.
10. In the event of a necessity to remove a student from campus, the SRO shall first notify the Principal, or their designee, unless exigent circumstances or safety reasons require immediate removal of the student. In the event that an SRO must place a student under arrest or call in "backup" for assistance, the SRO shall notify the Principal or designee, as soon as practical.
11. The LLEA will annually provide to the LBE's Finance Officer on or before July 1 of each year during the term of this Contract a detailed list of the SRO's compensation, including the various elements of the same.

12. The LLEA shall purchase and maintain in full force and effect during the term of this Contract one or more general comprehensive liability insurance policies with coverage in an amount of not less than One Million Dollars (\$1,000,000.00) for any acts or omissions that occur or claims that are made during the term of the Contract, together with "umbrella" coverage of Two Million Dollars (\$2,000,000.00).
13. The LLEA agrees to hold the LBE, its agents and employees, free, harmless and indemnified from and against any and all claims, suits or causes of action arising from or in any way as a result of the performance of the duties of the SRO or the School Resource Officer Program. The LLEA shall indemnify and hold harmless the LBE, its agents and employees, free from all expense, including attorneys' fees, claims or lawsuits arising out of allegations of unfair or unlawful employment practices brought by SROs.
14. This Contract is contingent upon the continued or recurring funding of an SRO by the North Carolina General Assembly and is further contingent upon the approval by the governing board of the LLEA in approving the school resource officer positions which this Contract sets out.
15. This Contract may be terminated for cause at any time by either party, if the other party fails to cure any material breach of this Contract within thirty (30) days after being notified of the breach the terminating party. The Contract may be terminated by either party without cause by giving at least ninety (90) days advance written notice to the other party. Should any party terminate this Contract, the City of New Bern shall return to the LBE a pro rata portion of the amounts paid pursuant to paragraph 2 above for each day of early termination.
16. The LLEA shall conduct, pursuant to N.C. Gen. Statute 115C-332.1, an annual check of each of its employees, subcontractors, agents, and other representatives on the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry if such employee, subcontractor, agent, and other or other representative will be on the LBE's property pursuant to this contract. The LLEA shall conduct this check on each of its employees, subcontractors, agents, and other representatives prior to permitting such employee, subcontractor, agent, or other representative to perform work under Contract or enter the LBE's school campus or other school property. LLEA will prevent any of its employees, subcontractors, agents, and other representatives who are listed on the State Sex Offender and Public Protection Registration Program, the State Sexually Violent Predator Registration Program, and the National Sex Offender Registry from having direct interaction with students.



IN WITNESS WHEREOF, the parties hereto have duly executed this Contract by authority of the governing board of each party in duplicate originals, one copy of which is retained by each of the parties hereto.

Date: \_\_\_\_\_

LBE:

\_\_\_\_\_  
CRAVEN COUNTY BOARD OF EDUCATION  
David E. Hale, Chairman

ATTEST:

\_\_\_\_\_  
Dr. Meghan S. Doyle, Superintendent

LLEA:

\_\_\_\_\_  
CITY OF NEW BERN  
Dana E. Outlaw, Mayor

ATTEST:

\_\_\_\_\_  
Brenda Bianco, City Clerk

THIS INSTRUMENT has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act as amended.

LBE:

\_\_\_\_\_  
Denise Altman, CPA, CSBD, Finance Officer

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Consider Adopting an Ordinance to Amend Article VI "Stopping, Standing and Parking" of Chapter 70 of the Code of Ordinances for Off-street Parking

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b> 1
<b>Department:</b> Administration	<b>Person Submitting Item:</b> Mark Stephens
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	An ordinance amendment is needed to permit the City Manager to authorize use of the City's leased parking lots for a public purpose.
<b>Actions Needed by Board:</b>	Consider adopting the ordinance
<b>Backup Attached:</b>	Memo and ordinance amendment (final and red-lined version)

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**



**NEW BERN**  
CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

**Aldermen**

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

**Dana E. Outlaw**  
Mayor  
**Mark A. Stephens**  
City Manager  
**Brenda E. Blanco**  
City Clerk  
**Mary M. Hogan**  
Director of Finance

**MEMO TO:** Mayor and Board of Aldermen  
**FROM:** Mark Stephens, City Manager  
**DATE:** October 22, 2020  
**SUBJECT:** Ordinance to amend Article VI "Stopping, Standing and Parking" of Chapter 70 of the Code of Ordinances for Off-Street Parking

At the October 13, 2020 meeting, Alderman Bengel announced the Brown Pelican had asked to implement outdoor seating in the rear of their facility by utilizing a City-owned parking lot with leased spaces. To facilitate this request, an ordinance amendment is needed to permit the City Manager to authorize use of the City's leased parking lots for a public purpose. The red-lined version of the ordinance highlights the language that will be added to Chapter 70 to facilitate this, should the Board approve the amendment.

/beb

**AN ORDINANCE TO AMEND ARTICLE VI. STOPPING, STANDING AND PARKING” OF CHAPTER 70 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN**

THAT WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect said revisions to Article VI. “Stopping, Standing and Parking” of Chapter 70 “Traffic and Vehicles” of the Code of Ordinances of the City of New Bern.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Article VI. “Stopping, Standing and Parking” of Chapter 70 “Traffic and Vehicles” of the Code of Ordinance of the City of New Bern be and the same is hereby amended by deleting Section 70-272. “Leasing of parking spaces; marking of leased spaces.” in its entirety and inserting in its stead the following:

**“Sec. 70-272.** Leasing of parking spaces; marking of leased spaces.

(a) Parking spaces in the lease parking lots may be leased by members of the public under such terms and conditions as may be established from time to time by the board of aldermen. The city manager or their designee is authorized to lease parking spaces for a term of one year or less. Each lease parking lot shall have a sign erected and prominently displayed at the entrance thereof no smaller than 24 inches by 24 inches, which states that “Marked leased spaces may be occupied by the lessee thereof or his designee only” and that “Any motor vehicle improperly parked in a leased space may be towed at the owner’s expense as permitted by G.S. 20-219.2. Violators subject to civil penalty of \$25.00.” Additionally, the city manager or their designee shall issue a parking permit to each leasee of a parking space which shall be placed on the front mirror of leasee’s vehicle while parked in a leased space. Vehicles failing to display a parking permit shall be subject to a civil penalty as provided in section 70-274.

(b) Designated areas in the lease parking lots may also be leased by members of the public for the location of commercial trash dumpsters under such terms and conditions as may be established from time to time by the board of aldermen. The city manager or their designee is authorized to lease commercial trash dumpster space for a term of one year or less.

(c) To the extent that it does not interfere with existing parking space leases for daytime use, the city manager, in their discretion, may allow for the use of all or any portion of a lease parking lot for a public purpose, or allow for short-term leases to members of the public who own real property adjoining a lease parking lot.”

SECTION 2. This ordinance shall be effective from and after the date of its adoption.



ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER, 2020.

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DANA E. OUTLAW, MAYOR

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BRENDA E. BLANCO, CITY CLERK

**AN ORDINANCE TO AMEND ARTICLE VI. STOPPING, STANDING AND PARKING” OF CHAPTER 70 “TRAFFIC AND VEHICLES” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN**

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“**Sec. 70-272.** Leasing of parking spaces; marking of leased spaces.

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(c) To the extent that it does not interfere with existing parking space leases for daytime use, the city manager, in their discretion, may allow for the use of all or any portion of a lease parking lot for a public purpose, or allow for short-term leases to members of the public who own real property adjoining a lease parking lot.”

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ADOPTED THIS 27<sup>th</sup> DAY OF OCTOBER, 2020.

---

DANA E. OUTLAW, MAYOR

---

BRENDA E. BLANCO, CITY CLERK

## AGENDA ITEM COVER SHEET

### Agenda Item Title:

Amendment to the FY 2020-21 Operating Budget

<b>Date of Meeting:</b> 10/27/2020	<b>Ward # if applicable:</b>
<b>Department:</b> Finance Department	<b>Person Submitting Item:</b> Mary M. Hogan
<b>Call for Public Hearing:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>Date of Public Hearing:</b>

<b>Explanation of Item:</b>	An amendment to the FY20-21 operating budget reallocating \$50,000 of the Coronavirus Relief Funds previously appropriated to fund the COVID-19 Nonprofit Grant Program.
<b>Actions Needed by Board:</b>	Adopt budget ordinance amendment
<b>Backup Attached:</b>	Memo and Budget Ordinance Amendment

<b>Is item time sensitive?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Will there be advocates/opponents at the meeting?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

<b>Cost of Agenda Item:</b>
<b>If this requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No

**Additional Notes:**





**NEW BERN**  
NORTH CAROLINA  
*Office of the Director of Finance*

TO: City Manager, Honorable Mayor and Members of the Board of Aldermen  
FROM: Mary M. Hogan - Director of Finance  
DATE: 10/16/2020  
RE: Amendment to the FY 2020-21 Operating Budget

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**Background Information**

On October 13, 2020, the Board adopted a resolution to fund the COVID-19 Nonprofit Grant Program. The program was established to assist eligible non-profit/501c-3 organizations, within New Bern's city limits, impacted by the COVID-19 pandemic pursuant to the terms and conditions of the program guidelines and policies. This amendment reallocates \$50,000 of the Coronavirus Relief Funds previously appropriated to fund the COVID-19 Nonprofit Grant Program.

**Requested Action**

The Board considers adopting the enclosed budget ordinance amendment at its meeting on October 27, 2020.

CITY OF NEW BERN, NORTH CAROLINA  
REQUESTED AMENDMENT TO  
Fiscal Year 2020-2021

FROM: Mary M. Hogan, Director of Finance

Meeting Date: October 27, 2020

EXPLANATION:

This amendment reallocates \$50,000 of the Coronavirus Relief Funds previously appropriated to fund the COVID-19 Nonprofit Grant Program.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN  
THAT THE 2020-2021 ANNUAL BUDGET ORDINANCE IS AMENDED AS FOLLOWS:

Section 1 - Appropriations

Schedule A - GENERAL FUND

Increase: Governing Body \$ 50,000

Schedule E - ELECTRIC FUND

Decrease: Customer & Payment Services \$ (50,000)

Section 2 - Estimated Revenues

Schedule A - GENERAL FUND

Increase: Miscellaneous Revenue \$ 50,000

Schedule E - ELECTRIC FUND

Decrease: Miscellaneous Revenue \$ (50,000)

NATURE OF TRANSACTION:

           ADDITIONAL REVENUE AVAILABLE FOR APPROPRIATION  
           TRANSFER WITHIN ACCOUNTS OF SAME FUND  
  X   OTHER : Reallocate between Funds

APPROVED BY THE BOARD OF ALDERMEN AND  
ENTERED ON MINUTES DATED OCTOBER, 27 2020  
AGENDA ITEM NUMBER \_\_\_\_\_

\_\_\_\_\_  
BRENDA E. BLANCO, CITY CLERK

COPY

**RESOLUTION TO FUND COVID-19 NONPROFIT GRANT PROGRAM**

THAT WHEREAS, the New Bern Board of Aldermen recognizes the role certain nonprofits are playing in assisting citizens with the challenges brought on by the COVID-19 pandemic, and desires to initiate a grant program ("Program") to assist nonprofits to continue these efforts; and

WHEREAS, the Board of Aldermen desires to contribute the sum of \$50,000 to the Program, which shall be distributed in the form of grants to nonprofits within New Bern's city limits pursuant to the terms and conditions of the Program Guidelines and Policies, a copy of which is attached hereto; and

WHEREAS, the Program shall be administered by Business Expansion Funding Corporation ("BEFCOR") consistent with the Program Guidelines and Policies; and

WHEREAS, in the event any funds remain upon termination of the Program, such funds shall remain the property of the City of New Bern.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN that the Program be established and implemented consistent with the Program Guidelines and Policies attached hereto.

ADOPTED THIS 13<sup>th</sup> DAY OF OCTOBER, 2020.



DANA E. OUTLAW, MAYOR



BRENDA E. BLANCO, CITY CLERK

**New Bern COVID-19 Non-Profit/501C-3  
Emergency Grant Program  
Guidelines and Policies**

COPY

**Program Overview**

- This program is specifically designed for Non-Profits/501C-3 Organizations impacted by the COVID-19 crisis to provide grants for eligible Non-Profits/501C-3 Organizations located within the City limits.
- Funds may be used for expenses and or resources related to the impact of COVID-19 on our City.
- The Grant Pool is \$50,000 and grant amounts of \$1,000 per Non-Profit/501C-3 Organizations will be awarded.
- Program applications begin October 19, 2020 and will close by 5pm on November 9, 2020. Grant awards will be dispersed no later than December 1, 2020.
- Grants will be reviewed for completeness and based on the impact of COVID 19 to the Non-Profit/501C-3 Organization or the impact of the area they serve. Grant awards are on a *first come- first served-* basis.
- If additional funds are available after awards have been made and all funds have not been dispersed, you may be contacted for the ability to get an additional award if approved by the New Bern Board of Aldermen.
- Interested Non-Profits/501C-3 Organizations can apply by completing a short application and providing the necessary documentation. ALL applications will be submitted via email.
- Awards must be used only for expenses and or resources related to the impact of COVID-19
- Grant administration will be provided by BEFCOR, Business Expansion Funding Corporation, a non-profit Certified Development Company and economic development lender in North Carolina since 1982.

**Program Parameters: Eligibility**

***Eligible Non-Profits/501C-3 Organizations***

- Non-Profit/501C-3 Organization only
- Located within the City of New Bern (jurisdictional boundary)
- Employs at least 1 person or has a designated volunteer Director or Treasurer
- Legally formed and verified by NC Secretary of State and in good standing
- Operating on March 10, 2020
- Planning to remain open after the pandemic has ended
- Your Non-Profit/501C-3 Organization has been impacted by COVID-19 or your Non-Profit/501C-3 Organization is currently providing relief to the community due to COVID-19

**Ineligibility**

***Ineligible Non-Profits/501C-3***

- Any Non-Profit/501C-3 Organization not meeting the eligibility criteria as outlined above or the intended purpose of the grant

**Program Parameters**

***Grant Uses***

The Grant Award may be used for legitimate COVID-related uses, including:

- Programming
- Rent
- Payroll
- Operating Expenses
- COVID-19 Relief Resources

Non-Profits/501C-3 Organizations **may not** use funds for personal uses or other expenses not associated with COVID-19



## Grant Application

The following documentation will be required for each Grant application:

COPY

Exhibit	Document
1	Grant Application Form
2	Most recent IRS I-990 return
3	Secretary of State verification of good standing
4	Estimated use of Grant Proceeds with documentation of how funds will be used
5	Statement of Need for Grant and how it will benefit the community and or how the organization will provide assistance and services to citizens at increased risk or severely impacted due to COVID-19
6	Miscellaneous, including any additional information deemed necessary

## Partner Responsibilities

	BEFCOR	CITY OF NEW BERN
<b>Marketing, Public Relations</b>		<b>X</b>
<b>Collect Application Information</b>	<b>X</b>	
<b>Screen for Eligibility</b>	<b>X</b>	
<b>Complete Grant Decision</b>	<b>X</b>	<b>SIGN OFF X</b>
<b>Return any unused funds to City of New Bern after December 1, 2020</b>	<b>X</b>	
<b>Relieve BEFCOR of liability</b>		<b>X</b>

**New Bern COVID-19 Non-Profits/501C-3  
Emergency Grant Program Application**

COPY

Please review eligibility criteria before applying. This grant program is available to eligible Non-Profits/501C-3 Organizations who apply until such time as New Bern is no longer under the COVID-19 declared state of emergency, as may be amended from time to time, or such earlier date that the aggregate funds for all grants under this program are exhausted. The following information **MUST BE SUBMITTED** as part of the application for the New Bern COVID-19 Non-Profit/501C-3 Emergency Grant Program. Please attach additional sheets, as necessary.

**Only complete applications from Non-Profit/501C-3 Organizations can be considered.**

1. Name of Non-Profit/501C-3 Organization
2. Attach copy of Organization Articles of Incorporation
3. Physical address of Organization
4. Attach copy of Secretary of State verification of good standing
5. Attach copy of most recent IRS I-990 return
6. Description of Organization services and or mission statement.
7. Was this Organization providing services at this location as of March 10, 2020?
8. Is this Organization currently providing services at this location? If not, give reason why and anticipated date of reopening
9. Names of officers of the Organization entity and titles
10. Total number of paid Organization employees as of March 10, 2020
11. Is this Organization in need of financial assistance because of the COVID-19 declared state of emergency?
12. Statement of Impact on the organization due to COVID-19

I, the undersigned, hereby certify that:

- I have reviewed the COVID-19 Non-Profit/501C-3 Emergency Grant Program eligibility criteria before applying for the requested grant award,
- I believe my Organization is eligible for this grant award,
- all information and documents provided are true and accurate to the best of my knowledge,
- I will provide additional information or documentation if requested by BEFCOR or The City of New Bern,
- This Organization can receive this grant without causing a violation of North Carolina conflicts of interest laws, and
- I have the authority to apply for the grant on behalf of the applicant Organization
- I understand that Business Expansion Funding Corporation, BEFCOR, is facilitator for this program and I agree to promptly provide all items requested by BEFCOR.

Organization Name

Date of application

Signature

Title

Email

Phone

This is a separate document to authorize these general provisions

BEFCOR agrees to:

- Award funds to the best of its ability within the guidelines of the City of New Bern
- Provide its logo for marketing
- Not release any information (other than marketing details, such as grant availability and terms) on this program to the media or requested parties. Requests for grant program performance will be forwarded to the City of New Bern City Manager.

City of New Bern agrees to:

- Confirm program parameters, policies, and to assist BEFCOR in successfully carrying out the goals of the program
- Acknowledge BEFCOR's participation in the program
- Determine how/if/when information about program performance is released to outside parties (including media)
- Indemnify BEFCOR from liability of operating the program (outside of gross negligence, fraud, etc.)



**NEW BERN**  
CITY OF NEW BERN

300 Pollock Street, P.O. Box 1129  
New Bern, NC 28563-1129  
(252) 636-4000

**Aldermen**

Sabrina Bengel  
Jameesha Harris  
Robert V. Aster  
Johnnie Ray Kinsey  
Barbara J. Best  
Jeffrey T. Odham

Dana E. Outlaw  
Mayor  
Mark A. Stephens  
City Manager  
Brenda E. Blanco  
City Clerk  
Mary M. Hogan  
Director of Finance

Memorandum

TO: Mayor Dana Outlaw  
FROM: Brenda Blanco, City Clerk *BEB*  
DATE: October 22, 2020  
SUBJECT: Appointment to Appearance Commission

On June 11, 2019, you appointed Martha "Molly" Ingram to the Appearance Commission. Ms. Ingram recently resigned from her seat, as she will be relocating to another state in November. You are asked to make a new appointment to serve the remainder of Ms. Ingram's term.

When possible, appointees to this Commission should have special training or experience in a design field, such as architecture, landscape design, horticulture, city planning, or a closely-related field.

/beb