



Historic Preservation Commission

Special Meeting

<http://www.townofboone.net/>

~ Agenda ~

Jane Shook
828-268-6960

Tuesday, January 11, 2022

3:00 PM

WebEx

This meeting is a continuation of the January 4, 2022 meeting. The new documents will be marked as add-ons.

WATCH OR FOR PUBLIC COMMENT: Individuals who wish to watch this meeting or who wish to address the Commission remotely can do so through WebEx, either online or by phone. If you wish to provide public comment remotely, please email jane.shook@townofboone.net or call in at (828) 386-7025 and you will be provided with an invite to the meeting.

I. Call to Order

II. Adoption of Agenda

Discussion: Possible Second HPC Meeting for January 2022

III. Approval of Minutes

December 7, 2021 Meeting Minutes

IV. Public Comment

V. Cultural Resources Loom Discussion

Loom History Memo

VI. Update on Boone 150 Plans

January 23, 2022 Event

Boone 150 Public Art Proposal

Boone Cemetery Programming

Walking Tour Programming

VII. Consultation - North Depot Street Historical Marker - Boone 150

North Depot Street Historical Marker COA Consultation, Cultural Resources Department

VIII. Update on Civil War Trails Markers/Boone Cemetery Interpretation

IX. HPC Quasi-Judicial Rules of Procedure

HPC Quasi-Judicial Rules of Procedure

X. Update on Cemetery Mapping Project

XI. Update on Cemetery Designation/Interpretation Guidelines

XII. Update on Hayes-Bryan-Greene Cemetery Marker

Hayes-Bryan-Greene Cemetery Marker Report

Marker Location Options

XIII. Direction from Council regarding Potential Designation of Hayes-Bryan-Greene Cemetery

Request for HPC Member/Staff Member to Prepare Designation Report

XIV. Council Store Historical Marker

Council's Store Marker Report

XV. Watauga County Jail Designation Report

XVI. Review of Town Streets Project

Howard Street

Howard Street

Depot Street

XVII. Update on CLG Application

XVIII. Other Discussion

XIX. Adjournment

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
December 7, 2021, 6:00 p.m.**

Historic Preservation Commission Members in Attendance:

Chair Eric Plaag, Vice-Chair Bettie Bond, and Chuck Watkins

Student Member: Izabela Willis

Council Liaisons: Rennie Brantz and Virginia Roseman

Town Staff in Attendance:

Jane Shook-Director of Planning & Inspections, Jessica Mitchell-Long-Range/Special Projects Planner, Christy Turner-Senior Planner, and Marlene Crosby-Board Secretary

Others in Attendance: Mark Freed-Director of Cultural Resources, Amber Bateman-Director of Watauga County Arts Council, Tommy Lee, Candi Woodruff, and Jenny Collette

Call to Order

Chair Eric Plaag called the meeting of the Boone Historic Preservation Commission, held via WebEx, a video conferencing software, to order on Tuesday, December 7, 2021, at 6:01 p.m.

Adoption of Agenda

Member Watkins made a motion, seconded by Member Willis to adopt the agenda as written.

Vote: Aye – All

Nay – None

The motion passed.

Approval of Meeting Minutes

Member Watkins made a motion, seconded by Chair Plaag, to approve the November 9, 2021 meeting minutes as written.

Vote: Aye – (Plaag and Watkins)

Nay – None

Abstained- (Willis)

The motion passed.

Public Comment

Chair Plaag pointed out that he thought that most of the visitors attending this virtual meeting wanted to speak on specific agenda matters. He suggested deferring their comments until their item on the agenda came up. He said this would direct the HPC into a conversation about those particular items instead of hearing their comments during public comment. He asked the HPC for consensus to his suggestion on handling public comment for the Watauga Arts Council Mural Consultation and the Collette-Woodruff P.C. Sign Consultation. There were no objections to it from the HPC or the applicants.

Chair Plaag asked if others wanted to speak under public comment. He said hearing none, public comment was closed, with the understanding that there is reserved opportunity for comment for the applicants. He noted that the Chair would recognize them when said topics arose during the meeting.

Watauga Arts Council Mural Consultation

Communication: December 7, 2021 Meeting Minutes (Approval of Minutes)

Ms. Christy Turner, Senior Planner, explained that the Watauga County Arts Council is asking for a consultation to place a mural on Howard Street. She noted that they had submitted an application, a description of the project, and a photo in the meeting packet. She opened the floor for questions regarding the consultation.

Chair Plaag explained that the HPC is entering the phase of being a quasi-judicial board. He further said that the HPC has some Rules of Procedure for the formal Certificate of Appropriateness cases being put in place. He said the HPC does not have formal Rules of Procedure beyond the existing Rules of Procedure for a consultation. He said the best way to proceed if there is no objection from the HPC members is to let the people requesting the consultation have an opportunity to give an overview of their proposal. He opened the floor for their presentations.

Ms. Amber Bateman, Director of the Watauga Arts Council, explained that the mural's purpose is to showcase features of the High Country that make this community a unique and desirable destination. She said that because the Appalachian Mountain Brewery started in Boone, North Carolina, the brewery wanted to sponsor a mural to send a message of thanks and love to the community from which it was "born." She said the imagery in the large postcard mural is meant to show Appalachian Mountain Brewery's connection with the High Country of North Carolina. She said the basic idea of the image is to bring different aspects together of what makes our community great. She said the proposed location for the mural is on the east side of the building, located at 182 Howard Street. She noted that she had been informed that the dumpster at the location could not be moved, but it could be screened. She said the business owners would work with the Town on the color palette. She said the original mural image they had made had lines on it. It was addressed to "Wildwood Community Market," the business occupying the building.

Ms. Bateman said she felt that discussion needed to occur regarding the purpose of a painted sign and a mural. She thought a painted sign would advertise a business, but a mural takes on a different purpose. She said that when trying to propose a mural for Downtown Boone, murals are occasionally sponsored. She said they would like to insert a stamp from the business on the murals creatively.

Ms. Bateman asked for direction from the HPC regarding their proposal. She explained that the community is continually asking about the lack of an art presence in the High Country. She said the Watauga Arts Council found this proposed mural as an opportunity to begin working with the HPC and the Town on the process to have more of an art presence in the community. She noted that Mr. Andrew Green, the building owner, did approve the proposed mural on the building. She also pointed out that the Wildwood Community Market business owners approved of the mural on the building.

Chair Plaag explained the things under the HPC's purview to review or what might need to go to the Planning Department, Planning Commission, or the Board of Adjustment. He explained to Ms. Bateman that two options were proposed for the mural. He continued that one option was to paint directly onto the building or mount wood or other material framed sign almost like a framed painting to hang on the side of the building.

Chair Plaag referred to the adopted standards for the historic district. He explained that state statute required these standards to be adopted along with the historic district. He explained that these standards were written in consultation with guidance from the National Park Service, which oversees historic districts generally and standards and guidelines for districts. In Section 4.1 of these standards, he pointed out that it is never appropriate to paint masonry materials such as brick, concrete block, cast concrete, or stone that were historically unpainted, including masonry associated with foundations. He said we do not know if there is a historical precedent for masonry painting in the building's original historic content because there are no images of the building. He said it is difficult for the HPC to recommend or approve something that would be applying paint directly to the building,

where there is no historical precedent for something similar on the building. He believed this building had been painted for a long time. He deferred to the concept that this concrete block does not qualify as unpainted masonry. He read from the standards that if there is a precedent for it being painted, it should be completed using colors that can be documented with original historic photographic evidence, or analysis of original paint samples. He recommended that the applicant not spend time or funds analyzing paint samples because they are not always conclusive.

Ms. Bateman said she felt like there are plenty of examples of other historic towns that have murals that possibly did not have an original mural on a building. Based on that guideline, she said that unless the building already had a mural from a historical era of significance, it will never have a mural applied to it. She believed this would affect the desire for the community to want to produce art in the community. Chair Plaag asked her to allow him to walk her through the current standards that are in place. He explained that these standards are what the HPC must follow when considering a consultation on a case. He said it does not mean the answer is an absolute yes or no to what is being proposed.

Chair Plaag explained in Section 9.3 that there are no specific paint colors within the district. He said there is some UDO guidance on paint colors. He said to select paint colors appropriate for the building's architectural style and complement neighboring buildings. In general, color should function as a method of contrasting among different materials and architectural elements that make up the building; additionally, contrasting colors that accent architectural details and entrances are discouraged, however, except for those cases where the design element was common to the historic architectural style of an existing historic property. He said the standard we currently have does not speak specifically to murals. He said that the HPC would have to say, concerning painting directly on the masonry, that the proposed mural has no proven historical precedent, meaning there is no history of murals on this side of the building. He said a mural of that type would not have been typical to apply to a building of this particular architectural style. He said it is difficult for the HPC to find reasoning within the standards to approve the mural if it's proposed to be painted directly on the building.

Chair Plaag referred to a section in the commercial standards on ghost ads. He generally said they are old advertisements or old murals that still survive. He said one is on the upper east side of the old Newton's building next to the fire station on King Street. He said this kind of artifact should be preserved. He explained that this is not the kind of situation we are talking about in this consultation. He said that in this case, we are talking about a new thing, not something that already exists.

Chair Plaag reviewed Section 8 of the Streetscapes Section. He discussed how this section is separate from the Commercial section, which specifically addresses signage; this section was primarily written to address detached signage that overhangs the public way or is mounted to a building in the B1.

Chair Plaag explained that as the ordinance is currently written, it does not apply to painting murals directly on buildings. He said there is a gap in the ordinance, and he said he feels that Council probably needs to consider. He mentioned this would include soliciting input from the HPC on the issue of murals, specifically new murals being applied to historic buildings.

Chair Plaag said he felt the fastest way for the mural to be installed involves the second option presented, which is to have a framed mural mounted to the side of the building. He asked the Staff how approval occurred for the mural on the side of the Boone Mini Mall on W. King Street. Ms. Shook explained that the mural was a Downtown Boone Development Association project. She said a zoning permit was not required because the DBDA, as a government entity, is exempt from the ordinance requirements. She noted that a building permit was required to attach the framed mural to the building.

After reviewing the sign guidelines, Ms. Bateman said it was very clear that those guidelines were not set for art but signage on buildings for advertisement purposes. She asked Chair Plaag if now is the time to begin a conversation with Council to consider policies and procedures that view art as something different from an applied sign. Chair Plaag explained there is an opportunity to discuss with the Council, with the input of the HPC regarding murals in the historic district or historical landmarks. This conversation would also include consultation with the State Historic Preservation Office and potentially the National Park Service. He said knowing how these processes work, it may take up to a year, although there is a project wanting to be done now. He suggested finding a solution for said project that works within the current standards and UDO regulations while also having a conversation that may take a year.

Chair Plaag said he worked with the Staff on a possible solution. He told Ms. Bateman that for this specific project, for example, she may want to contact the DBDA and give them her proposal for the mural. He suggested that Ms. Bateman let them know that the building owner agrees with the said proposal. He noted that Ms. Bateman could ask the DBDA if they would request that the said mural be approved to be mounted on the building. He referred to Ms. Shook and the Council Liaisons to see if they thought this would be a faster solution than waiting a year or more with no guarantee of conversation while meeting all district requirements. Ms. Shook agreed that it was potentially an option. She said she would like to talk with Mr. John Ward, Town Manager, and Ms. Lane Moody, Downtown Boone Development Coordinator about it. Ms. Shook said that the Town Attorney might need to give some input on signs because of the current, strict sign regulations. Ms. Bateman said that she and the mural artist, Mr. Tommy Lee, are more interested in the fastest route and willing to go with the framed mural option. Vice-Chair Bond agreed with the quickest way while pursuing the potential long-range process. She agreed that the issue of murals would keep coming up, and it would be better to set a standard, specifically for murals and other art projects in Downtown Boone.

Chair Plaag explained to Ms. Bateman that it would not be allowed to apply paint to an unpainted masonry surface from a preservation standpoint. He explained that using paint color on a masonry building damages the building long and short term.

Ms. Bateman said that she had been in conversation with Mr. John Cooper, owner of Mast General Store, regarding the white doors on Depot Street. In honor of the Boone 150 Celebration, she said the Watauga Council Arts Council wanted to partner with the Junaluska Community, to put barn quilts on the doors, or put a Wayne Trap mural on the white doors. Ms. Bateman discussed these projects involving the HPC during the Boone 150 Celebration.

Chair Plaag reiterated that the historic district design standards do not regulate paint color, except that the colors should have a historical precedent. He said the said standards do not address murals, except for what has already been discussed. He suggested a coordinated conversation between the Watauga Arts Council, Planning and Inspections Department, Council, and the HPC regarding future public art in Downtown Boone.

Ms. Shook explained that current UDO standards regulate what is defined as works of art but not public art. She said she believed the historic district added a layer of review that had not been done before. Chair Plaag said decisions on the content of public art should be approving the design, not policing the content.

Chair Plaag explained that the difficult part of the HPC now is balancing being advocates for preserving our Town's history and being a quasi-judicial body.

Mr. Tommy Lee discussed how his experiences in Boone have changed over the last decade and how his work is to advocate for art and support practicing artists in the community.

Ms. Shook told Ms. Bateman that she would coordinate a meeting with Staff and other people to be involved in a group meeting to discuss the said project. Ms. Shook said she would contact Ms. Bateman as soon as the meeting had been coordinated.

Member Watkins pointed out that the Certificate of Appropriateness for Major Work Supplemental Checklist requires the Design Standard References to be cited. He said that he could not find said references in either of the two submitted documents. Chair Plaag noted that he thought these submittals were not the standard, fully complete packages because they are not actual cases. He explained that they were only consultations because the applicant was looking for some guidance on how to proceed.

Ms. Shook said that the Staff had drafted the requirements for deadlines. She said, for example, for the February 2022 meeting, the deadline is December 13, 2021.

Ms. Bateman asked if she needed to submit an application to attach the mural to the building and not the masonry or submit an application to be reviewed at the February 2022 HPC meeting. Chair Plaag said he thought these were open questions, pending staff review.

Collette-Woodruff P.C. Sign Consultation

Ms. Candi Woodruff began discussing this agenda item and referred to page 20 of the meeting packet. She explained that she and her business partner, Ms. Jenny Collette, hired Appalachian Sign Company to make their sign because their business is located in Downtown Boone. She explained that she and Ms. Collette have a new CPA firm, and they are anxious to get their permanent signage up before the tax season starts. She said that she and Ms. Collette are long-term residents, having lived in Boone since 2002. She said they picked Howard Street for their business because they wanted to have a presence in the Downtown area.

Chair Plaag reviewed Section 8 of the Historic District Standards. He determined that the sign that is being proposed would not require the COA for Major Work and that it could be reviewed at the staff level.

Chair Plaag pointed out that the exterior of the building has stucco on it. He explained that when bolts are driven through the stucco, it will crack the stucco, especially if it is already cracking. He said this process would damage the current veneer's surface and historical materials on the face of that building. He said there is no way around damaging it when driving bolts through the stucco. He said that when there is potential damage to a historical veneer of a property, the HPC would want to review it. He said that for the approval process, the applicant needs to be prepared to address how they will mitigate any potential damage to a veneer by having the sign attached to the building. He said he did not know if there were other ways to adhere the sign to the building without penetrating the veneer. He said if there is another way, the application could be reviewed under the COA Minor Works process.

Discussion ensued on the repair of the façade of the building. Ms. Woodruff asked about the terms of mitigating the damage. Could she have the stucco refurbished simultaneously as the sign's placement? Chair Plaag explained that the Town of Boone, through the Downtown Boone Development Association has a façade incentive grant program. He told Ms. Woodruff that she could request the survey description of the property from Staff. He said that since there is already a problem with a veneer element on the building, this is an opportunity to apply for a façade incentive grant (with the assistance from the DBDA) which could be up to \$5,000.00 to help pay for the façade renovation. He noted that he was aware that this building had been altered some, and the renovation

would have to try to bring it back to its original historic appearance, at least to some degree. He added that this building was originally a one and one-half story warehouse, and the upstairs apartments were built at some later date. He concluded that the way the sign is proposed right now, it would need to go through the COA process.

Ms. Shook explained that the adopted design standards outline what qualifies for minor and major work. She said the major work is referred to the HPC to review the COA process. She said the minor work standards outline temporary signs and do not include permanent signs. She further explained that this was the reason for the consultation. She mentioned that more discussion might be needed about whether a COA process, a Statement of Conformity, or something else would be required for permanent signs. She explained that more discussion might be needed about the damage of the stucco through the installation of the sign, as far as how it triggered the COA process. She continued that we need to figure out an official process and acceptable guidelines for signs in the Downtown. She thought the language needs to be modified to state a sign that can be permitted under the Statement of Conformity, which is administratively approved by Staff or the COA process. She said that for this specific sign, based on the current language and what Chair Plaag pointed out in the design standards, she agreed that a COA application would be necessary.

Ms. Shook explained that the applicant submitted the sign application in mid-November, and that timeframe makes the applicant subject to the adopted design standards. She said she wanted to make sure we did not delay the applicant any more than we necessarily had to. Therefore, she suggested that consultation occur, so it would be successful if they had to go through the COA process. She explained that since the applicant will have to go through the COA process, it will now be February of 2022 before they can get their sign permit for an application submitted in November.

Discussion ensued on the definition of a temporary sign. Chair Plaag asked the Staff for the definition of a temporary sign. Ms. Turner said a temporary sign is a sign or advertising display constructed on cloth, canvas, fabric, plastic, paper, plywood, or other white material used only temporarily and is not permanently named.

Chair Plaag asked Ms. Shook if a vinyl sign or a rigid vinyl sign could be affixed by a mastic, such as a type of glue to the face, not a blade on the front of the building, would be allowed. He asked Ms. Shook if, on the application under the Statement of Conformity, to make it clear that this is a temporary measure until the issue with the veneer has been reviewed. He said would this be a way to go through this administratively without requiring a full COA process. He said this would allow the applicant to say they are open for business without hanging their sign up on the front of the building. Ms. Shook agreed that there is an option for a temporary sign. She said many businesses utilize temporary signs before they move in. She said there are specific regulations about how long you can have a temporary sign up. Ms. Turner noted that a temporary sign is good for 30 days. Ms. Shook said this is an issue because it will not cover the length of time it will take to get the COA. Ms. Shook noted there are alternatives.

Ms. Shook said that she presented the topic of permit fees to Council at their last meeting. She explained that in this particular case, the cost of permitting for a regular COA is a high percentage of the cost of the sign itself. She said that we thought this might be a concern. She further explained that in the future, people would be better prepared, for example, if the applicant goes to Appalachian Signs for their signs, they will explain to a client that there is a process taking an extra amount of time. She said there would have to be a proposed change to the design standards. Chair Plaag agreed with Ms. Shook.

In September, Ms. Woodruff explained that she had started the sign process with Appalachian Signs. She said if she had known about the requirements of the Historic District Design Standards, she would have applied for their sign sooner. She said that she did not expect the delays with their sign application submittal. Ms. Shook suggested

that since the Town does not regulate signage inside windows that Ms. Woodruff could put a sign up inside their window. She said the sign could be in the window for as long as needed until the permanent sign is installed. Ms. Woodruff said that she had a decal in the window. The surrounding business signs are so prominent that people walk by their business, even with the decal on their window.

Ms. Jenny Collette, a business partner with Ms. Woodruff, explained that they are only the tenants of the building. Ms. Collette asked Chair Plaag what the path of least resistance would be to make sure that they can put up the sign that is already made and paid for. Chair Plaag said that given what is proposed and the likelihood that fixing the sign to the veneer would damage the veneer, the only way to utilize the sign is to go through the COA process. He told Ms. Collette that they would need to be prepared to discuss how to mitigate any likely damage to the façade. He suggested addressing the veneer that is already falling off the building. He said there have already been a couple of tenants in Downtown Boone that have applied for façade incentive grants with permission from the building owners. He suggested informing the building owner about the veneer issue on the building and that it will be addressed soon by applying for a grant. Then Ms. Collette could tell the owner that they would put a certain amount of money toward it. The owner could put a certain amount of money into it since the owner would have to address the issue at some point. Additionally, the applicants could explain that the grant could provide up to \$5 000.00 through the DBDA to pay for it. He said this might be a way of solving the more significant problem and using the sign.

Chair Plaag said to Ms. Collette that there is a possibility of asking the sign maker to take on the liability of assuring that the historic fabric will not be cracked or damaged in any way. He said this liability statement could be presented as part of the COA case for fixing the sign to the building.

Ms. Collette asked if there was an issue with hanging their proposed sign from a balcony window above their offices. Chair Plaag deferred this question to the Staff. He said that might be a conversation outside the boundaries of this meeting where Ms. Collette would talk with the Staff to see if that is an option.

Ms. Turner pointed out that currently, in the B-1 zoning district, only three types of signs are allowed: freestanding, attached, and projecting. She said that what Ms. Collette is asking about does not fit into these categories.

Ms. Woodruff stated that if the temporary sign is up for 30 days from December 15, 2021, to January 15, 2021. It will have to be taken down in prime tax season.

Ms. Bateman suggested putting out a sandwich board. Ms. Shook pointed out that sandwich boards are prohibited in the B-1 zoning district. Ms. Shook encouraged the use of indoor window signage to be used at this time until the permanent sign approval or until the proposed design standards language changes where potentially the applicant would not have to have sign approval.

Chair Plaag added an option that Ms. Collette could explore the possibility of getting a sign that adheres to the surface of the building. He said it might mean paying for a new sign, but that overall process might be a lot cheaper than going through the COA process for the sign that has already been paid for.

Council Liaison Roseman apologized that we could not find these issues before implementing some of these new codes. She said that Ms. Shook presented to Council what they would like for the HPC to figure out what they felt comfortable with, giving Staff the ability to approve. She asked if it was allowed to paint the business's name on the door. Ms. Shook said there is much potential inside solutions that can be done. She offered for Ms. Collette and Ms. Woodruff to meet with Staff to go over those solutions. Ms. Woodruff explained that she wished that she

had been more involved with the vendor in terms of timing because the \$2,500 investment into the sign for a small business is quite costly.

Member Watkins pointed out that we live in a cold climate, and he felt that, generally speaking, it is acceptable to drill into a mortar joint to affix signage, even on historic buildings. He said this type of thing is done all the time. He said he felt almost certain that a sign could go into those mortar joints with lead anchors with the potential for expansion and contraction. He said this would have a very adverse effect on the mortar joints of the block. Chair Plaag said that in the mounted mural, generally speaking, it is acceptable to drill into the mortar joint to affix signage, even on historic buildings. Chair Plaag said that in the case of this sign, the problem is that they do not know where the mortar joints are because of the stucco veneer. Additionally, it was questioned if the stucco constitutes a historical material in its own right and if damaging it will create a problem from a historic preservationist standpoint.

Chair Plaag explained what the HPC would need to do with these two cases.

Chair Plaag explained to Ms. Collette and Ms. Woodruff that the hearing for the COA process is similar to a court case. It is their job, as an applicant, to present what they are proposing to do and present their evidence that they can do it without causing lasting damage to this building. He further explained that the HPC then considers the evidence and other evidence the community might want to evaluate the COA application. He said that the HPC would make findings of fact and that roster of facts will be addressed at the hearing.

Ms. Shook asked Ms. Turner to reach out to Ms. Collette and Ms. Woodruff to schedule a meeting to review everything discussed in detail.

Cultural Resources Loom Discussion

Mr. Mark Freed, Director of Cultural Resources, said that Council had directed him to the HPC for discussion before they potentially decide on the loom. Ms. Shook said that the Council wanted to know if the HPC had any knowledge of the loom having local historical significance, especially since the loom had been at the Appalachian Cultural Museum. He showed photos of the loom. He said that Ms. Pilar Fotta, the former Cultural Resources Director acquired the loom. He said it came from Appalachian State University, and it was once displayed in the Appalachian Cultural Museum. He said his understanding was that Ms. Jane Campbell, a local loom expert, assembled and disassembled the loom to ensure all parts were there. He said the loom is much too large to display at the Jones House. He said the Town does not have a proper place to display it. He said it was at the Blowing Rock Art and History Museum (BRAHM) for a short time. He mentioned a note on the loom stating that it might be a Lucy Morgan loom. He said the loom has been sitting in pieces in the attic of the Jones House since it came back from BRAHM. He noted that Ms. Campbell had contacted him to ask if the Town still had the loom and might be interested in placing the loom where it could be used. He said he had found Ms. Janelle West, a Watauga High School instructor. She is interested in teaching weaving, and she is willing to take it on. He explained the value of having some students working the functioning loom in our community. He said the high school was ready to take it but not to take the loom on a loan basis because of the possibility of something happening to it. He said that Ms. Allison Meade, Town Attorney, informed him that it is all right to give the loom to the high school since they are another government entity. He said the Council expressed an interest in having the option for getting the loom back if it was given to the high school. Additionally, he explained Council's interest in asking the HPC if they thought it was a good idea to give the loom to the high school or for the Town to hold on to it. He said the reason Council was interested in keeping the loom would be for future opportunities to display it. He said the Rivers House was mentioned as a future location to display the loom. He said knowing the interior of the River House and the potential for renovation there; he said he did not envision a likely space for the large loom to be displayed there. Member Watkins asked if the loom had any access mark on the labels. He said he had a vague memory of

a standard loom developed for Penland School by a Scandinavian woman. Member Watkins said that loom could have been a Lucy Morgan loom, but he was unsure.

Mr. Freed noted that Penland was written on one of the notes in the loom display. Member Bond stated that she was familiar with looms, and they are large, bulky, and cause a constant problem while using them. Member Watkins asked Mr. Freed to ask Ms. Campbell to confirm if the loom is a Penland. Mr. Freed noted that Ms. Campbell said she would re-assemble the loom if needed. Member Watkins explained that if it is a Penland loom, it would mean that it is designed to be easily set up and used as a teaching device for weaving.

Council Liaison Roseman confirmed that the Council wanted to know if the loom had any historical significance and if the HPC thought it was a good idea to use it in our local school system. She said that she felt that giving the loom to the high school was a wonderful gesture, especially now that it seems to be a Penland loom. It can be used for educational purposes. She said the Council wanted to be sure that we were not giving away a piece of our history. She said that it would be good if the high school stopped using the loom, that the Town could be first to be able to take it back.

Chair Plaag said he is not a loom expert but that Digital Watauga has images of looms in operation. He said there was a loom in operation at a building on South Depot Street until they ended their operations. He said based on visual evidence of the photos that Mr. Freed presented makes it obvious that the possible Penland loom is not one of those looms from this operation. He suggested that since Member Watkins has requested more information about the loom, the HPC will wait until their January 2022 meeting to see if additional information can be found. Chair Plaag said maybe at that point, and the HPC can make a more official recommendation on it one way or the other to Council.

Vice-Chair Bond joined the meeting at approximately 6:20 p.m.

Vice-Chair Bond supported the idea of the loom being taken to the high school and being used for educational purposes. She said that if we find out that the loom has historical significance, it would be wonderful for those students to connect with that craft. Chair Plaag said in principle, he agreed with Vice-Chair Bond; he had rather see the loom being used, particularly if it's designed to be a teaching loom. Member Willis agreed with Chair Plaag and Vice-Chair Bond.

Member Watkins asked Mr. Freed to ask Ms. Campbell if she knew Ms. Anne Ernberg. The latter was the weaving expert at Berea during the craft revival period. Member Watkins said that he thought that this individual was the loom designer.

Chair Plaag told Mr. Freed that he would send him the loom images from Digital Watauga just in case he needs them to present to Council.

Chair Plaag called for a four-minute recess at 8:18 p.m. He reconvened the meeting at 8:22 p.m.

HPC Quasi-Judicial Rules of Procedure Update

Ms. Jessica Mitchell, Long-Range/Special Projects Planner, announced that the HPC Rules of Procedure are still being drafted. She said this topic had been moved to the January 2022 meeting pending further edits and collaboration with Staff and Ms. Meade. Ms. Mitchell said that she would hopefully have an update at that time. Chair Plaag asked Ms. Shook if February of 2022 would be the earliest that the HPC would have its first case. Ms. Shook said yes.

CLG Update

Ms. Mitchell asked if there were any questions regarding the draft Certified Local Government (CLG) application item regarding HPC activities. This item was sent to the HPC members via email prior to the meeting. She noted that this is an ongoing project by Staff until late spring of 2022. Chair Plaag asked for clarification on an item listed, specifically the Boone Cemeteries item. He also requested clarification on what descriptions are required for this CLG item and how extensive past items should be included. Ms. Mitchell stated that she would confirm these items with the North Carolina State Historic Preservation Office.

Chair Plaag questioned the additional CLG application item of member resumes and if there would be adequate time to complete the form. Ms. Mitchell stated that she had a form available and would wait until the new Town Council members are seated, and the liaisons are assigned to the HPC.

Cemetery Mapping Project

Chair Plaag said that Dr. Kristen Baldwin-Deathridge, History Professor at Appalachian State University, emailed him and stated that her class had surveyed the Edmisten Cemetery, located off State Farm Road. She said she would send that survey material to the Staff and Chair Plaag.

Chair Plaag asked about the HPC Cemetery Mapping Project "press release." Ms. Mitchell said that the "press release" has been made public, and she has not received information as far as any cemetery information requests. She said she had received questions but no specific data on said topic. Ms. Shook confirmed that the Town publishes all its press releases to a certain list of news organizations, and those organizations choose to publish or not publish them. Ms. Shook pointed out that the "press release" is located in the press release section of the Town website under the Planning and Inspections webpage, then under the "News Flash" section of the Town website. Ms. Shook said we would try to have the press release on the HPC website when it goes live.

Chair Plaag asked Ms. Mitchell about the questions she had received on the said topic. Ms. Mitchell said the questions we're asking about the Town's position on the Mount Lawn Cemetery and its condition. She said that after talking with Ms. Shook and Ms. Turner, she contacted the individual and told them she would pass their concern along to the HPC. Ms. Mitchell gave the individual information based on what had been previously discussed. Chair Plaag pointed out that the Council had requested that the HPC report the known cemeteries by the end of this year. He noted that he did not think that the report was going to happen by the end of the year. He said it probably occurred early in the new year the HPC would be able to report to Council on it.

Chair Plaag said separately that he did not think that the HPC is responsible for conveying public feedback about concerns like Ms. Mitchell just described. He suggested asking Council for direction on how they would like the HPC to address the said topic. He said that in the coming year, the HPC would have some direction from Council on some of the cemeteries, to make a recommendation about one of several of interpretation, acquisition, and designation of those various cemeteries. He said since the "press release" has been made public fairly recently, he suggested giving it more time in the public. He suggested checking back in January 2022 to see where we are on said topic.

Cemetery Designation/Interpretation Guidelines

Chair Plaag said he would be presenting the proposed Cemetery Designation/Interpretation Guidelines for Council's approval and direction at their December 8, 2021, Special Council Meeting. He said he would also present to Council an update on the Hayes, Bryan, Greene Cemetery. He said he would ask the Council specifically for direction on whether they want the HPC to make a recommendation or not on, either or both, the designation and acquisition of the said cemetery. He pointed out that the new HPC Member Willis may want to have the

knowledge of these standards for the January 2022 discussion on said topic. Ms. Mitchell said she would provide Member Willis with a copy of the standards.

Hayes, Bryan, Greene Cemetery Historical Marker

Chair Plaag said that he had drafted a historical marker report included in this meeting's packet. He said that he included the standard required information in the report and prepared a historical sketch about the cemetery. He said he focused on a description of the cemetery and the various grave markers that are visible in the cemetery. He noted that the Staff had made the photographs included in the report. He said in the report that there is a brief write-up on each of the markers, including information about each of the individuals who are known to be buried there.

Discussion ensued on the recommendations for the Hayes, Bryan, Greene Cemetery. Chair Plaag asked the HPC if they would be inclined to recommend to Council that they invest funds in a marker for interpreting this monument and placing it on King Street. He also asked the HPC if they were ready to forward the historical marker report to Council for their approval.

Motion and Vote:

Member Watkins made a motion, seconded by Member Willis to forward the Hayes, Bryan, Greene Cemetery historical marker report to Council for their consideration.

Vote: Aye – All

Nay – None

The motion passed.

Discussion ensued on the location of the historical marker. Chair Plaag explained that he is recommending one location that is publicly owned property by Watauga County. He said he thought the county might be open to potentially placing the marker near Straight Street. He suggested not placing the marker at the cemetery because the road to the cemetery is narrow, and it would only serve to draw traffic into that neighborhood. He said that he thought that the best way to acknowledge the cemetery, in terms of a historical marker, is to place the marker where it will be easily seen. He asked Ms. Shook if the Staff anticipated any issues with the location near Straight Street. Ms. Shook said there would need to be some coordination with the county for its placement if they own it or the North Carolina Department of Transportation if it is in their right of way. He said he is open to discussion on other locations for said marker. It was suggested to place it near the Watauga County Agricultural Center or at the corner of Queen and Water Street. It was the consensus of the HPC to present both locations to Council and let them decide the location for the historical marker. He said he would add this discussion of the historical marker locations to the historical marker report.

Motion and Vote:

Member Watkins made a motion, seconded by Member Willis to ask Council if they want to expend town funds to install a marker at one of the two locations. Discussed locations include near Straight Street off of King Street., or at the corner of Queen Street and Water Street.

Vote: Aye – All

Nay – None

The motion passed.

Chair Plaag said that he would inform the Council at their December 8, 2021 meeting that the Hayes, Bryan, Greene Cemetery case will be on their January 2022 Council agenda for their consideration.

Council Store Historical Marker

Chair Plaag explained that he had not completed the historical marker report, but he would have it completed for the HPC to review at their January 2022 meeting.

Town Streets Project

Chair Plaag explained that he had completed the Appalachian Street and Junaluska Road reports. He noted that he had sent these reports to the HPC prior to the meeting. He asked Ms. Shook if the HPC could approve the reports or did they need to go to Council for approval. Ms. Shook said that before the reports are published, they should at least be presented to the Town Manager for his review. Chair Plaag said he thought the HPC could vote to approve these two reports. He said he would work with the Staff this week to get them ready to publish on the Town's website. Ms. Shook agreed with Chair Plaag working with Ms. Mitchell on getting the said reports on the town website.

Motion and Vote:

Member Watkins made a motion, seconded by Member Willis to approve the completed Town Street reports for Appalachian Street and Junaluska Road.

Vote: Aye – All

Nay – None

The motion passed.

Renaming/Designation of Town Streets

Chair Plaag discussed the proposed honorary designation of Rivers Street by adding a sign. Member Watkins suggested that this topic be placed on this HPC agenda for discussion but not for action. Member Watkins talked about the history of Chancellor John Thomas and his connection to Appalachian State University. Member Watkins said, when he heard about the said designation, it got his attention not because Chancellor Thomas was involved but the tying in of his name with Rivers Street. Member Watkins pointed out that, from a preservation standpoint, commemorating with a name associated with the University gives the University the honor when the University has proven not to support preservation. Council Liaison Roseman thanked Member Watkins for sharing his synopsis of said topic.

Watauga County Jail Project

Chair Plaag explained that he is working on this local landmark report and would have it completed for the HPC to review at their January 2022 meeting.

Historic District Sign Permitting Discussion

Chair Plaag began the discussion by explaining that the HPC will review certain projects because they will trigger various things that arise in major works. He said that Ms. Shook wanted the HPC to address signage, specifically how the only type of signage is temporary signage for the administrative process. He stated that the HPC needs to be focused on evaluating signs within the historic district except to the extent that the installation of a sign that has the potential to damage the historic fabric of a contributing building. He explained that a sign in the historic district should use a material that is appropriate to the historical period and does not have the potential to destroy the historic fabric. This is something that the Staff could work on, thus saving the applicant the expense of a COA application process and saving the HPC time. Ms. Shook agreed and mentioned how the COA process includes the price of the application fee and necessary attorney fees. Ms. Shook said that in this case, the business is incorporated or are LLCs and will have the expense of having an attorney present at the COA hearing, the cost of the application fee, the cost of advertising, and the cost of the sign. Ms. Shook said that she thought the Council was hoping that the Staff and HPC could (1) come up with a threshold of what needed to be reviewed by the HPC for a COA, and (2) what could be reviewed under the Statement of Conformity that would utilize materials that are historical to the district.

Motion and Vote:

Chair Plaag made a motion, seconded by Member Watkins, to add to the list of minor works, for works that can go under the Statement of Conformity process, the addition of permanent signs that use materials that are appropriate to the historic district and do not have the potential to harm, damage, or destroy the historic fabric of a contributing building within the district.

Vote: Aye – All

Nay – None

The motion passed.

Ms. Shook asked if Staff would use the architectural survey to determine which buildings are contributing buildings or not contributing buildings within the district. She said we would also need to look at the attached signs and assess the historical materials. Ms. Shook asked Ms. Turner if she was clear on what historical materials were, and Ms. Turner said yes. Additionally, Ms. Turner said it might help to define historical materials better. Chair Plaag said that historical materials would be any materials utilized in signs during the period of significance for the district, for example, the discussed building, from 1918 to 1964 or 1965. He said the materials for the mid-1960s would include some types of vinyl or plastic that were used, particularly in interior lighted signs. He mentioned that adding some language such as a proposed sign is sympathetic to and compatible with the historic fabric of the building.

Chair Plaag suggested a change to the language in the design standards for the district to give Staff guidance on making decisions on whether a case would require a COA or a Statement of Conformity.

Council Liaison Roseman referred to the Collette-Woodruff P.C. Sign Consultation agenda item. She said the side of the building seems to be brickwork and may not be covered in stucco. She asked if an L-shaped bracket was used to hold the sign out, could that material be allowed. Chair Plaag said he thought the problem with the L-shaped bracket might be other regulations in the standards that mention a sign cannot wrap the building. It cannot go beyond a façade. He said he does not want to propose a solution to the standards that might trigger something. He said the upper story on this building looks like they added either a brick or a brick tile on top of the below concrete block.

Member Watkins said the upper window treatments look contemporary, and he asked how recently they were added. Chair Plaag said he would have to look that information up. Chair Plaag also asked the Staff on the consultations to include an excerpt from the survey report. He said this information is helpful because it tells when specific changes were made.

Other Discussion

Chair Plaag pointed out to Ms. Shook on the Town website that the historical population statistics of the Town were unsourced, and the early 20th century numbers do not look correct. He asked Ms. Shook if this could be researched and updated. Ms. Shook said she would pass his information along to Town Hall and ask them to check into it.

Chair Plaag said, with permission from the board members and Staff, he would work with the board secretary on the agenda items for the January 2022 meeting.

Ms. Shook pointed out that the Staff is moving the HPC website information to the new Town of Boone website. She noted that this is an ongoing task among Staff.

Adjournment

Member Watkins made a motion, seconded by Member Willis to adjourn the meeting at 9:31 p.m.

Vote: Aye - All
Nay – None
The motion passed.

Eric Plaag, Chair

Marlene Crosby, Board Secretary



Town of Boone Planning and Inspections Department

Memorandum

To: Historic Preservation Commission
From: Jessica Mitchell
Date: 12/16/2021
Subject: Continuation of Loom Discussion: History of Loom at the Jones House

HISTORY OF LOOM – Discussed at December 7, 2021 HPC Meeting and via Email

The following information was shared to all HPC members via email based on a discussion Member Watkins had with Mr. Mark Freed, Ms. Jane Shook, and Chair Plaag.

This note is in response to your request for information about a weaving loom voiced during the HPC meeting earlier in the week and the images provided by Mark Freed in a follow-up email. Please share this message with Mark and anyone else you feel would have an interest. As I mentioned during the meeting, I was the director of the Appalachian Cultural Museum when that particular loom was acquired but have little recollection of specific information related to it. I was not involved in the dispersal of the museum's artifacts and do not know where materials such as the label accompanying that loom might have gone. But, as I said during the meeting, my memory was that the loom was an Anna Ernberg design. Ernberg, a Swedish immigrant, was the driving force behind the weaving revival at Berea College in the early years of the twentieth century. She taught Lucy Morgan, who came as a student in 1923, weaving fundamentals. Morgan was affiliated with what became Penland School, near Bakersville, NC, and Morgan took the information, along with looms, back to her own school and began a weaving program in the Penland area. Ernberg had developed several designs for small, portable looms that could be easily set up in homes, and Morgan eventually purchased over a dozen of these. One can see one of Ernberg looms illustrated on page 37 of "Gathering Threads: A Material Culture Study of Anna Ernberg at Berea College," by Claire Logan Williamson (M.A. Thesis, University of Texas at Austin, 2018 [on line]). Further, Williamson includes several catalog illustrations of the looms on page 95. Elements of the loom currently in the possession of the town appear to correspond to the illustrations, so my memory is likely correct (to verify this, of course, one should compare the actual loom with the photographs or get further data from the university). For full details on Ernberg and her influence on Morgan and on loom development, see Phylis Alvic, Weavers of

the Southern Highlands. Louisville: University Press of Kentucky, 2003. Alvic notes that the Ernberg looms were manufactured by the Berea Student Industries, a labor program of Berea College. For the significance of Penland's weaving program, one should look at Gift from the Hills: Miss Lucy Morgan's Story of her unique Penland School, with LeGette Blythe, NY: Bobbs-Merrill, 1958. For a more analytical view of that significance, I suppose I should mention Charles Alan Watkins, "Weaving Day at Penland: A Photographic Analysis." National Womens' Studies Association Journal, Vol 11, Issue 3, Fall 1999, 18-23, Baltimore: The Johns Hopkins Press. Please let me know if this information meets your needs. Best wishes, Chuck Watkins

--

Sincerely,

Charles Alan (Chuck) Watkins



Town of Boone Planning and Inspections Department

Memorandum

To: Town of Boone Historic Preservation Commission
From: Mark Freed, Cultural Resources Director
Date: 12/28/2021
Subject: North Depot Street Historical Marker COA Consultation

As part of the Boone 150 Celebration, the Cultural Resources Department has been in discussion with the Downtown Boone Development Association about installing a set of three to five informational markers focused on the history of the Town of Boone. As we research the best options for display, I seek the input from the Historical Preservation Commission on appropriate materials, design, or other aspects that might be reviewed by the commission for the Downtown Historic District.

The initial thought is to have signs that are angled and display similar to the examples attached.





Rules of Procedure
Historic Preservation Commission
Town of Boone



Effective _____, 2022

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Purpose of Rules

1. What are these Rules?

These Rules of Procedures (Rules) apply when the Boone Historic Preservation Commission (hereinafter, “the Commission”) acts in its quasi-judicial capacity to consider applications for Certificates of Appropriateness submitted pursuant to Section 8.03 of the Town of Boone’s Uniform Development Ordinance (hereinafter, “UDO”) by owners of properties designated as local historic landmarks or located within the Town’s designated historic district(s).

These Rules also are designed to answer questions from people who are unfamiliar with the Commission’s processes in order to provide more predictability and therefore more timely processing of applications. They are an attempt to make the procedures more understandable, to address certain details of the Commission’s operation, to create uniform methods for dealing with recurring questions that arise during hearings before the Commission, to provide guidance to people who appear before the Commission so they can better prepare for Commission public hearings, and to facilitate the efficient administration of matters that come before the Commission.

2. What happens if there is a conflict or absence of authority?

In the event of conflict between or among the legal authorities governing the Commission’s actions, the North Carolina General Statutes shall take precedence first, then the UDO, and then these Rules. To the extent applicable law and these Rules are silent or ambiguous as to a procedural matter, the Commission may consult the rules set forth at Chapter 35 of the Town’s Code of Ordinances and Robert’s Rules of procedures for small boards.

The Historic Preservation Commission

1. What is the Historic Preservation Commission?

The Historic Preservation Commission is a citizen volunteer commission established by the Boone Town Council pursuant to Articles 2 and 8 of the UDO and §§ 160D-303 and 160D-942 of the North Carolina General Statutes. The Commission acts in a quasi-judicial capacity to consider applications for Certificates of Appropriateness submitted pursuant to UDO § 8.03 by owners of properties designated as local historic landmarks or located within the Town’s designated historic district(s).

The Commission also hears appeals from administrative denials of applications for Statements of Conformity for minor works. Such appeals shall be treated *de novo* as applications for Certificate of Appropriateness for all purposes under these Rules, except as may be otherwise mutually agreed by the Commission, the Town, and the applicant.

In its advisory (and non-quasi-judicial) capacity, the Commission also makes recommendations to Town Council with respect to a variety of matters related to historic resources within the Town. These Rules have no bearing on the Commission’s actions in its advisory capacity.

2. What does it mean that the Commission is “quasi-judicial”?

A “quasi-judicial” commission is one that operates like a court. Commission members must make decisions on the issues before the Commission based only on evidence presented to the Commission at a hearing and standards set forth in the UDO. The Commission, just like a court, can decide what evidence it believes and what evidence it rejects. Similarly, it can choose to believe a person who

appears before it, or it may find that the person's information or testimony is not credible and it may reject it. In some areas, North Carolina General Statutes dictate what testimony and evidence the Board is allowed to consider. (See Evidence §§ 1,3.)

3. When and where does the Commission meet?

The Commission holds its regular monthly meetings on such dates and times as has been specified by the Boone Town Council and properly noticed by the Town Clerk. Currently, meetings are scheduled on the first Tuesday of the month at 6 p.m. and the meeting location is Town of Boone Council Chambers; however, the date, time and place of the regular monthly meeting is subject to change at any time consistent with the requirements of applicable law. In addition, the Commission may continue regular meetings and may schedule special meetings as it deems appropriate, subject to the requirements of open meetings law and any other applicable law.

5. How does a case come before the Commission?

A written application for a Certificate of Appropriateness, on such forms as may be required by the Planning and Inspections Department (sometimes referred to as "Planning"), must be filed with Planning by a person who has the legal right to file the application and the application must generally be considered complete by the pertinent Planning staff.

The Town of Boone has forms for applications available on its website and in the Planning and Inspections Office. Planning and Inspections is located on the basement level of the Boone Downtown Post Office at 680 West King Street, Boone, NC 28607. The appropriate form must be fully filled out and the fees paid for Planning to process it. Planning will then set the application for hearing at the next available Commission meeting date and provide notice of the hearing to neighbors and the public as required by the UDO.

6. How many Commission members participate on each case?

A full commission is composed of five Town residents; a quorum of at least three members is required to hear a case. Commission members cannot participate in cases in which they have a fixed opinion on the case prior to the hearing that is not susceptible to change; in which they have undisclosed communications with others prior to the hearing regarding the substance of the case; in which they have a close familial, business, or another associational relationship with someone who will be affected by the decision; or in cases in which they have a direct or indirect financial interest in the outcome. (See Membership §§ 6-10)

Membership

1. What is expected of Commission members?

Sections 2.04 and 2.05 of the UDO govern the conduct of the Commission's business and of individual commission members, and shall be considered incorporated herein.

The applications that come before the Commission can be extremely important both financially and in terms of quality of life for the parties, neighboring property owners, and Town residents generally. Commission members are expected to:

- A. Fully comply with all relevant provisions of the Town of Boone Code of Ethics, found at § 30.52 of the Town of Boone Code of Ordinances;

- B. Disclose to the Commission and/or seek advice from the Town Attorney in the event of any concern about a potential conflict, ex parte communication, or any other matter which could call into question the impartiality and fairness of the Commission member as to any particular matter to be heard by the Commission;
- C. Review, become familiar with, and remain familiar with these Rules, the UDO, the Comprehensive Plan, and all other adopted plans of the Town of Boone that may relate to decisions by the Commission;
- D. Fairly apply the UDO and any other applicable law and Town plans to the application before them, even when they personally disagree with applicable standards or policies;
- E. Review and be familiar prior to the meeting with the application and staff report on each matter that comes before the Commission;
- F. Advise the Planning Department if the member is no longer eligible to serve on the Commission due to a change of residence or other cause;
- G. Attend all training sessions of the Commission; and
- H. Recognizing the gravity of the matters that come before the Commission, conduct themselves in a manner befitting the responsibilities that have been placed upon them, including:
 - 1. Recognizing the high costs parties may incur in appearing before the Commission, making all reasonable efforts to timely arrive for meetings of the Commission so as to avoid keeping parties, their various witnesses and professionals, and members of the public from having to wait for meetings to begin;
 - 2. Dressing for public hearings in appropriate attire so as to communicate to the parties, witnesses, and general public that they take their responsibilities seriously, and understand and consider the matters that come before the Commission matters of serious concern to the participants and the public; and
 - 3. Maintaining a professional and serious decorum during public hearings, including the deliberations and decision-making of the Commission, by:
 - a. Avoiding all whispered conversations with each other;
 - b. Refraining from interrupting other members of the Commission, parties, or witnesses, absent an appropriate reason for doing so;
 - c. Treating all participants and witnesses in hearings, as well as other Commission members, with the degree of respect with which they would like to be treated;
 - d. Avoiding cell phones ringing during meetings, as well as the receiving or sending of text messages during a meeting, absent an emergency; and
 - e. Paying attention to the presentations by parties and witnesses and carefully listening to the comments and questions of other members of the Commission.

2. How are Commission members appointed?

The Commission is comprised of town resident volunteers appointed by the Boone Town Council. A majority of the Commission shall have demonstrated special interest, experience, or education in history, architecture, archaeology, or related fields.

4. Do Commission members receive compensation for their service?

No, Commission members receive no compensation for their service.

5. What happens if a Commission member cannot participate in a particular hearing?

The Planning and Inspections Department attempts to determine in advance of each meeting whether any Commission member should not or is unavailable to participate in any particular case, and when possible arranges for the appearance of an alternate member for the regular member who is unable to participate. Quorum requirements for the Commission are set under state law and the UDO and the Commission cannot hear a case if there are fewer than three participating members. If a Commission member is recused from the hearing after it has been called and no alternate is present leaving the Commission with less than a quorum, the case cannot be heard and will be continued to a later date.

6. When should a Commission member not participate in a hearing?

A Commission member should not participate in or vote on an application if the member's participation would violate an affected person's constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to:

- A. Having a fixed opinion prior to hearing the matter that is not susceptible to change;
- B. Having undisclosed ex parte communication concerning the matter;
- C. Having a close familial, business, or other associational relationship with an affected person;
- D. Having a financial interest in the outcome.

7. What is ex parte communication?

An ex parte communication occurs when a Commission member discusses with any other person, including another Commission member, party, neighbor, or Town staff, the substance of a case outside the hearing and before the decision in the case is announced. Should a Commission member receive an unsolicited comment from a party or member of the public concerning a case, he or she shall inform the person seeking to comment that discussing a case prior to the hearing is prohibited and shall end the conversation. If that Commission member then participates in the hearing on the case, the member shall disclose at the beginning of the hearing the substance and source of any such unsolicited comment in order to allow any party an opportunity to object to the member's participation in the case.

8. What happens if a Commission member does not discover that the member should not participate in the case until the hearing has started?

Although every effort is made to avoid this, at times a Commission member may not realize until the hearing on the case has already begun that a reason exists that does or may make it inappropriate to participate in a case. As soon as a Commission member realizes that such reason exists or may exist, the member should interrupt the hearing to announce the existence of the reason and if appropriate should withdraw from the case, unless objection to the member's participation is waivable and is in fact waived

by all parties. (See Membership § 10) If an alternate member of the Commission is not present at the time of such withdrawal and a quorum is lost as the result of the withdrawal, the case will be continued and shall be treated as a new case when it is next heard. At the new hearing, the Commission will be directed to disregard whatever evidence was presented to it during the initial hearing and shall base its decision only on the evidence presented at the new hearing.

9. What happens if a Commission member does not withdraw from a case, but another Commission member or a party believes that the Commission member should not participate in the case?

In the event a Commission member does not withdraw from a case, but another Commission member or a party to the case raises an objection to the Commission member's participation, the objecting person must state with specificity the basis for the objection. The Commission member whose participation is questioned shall be entitled to answer the objection, and following such response, the remaining members of the Commission, by majority vote of those participating in the vote, shall rule on the objection. The challenged member of the Commission shall not participate in the vote on the objection.

10. Can an applicant waive its objection to a Commission member participating in the hearing?

Yes, in certain circumstances an objection can be waived. The Town of Boone disfavors any member of the Commission participating in a case for which a valid basis exists for objection to his participation, as described in Membership § 6. However, in some circumstances, if the Commission member discloses the full extent of the matter or circumstances which would prevent participation, and all parties to the case express on the record their wish that the Commission member nevertheless participate in the case, the Board member may do so. However, under state law a Commission member who has, or whose family member has, a direct or indirect financial interest in the case may not participate in the proceedings even if all parties consent to the member's participation.

Pre-Hearing Procedures

1. Who is allowed to submit an application?

Either the party seeking the Commission's decision on a matter within the jurisdiction of the Commission or an authorized person acting on behalf of that party, such as an agent, attorney, employee, or other representative, can fill out an application or appeal for a matter that will be decided by the Commission, but if the person proceeding is a representative, he or she must prove the proper authority to do so.

2. What is a staff report?

In every case which comes before the Commission, Planning staff will prepare a report summarizing the issues and at least some of the history of the matter, and including copies of documents which the Planning Department considers important to an understanding of the case. Staff reports on each case are distributed to members of the Commission in a "Board Book" which is distributed to the members prior to the hearing. Except to the extent that a party objects to material contained in a staff report and the objection is sustained by the Commission, the staff report is considered evidence in the matter and may be considered by the Commission in its decision.

3. Who can examine a file prior to the hearing?

Files related to cases before the Commission are available for inspection by members of the Commission, parties, and members of the public. If a file is particularly voluminous, not every item from the file may be included in the staff report and Board Book. Commission members, parties, and members of the public may arrange to review the file by contacting the Planning and Inspections Department at (828) 268-6960 and making an appointment to do so.

4. Once a case is scheduled for a hearing, can it be delayed?

Yes. Cases are generally placed on the agenda for the Commission as soon as possible once all needed materials have been submitted by the applicant. If an applicant wishes to have consideration of a case delayed, the applicant must submit a written request to the Planning and Inspections Department. Planning staff will transmit the request to the Chair of the Commission, and will notify all other parties involved in the case of the request. Unless a party objects to the request for a continuance, the Chair can either make the decision on the request or refer the request to the Commission itself for a decision. If any party objects to a continuance, it must be decided by the Commission. The Commission can also decide to continue a case on its own initiative if it determines that the case is not ready for hearing or it will not be reached at a particular meeting, but this can only happen at the hearing.

5. If a case is delayed, will it be heard the next month?

Not necessarily. A case which is continued can be scheduled for the next month's regular meeting of the Commission, it can be continued for more than one month, or it can be continued to a special meeting. In unusual circumstances, a case might be continued for more than a month.

6. How does a person intervene as a party in a case?

The applicant and the Town of Boone are always considered parties in a case before the Commission. Other persons can also request that they be allowed to participate in a case as a party, but only a person who has a special and substantial interest in a case before the Commission will be allowed to intervene in the case as a party. In order to intervene as a party in a case, at least twenty-four hours prior to the beginning of the Commission meeting in which the case is to be considered, the person seeking to intervene must complete a "Request to Intervene" form provided by the Planning and Inspections Department. The completed form must state the name and address of the person seeking to intervene, and it must explain the nature of the interest such person has in the outcome of the case. Persons who own property adjacent to or within one-hundred-and-fifty feet of the property in question in the case shall, without further showing, be presumed to have a special and substantial interest in the outcome of a case and will be allowed to intervene. Other persons may establish a substantial interest by showing that the value of their property will be adversely affected by the outcome of the case, or by showing such other distinct and personal interest in the outcome of the case as to distinguish their interests from the interests of the public at large. Organizations whose members include persons with such substantial interest in a particular case may be permitted to participate on behalf of their members upon written proof that they include and are acting on behalf of such members.

7. How does the Commission decide if a person can intervene?

When a person has filed a timely request to intervene, a hearing to determine if intervention will be allowed will precede the hearing on the merits of the case. The Commission shall consider the written application to intervene, and after hearing from the person seeking to intervene and from all other

parties to the case their reasons in support of or against intervention, the Commission shall decide whether the person may intervene in the case. A decision allowing a person to intervene is by majority vote of the Commission.

8. Can a person be denied the right to intervene still participate in the case?

Yes. If an application to intervene is denied, the person can still participate in the hearing as a witness.

9. Can a person be compelled to appear as a witness or provide documents?

Yes. Under state law, the Commission Chair has the power to issue subpoenas to require attendance of witnesses or to compel the production of documents or other evidence. To request issuance of a subpoena, the applicant, the Town, or any person with standing under G.S. 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled.

10. How are subpoenas served?

Subpoenas are served just as they are in any normal court proceeding (see N.C. Rule of Civil Procedure 45(b)). They can be served by personal delivery by the sheriff, by the sheriff's deputy, by a coroner, or by any person who is not a party and is 18 years of age or older; or they can be served by registered or certified mail addressed to the person, return receipt requested. Service of a subpoena for the attendance of a witness can also be made by telephone communication with the person named in the subpoena, but this type of service is only available if it is done by the sheriff, the sheriff's designee who is 18 years of age or older and not a party, or by the coroner. Alternatively, service can be achieved by any means agreed to by the person being served, including email.

11. What are the procedures for issuance of subpoenas?

A subpoena will only be issued upon submission of a completed "Subpoena Request Form" provided by and returned to the Planning and Inspections Department. Any request for a subpoena by an applicant or the Town must be served on the Commission Chair and all persons who are parties to the case or have moved to intervene as a party at least 10 days prior to the hearing on the case at issue. Persons moving to intervene as a party must serve a subpoena request on the Chair and all persons who are parties to the case at least 24 hours prior to the hearing on the case at issue.

The Commission Chair shall issue requested subpoenas that the Chair determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be immediately appealed to the full Commission. The Commission shall hear any such appeal in a duly-noticed meeting. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Commission or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

The Hearing

1. How long do Commission meetings last?

Because it is hard to predict or control how many matters will be placed on the Commission's agenda at any of its regular monthly meetings, and because the matters that come before the Commission demand its utmost attention and clarity, meetings that last too long interfere with the Commission's

ability to function effectively. The Commission generally will adjourn approximately 3 hours after the start of its meeting and continue to the next meeting any cases which are not completed or heard. However, the Commission may shorten or allow lengthier hearings in its discretion, and in all other respects may adopt such other or additional rules for the length and conduct of its meeting or of a particular meeting as it may see fit, so long as the substantive and procedural due process rights of the parties are reasonably protected.

2. Who may participate in hearing before the Commission? (Parties and Witnesses)

There are two types of participants in hearings before the Commission: “Parties” and “Witnesses.”

- A. **Parties.** The applicant and the Town of Boone are always considered parties in a hearing before the Commission. In addition, a person who has properly intervened in the case is considered a party to the case. (See Pre-Hearing Procedures §§ 6-7)
- B. **Witnesses.** At the start of each meeting, the Chair will announce the availability of sign-up sheets for any person wishing to appear as a witness in a case scheduled for that meeting. A person who wishes to testify as a witness must record his or her name on the sign-up sheet for the case in question unless the Chair or Commission allows people who have not signed up to also testify. If people who did not sign up are allowed to testify, every person who wants to be heard but did not sign up must also be allowed to testify. Parties and witnesses who are called by parties to testify are not required to sign the sign-up sheet.

Any interested person, other than a party, may participate in a hearing before the Commission by testifying and is considered a “witness.” (See The Hearing § 3) Witnesses are subject to questioning/cross-examination with respect to their testimony by Commission members and the parties.

3. If I am not the person who filed the application, can I still appear before the Commission?

Yes. All hearings before the Commission are open to the public, and interested members of the public can participate in two different ways. People who wish to give testimony to the Commission about a particular matter can sign up prior to the hearing on the matter on sign-up sheets placed near the entrance of the room in which the Commission is conducting its hearing. (See The Hearing § 2) Since the sign-up sheets are turned into the Commission at the beginning of the hearing on a matter, it is important to arrive on time. Otherwise, you might not be able to speak. Other people can also request that they be allowed to participate in a case as a party, but only a person who has a special and substantial interest in a case before the Commission will be allowed to intervene in the case as a party. (See Pre-Hearing Procedures §§ 6-7.) A person who has intervened can ask questions of other witnesses at the hearing and can argue the facts and law of the matter under consideration, just as any other party to the case is entitled to do.

4. Who can represent a corporation, limited liability company (LCC), or other nonhuman entity before the Commission?

Only an attorney licensed by the State of North Carolina can represent a corporation, LLC, or other non-human entity before the Commission. Attorneys can argue the law and facts of a case, object to materials and evidence offered to the Commission, and question their witnesses and cross-examine

other witnesses. Other types of experts, such as engineers, architects, and appraisers, can testify in the hearing on a matter, but they cannot argue the law and facts of a case, object to materials and evidence offered to the Commission, or question other witnesses at a hearing.

5. Who can represent a natural person before the Commission?

A natural person is the term in the law for a human being who is acting in his or her own name representing his or her own interests. A natural person may be represented by an attorney, or may represent himself or herself. If a natural person who is also a party chooses to represent him- or herself, that person can argue the case to the Commission by summarizing the facts and offering legal argument, can testify, and can ask questions and cross-examine witnesses who appear.

6. What happens if the applicant does not show up for the hearing?

If the party who has filed the application fails to show up for the scheduled hearing, the Commission may by majority vote either dismiss the case or continue it to another time to provide an opportunity for the party to justify the failure to appear.

7. If an application is dismissed due to the failure to show up for the scheduled hearing, can the application be revived?

Yes. Once a case is dismissed, the party may file a new application for a Certificate of Appropriateness to be considered by the Commission. Any new application requires that a party submit all required materials and pay the required fees as if no prior application had been submitted. (See The Historic Preservation Commission § 5.) No credit is given for the fees paid in connection with a case that was dismissed.

Generally, an application is evaluated against the requirements in the UDO at the time the application is filed. If the requirements of the UDO have not changed since the dismissed application, an identical application may be filed. If on the other hand, the requirements of the UDO have changed since the dismissed application was filed, it may no longer be possible to submit an identical application.

8. What is the role of the Town Attorney at hearings?

The Town Attorney attends meetings of the Commission and normally acts as the Commission's attorney. In that role, the Town Attorney can call witnesses, cross-examine witnesses offered by any party, cross-examine witnesses who are appearing as members of the public, answer legal questions from the Commission members, and provide direction and clarification to Commission members when he or she believes it is warranted to do so, including during the Commission's deliberations. Alternatively, independent counsel may be retained to advise the Commission.

9. In what order does the Commission hear cases or other matters scheduled before it?

Cases are placed on the Commission's agenda on a first come-first served basis, based on the order in which they reach a readiness for hearing.

10. How much time does an applicant have to present a case?

There is no time limit placed on the presentation of a case, but the Chair or the Commission may prohibit the presentation of repetitive, irrelevant, unreliable or other evidence deemed to be of no substantial usefulness to the Commission in reaching the legal issues presented. (See The Decision §§ 3-

6.) Although the North Carolina Rules of Evidence do not strictly apply to proceedings before the Commission, the Commission will only consider evidence that meets at least minimal standards for reliability. (See Evidence §§ 1, 3.) As to the length of Commission meetings, see § 1 herein (How long do Commission Meetings last?).

11. What happens if a case is not reached when it is first scheduled?

If a case is not reached when it is first scheduled on the agenda and the Commission does not schedule it for hearing at a special meeting, it will be scheduled for the next regularly-scheduled meeting of the Commission and will hold its place in the line of cases to be heard.

12. What happens if an application is modified between the time the staff report is distributed and the time it comes before the Commission?

In every case that comes before the Commission, Planning staff prepares an analysis of the case for the Commission called the “staff report” that is distributed to the Commission and all parties to the case about a week prior to the meeting. (See Pre-Hearing Procedures § 2.) If an applicant has changed its plans or any other features of its application between the time the staff report is distributed and the meeting, there may be no opportunity for staff to thoroughly evaluate the revised application. Therefore, in every case in which there is a change between the application materials evaluated in the staff report and the Commission meeting, as soon as such a change becomes apparent to the Commission, it will suspend its hearing on the merits of the application and conduct a hearing to determine whether it should continue the case to a future meeting in order to allow staff to evaluate the modified application materials. The Commission may question staff and others at the hearing to help it decide whether it should proceed or continue the case. If the Commission decides it can fairly consider the case without a revised staff analysis, such as in cases in which modifications are obviously minor, it can proceed with its hearing on the case without the benefit of an updated staff report.

13. If multiple issues are involved, can the Commission divide them into separate hearings?

Yes. Upon motion of any party to a case or by motion of a Commission member, second, and majority vote, the Commission may divide a hearing by issue. For example, the Commission may first admit evidence as to whether an application is complete, hearing from each party and witness as to that specific issue, closing the hearing as to that issue, and then voting on that issue. Using this system, in the event a vote is taken which bars the granting of approval, as the case may be, the case will end and no further votes need be taken unless a request for a provisional vote is made and approved by majority vote of the Commission. (See The Decision § 11.)

14. Can the Commission reopen the evidentiary portion of a hearing after it has been closed?

Yes. After the evidentiary portion of a hearing has been closed, should any member of the Commission request that the hearing be reopened, upon majority vote the Chair will reopen the hearing. The Chair can also reopen the hearing on the Chair’s own initiative. When a hearing is reopened, each party to the case shall be given an opportunity for response and rebuttal as to the particular information elicited, but parties may not use the reopening of the hearing to present matters which are beyond the scope of the information elicited or solicited by the Commission.

15. What happens if a case cannot be finished at a single meeting of the Commission?

When a hearing or case is not concluded in one session of the Commission, it will be recessed and continued until a subsequent regular meeting of the Commission or until a special meeting called for the specific purpose of completing the case. Absent a stipulation on the record by all parties to the case to the contrary, the same Commission members who participated in the initial meeting must comprise the Commission that hears the case at the subsequent meeting(s). If circumstances prevent identity among the Commission members at the initial and continued hearings, such as the expiration of the term of a Commission member and the naming of the Commission member's replacement, and the parties are unwilling to waive their objections to this lack of identity, the case shall be presented to the Commission at the resumed hearing from the beginning, and no evidence presented to the Commission in the incomplete hearing shall be considered by the Commission in its decision.

16. Is a record made of hearing before the Commission?

Yes. The Commission Secretary records all cases before the Commission. Any person wishing to record a meeting of the Commission may also do so by utilizing a certified court reporter or any recording device so long as it does not disrupt the hearing. Although a party who has filed a petition for judicial review of a decision of the Commission may obtain a copy of the recordings made at the hearing, neither the Commission nor the Planning staff shall have any responsibility to prepare a verbatim transcript of a Commission hearing unless ordered to do so by a Court of competent jurisdiction upon the financial commitment of a party to pay for the transcription in accordance with N.C. Gen. Stat. § 160D-1402(h).

17. May the Commission schedule a special meeting to take up a case or complete one?

Yes. If at a regularly scheduled meeting the Commission concludes that it will be unable to complete all cases upon the agenda, it may schedule a special meeting to complete the agenda or hear a specific case. Notice must be published to the public in accordance with UDO § 6.01.04 unless the time and date of the special meeting is announced prior to the close of the regular meeting. The Commission may not schedule a special meeting for which there is an inadequate time to provide required notice.

Presentation of a Case at the Hearing

1. If I appear before the Commission, what is expected of me?

The Commission expects people who appear before it to prepare in advance and to be truthful and respectful, not only of the Commission itself but of others who might appear on the matter, even if they have a different view. The Commission cannot simply consider whether people who appear before it support or oppose a particular application or decision; rather, Commission members must consider the facts of the case and apply the criteria of the UDO that relate to the matter before the Commission.

The applicant for a Certificate of Appropriateness bears the burden of proof before the Commission and is expected to present sufficient information to allow the Commission to decide all of the issues it must consider in deciding whether to grant the application. The applicant can do this through the applicant's own testimony, documents and exhibits, and the testimony of others.

In every case Planning staff prepares an analysis of the issues that staff deem to be presented by the case and that report may summarize all or some of the facts as staff sees them. This is called the "staff report." Parties should familiarize themselves with the staff report before the hearing so that they may object to any parts of the report with which they disagree. The staff report is not intended to present

everything that the parties might want to have the Commission consider; it may not address each of the issues that the Commission must decide to issue a decision in the applicant's favor; and it may not present the facts or law in the same way that each party sees them. If an applicant relies on the staff report to meet its burden of proof, it does so at its own risk that the staff report may be inadequate to fully prove the applicant's case.

A person who appears before the Commission as a "witness" is expected to testify truthfully and to stick to the subject about which the witness is testifying. The Commission appreciates it if people who testify as witnesses are as concise as possible, but a witness should not leave important information about a matter out of the witness' presentation merely in an attempt to save time.

2. Who has the burden of proof in a case before the Commission?

The burden of presenting sufficient evidence to allow the Commission to decide an issue is always upon the party or parties urging a particular position. At a minimum, the applicant must provide competent evidence which addresses every material issue presented by the application.

3. What are the rules for decorum of participants and observers at hearings?

Whether they are parties, attorneys, representatives, witnesses or simply spectators to a hearing before the Commission, all persons are expected to conduct themselves in an appropriate and respectful manner while in the hearing chambers of the Commission. Profanity, arguments between witnesses, arguments between attorneys and witnesses or other attorneys, arguments among spectators, noise that interferes with the conduct of the hearing, and the like, shall not be tolerated. Any such behavior may result in an order by the Chair for removal from the hearing chamber of the person(s) causing or engaging in such action, interference or disturbance.

4. Determination of preliminary matters; Jurisdiction objections

Objections regarding jurisdictional issues, including but not limited to, the standing of a party, may be made to the Commission. The Commission Chair shall rule on any objections, and the Chair's rulings may be appealed to the full Commission. The Commission should address any other preliminary matters that might moot, shorten, or otherwise change the presentation of the matter, including such matters as a request to intervene, request for a continuance, determination whether a modification to an application requires that the hearing be delayed, and objection to participation by a Commission member.

5. What is the order of a hearing on an application?

Cases generally shall proceed in the following order, although if the parties agree or there is no objection, deviations in this order are permitted and shall not impair the decision in the case:

- A. Applicant is given an opportunity to object to any materials which were provided to the Commission in advance of the hearing;
- B. Applicant is given the opportunity to make an opening statement;
- C. Parties other than the applicant are given an opportunity to make opening statements;
- D. Applicant presents the evidence in support of the application. For an explanation of the types, forms and admission of acceptable evidence, see Evidence §§ 1-3.

- E. Planning staff presents evidence pertinent to the application. However, at any time before, during or after the presentation of evidence by the applicant, a Commission member, with permission from the Chair or full Commission, may request the testimony of Planning staff as to any matter relevant to the case, including their interpretation of provisions in the UDO or Comprehensive Plan or state law.
- F. Other parties present evidence pertinent to the application.
- G. Non-party witnesses testify and offer evidence.
- H. Applicant is given opportunity to present rebuttal evidence.
- I. Applicant is given the option of giving its closing summary and argument or deferring its presentation until all other parties are given the opportunity for closing summary and argument.
- J. In the order they have qualified as intervenors, Parties other than the Town present their closing summary and argument.
- K. Town presents its closing summary and argument.
- L. If applicant has deferred presentation, applicant presents its closing summary and argument.
- M. Commission deliberation begins. (See Weighing the Evidence by the Commission §§ 2-3, The Decision §§ 1-2.)
- N. If, in the course of its deliberations, the Commission entertains additional testimony or other evidence from any party, the Commission shall allow all other parties and witness to address the particular subject area as to which the additional evidence was allowed.
- O. The Commission completes its deliberations and issues its decision.
- P. The Chair closes the case.

Evidence

1. What evidence can the Commission rely on in making a decision?

The Commission is required to base its decisions on competent evidence presented at the hearing. To be considered “competent,” witness testimony requires that (a) the witness has personal knowledge of the subject of the testimony and (b) the subject of the testimony is relevant to an issue involved in the hearing. “Competent” documentary evidence requires that the document be authenticated by one of the following methods:

- a. Certification, by signature, title and seal, of the person who is the custodian of the records; or
- b. Information within the document which establishes its origin and reliability; or
- c. Testimony by a person with personal knowledge of the document’s origin and reliability.

The requirement that the Commission consider only “competent” evidence does not prevent the Commission from relying on evidence that would not be admissible under the Rules of Evidence as applied in North Carolina courtrooms so long as the evidence was admitted without objection or it appears to be sufficiently trustworthy and was admitted under such circumstances that it was

reasonable for the Commission to rely upon it. Evidence may include hearsay evidence, such as an affidavit or letter written by a person who is not present, in certain circumstances. (See Evidence § 5.) Commission members may also rely upon their own knowledge of the property at issue if their knowledge is fully disclosed during the hearing in order to give the parties a fair opportunity to address the knowledge upon which they intend to rely. (See Evidence § 10.)

The Commission may only rely on opinion evidence pertaining to any of the following if such evidence is offered by a person accepted by the Commission as an expert witness:

- A. That the use of property in a particular way would affect the value of other property;
- B. That the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety; and
- C. Matters about which only expert testimony would generally be admissible under the North Carolina Rules of Evidence.

2. Are statements by an attorney appearing as the representative of a party considered evidence?

No. Attorneys representing parties participating in any hearing may not be sworn and their statements are not considered evidence. Statements made by an attorney representing a party shall be considered only as legal argument or a summary of evidence intended to be offered, or which has been offered by parties and witnesses participating in the hearing.

3. How is testimony (or testimonial evidence) presented?

- A. MUST TESTIMONY BE GIVEN UNDER OATH OR AFFIRMATION? Yes. All testimony offered in connection with a case before the Commission must be offered under oath or affirmation administered by the Chair, another member acting as Chair, or the Commission Secretary.
- B. WHAT TESTIMONY ARE WITNESSES COMPETENT TO OFFER? Testimony from non-expert witnesses should generally be comprised of factual information within the personal knowledge of the witness, as opposed to opinions. In general, the Commission cannot rely or base its decision or findings on the opinion testimony of lay witnesses. For example, a witness's testimony that "traffic will be a problem" is entitled to no weight while that same witness's testimony that "I watched and counted the traffic between 9:00 a.m. and 9:30 a.m. on a Friday morning and x number of cars drove past the site" is competent evidence which could be used by the Commission to help determine the facts of a case, to pose questions to a traffic engineer, and even to decide whether the testimony of a traffic engineer is credible.
- C. WHAT OPINIONS CAN BE RELIED UPON BY THE BOARD? Only experts can give competent opinions concerning matters which are within the specialized knowledge of experts. If a witness is not testifying as an expert, testimony in the form of opinions or inferences is limited to those opinions or inferences which are rationally based on the perception of the witness and helpful to a clear understanding of his testimony or the determination of a fact in issue. For example, a lay witness might testify, "He appeared to be drunk." The Commission can never rely on opinion evidence when it is offered by a layperson or non-expert to establish that the use of property in

a particular way would affect the value of other property, including the witness's own property, or that the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.

- D. WHAT OPINIONS MUST COME FROM AN EXPERT? Competent opinions regarding scientific, technical or other specialized knowledge which will assist the Commission in understanding the evidence or determining a fact in issue must be provided by an "expert." A witness can be qualified as an expert by virtue of knowledge, skill, experience, training, or education. An expert may testify in the form of an opinion if all of the following apply: (1) The opinion is based upon sufficient facts or data; (2) The testimony is the product of reliable principles and methods; and (3) The witness has applied the principles and methods reliably to the facts of the case. The Commission can never rely on opinion evidence offered by a layperson or non-expert to establish that the use of property in a particular way would affect the value of other property, including the witness's own property, or that the increase in vehicular traffic resulting from a proposed development would pose a danger to the public safety.
- E. HOW DOES A WITNESS QUALIFY AS AN EXPERT? A person who proposes to appear before the Commission as an expert must first present the credentials which qualify the witness as an expert. Specifically, the person must explain what knowledge, skill, experience, training, or education qualifies the person to give expert opinion testimony by instilling in the witness the superior knowledge of the area to be addressed in the testimony. Once the credentials of a witness are presented, the Commission must invite all parties, should they choose, to ask questions of the witness regarding the witness's credentials and at the conclusion of the questioning, to either agree that the person is an expert or object to the person being considered an expert. If an objection is made, the party offering the objection must explain how the person's credentials do not establish the capacity for the person to give a scientific, technical or other specialized opinion which will assist the Commission in understanding the evidence or in determining a fact in issue must be provided by an "expert." Once all parties have been given the opportunity to be heard as to the witness' qualification as an expert, the Commission Chair shall render a determination as to whether the person has qualified as an expert. The Chair's determination can be overridden by the Commission, by majority vote upon proper motion and second. A person who is offered as an expert to the Commission may not provide opinion evidence until the Commission Chair or the Commission has accepted the witness as an expert.
- F. CAN THE BOARD LIMIT A WITNESS'S TESTIMONY? Yes. At the start of a hearing or at the beginning of testimony by non-party witnesses, the Commission Chair may request an estimate of the time each party anticipates it will take to present its case, and/or the Chair may review the sign-up sheet of witnesses. At that time, or at the conclusion of the presentation of their cases by parties to the hearing, the Chair or any member of the Commission may propose that the Commission limit the time for each non-party witness to testify and may further limit the number of witnesses offering testimony on any particular point. If time limitations for witnesses are proposed by the Chair, the Commission may overrule the Chair's recommendation by

motion, second and majority vote. If time limits are proposed by a Commission member, such proposal shall be in the form of a motion and second, and shall be adopted by majority vote. The Commission generally will not limit the number of witnesses or length of presentation by witnesses called by a party, except to prevent the presentation of repetitive, irrelevant, unreliable or other evidence deemed to be of little to no usefulness to the Commission in making the findings and decisions regarding the matter before it. However, if the applicant or appellant has chosen to appear on the “short agenda,” the overall time of the presentation by the applicant or appellant will be limited to fifteen minutes. (See The Hearing § 10.)

- G. WHO CAN CROSS-EXAMINE A WITNESS?** Each person who testifies before the Commission is subject to cross-examination by every party to the case or appeal other than the party who called the witness, but not to cross-examination by persons only participating in the case as witnesses.
- H. WHEN CAN A WITNESS BE CROSS-EXAMINED?** After a witness testifies, any party to the case can ask the witness questions. The parties take turns asking, with the party who called the witness, if the witness was called by a party, going last. See subsection I below. If the witness was not called by a party, questioning will begin with the Commission itself, followed by the Town, any intervening party, and the applicant. If the witness was called by the applicant, after questioning by the Commission, the Town will be given a chance to ask questions, followed by any intervening parties and then the applicant. If the witness was called by the Town, after questioning by the Commission, intervening parties will be given a chance to ask questions, followed by the applicant. If the witness was called by an intervening party, after questioning by the Commission, the Town will be given a chance to ask questions, followed by the applicant. If requested, the Chair can allow additional rounds of cross-examination, and each round should follow this same order.
- I. AFTER A WITNESS HAS BEEN CROSS-EXAMINED, CAN A PARTY ASK THE WITNESS MORE QUESTIONS?** Yes. Following cross-examination, the party who called the witness is entitled to ask additional questions of the witness (“redirect testimony”), but that triggers the opportunity for further cross-examination of the witness as to matters which first arise during the witness’s redirect testimony, and such further cross-examination shall be conducted in the same order as the original cross-examination, followed by further redirect testimony, the party calling the witness always being afforded the final opportunity to question that party’s own witness. As to witnesses who are interested members of the public, the same opportunities are afforded using the same sequence of questioners, with the Applicant or Appellant always given the final opportunity to question the witness.
- J. WHEN CAN BOARD MEMBERS ASK QUESTIONS OF WITNESSES?** Members of the Commission have the right, when recognized by the Commission Chair, to question any witness or party appearing before the Commission. They may do so at any time after a witness has been sworn, whether during the presentation by a party, after the presentation by a party, during examination or cross-examination of a witness called by a party or who is appearing as an interested member of the public, or even after the witness has returned to his or her seat, until

the hearing is closed, and they may inquire into any matter that may assist them in reaching a decision, whether or not the matter was previously addressed by the witness in the witness's testimony.

4. What documents are acceptable for presentation?

Any evidence that might assist the Commission in deciding an issue or case may be offered into evidence. The North Carolina Rules of Evidence do not strictly apply to proceedings before the Commission, but there must be some indication of a document's reliability for it to be given any weight. Any documentary evidence relied upon by the Commission in making its decision or in deciding an issue must at a minimum be authenticated and relevant to the factual or legal issues under consideration.

5. Can the Commission consider hearsay evidence, such as a letter or affidavit?

Yes. Hearsay evidence, generally understood as a statement made by a person not present at the hearing, may be considered and given weight if the statement is made by a party or witness actually involved in the hearing in a setting that promotes its reliability, or if it contains sufficient indications of authenticity to assure the Commission that it is reliable. For example, information from the Internet should normally only be considered if the date and source of the information is disclosed, and the internet "address" is displayed on the information sought to be submitted. People who make statements against their own interests are generally considered reliable and such statements can be presented to the Commission. In general, the testimony of a person appearing before the Commission, who is thus subject to cross-examination, will be preferred over testimony contained in a sworn statement or affidavit, and testimony contained in a sworn statement or affidavit will be preferred over testimony contained in a non-sworn written statement. However, the Commission itself must ultimately determine how credible and reliable any evidence presented to it is, and it is free to reject evidence which it finds unreliable.

6. How is documentary evidence, including photographs, authenticated?

No document can be admitted into evidence until it has first been identified by the person offering it into evidence and authenticated. Authentication of a document is accomplished if it is either:

- A. Certified as authentic, by signature, title and seal of a person who is the custodian of the record; or
- B. Confirmed through the sworn testimony of a witness who establishes, based upon first-hand knowledge, the date and author of the document, and, if a copy is used in place of an original, that the document is a true and accurate copy of the original document.

A photograph is authenticated by sworn testimony as to the date and place where the photograph was taken and the sworn statement that the photograph fairly and accurately represents the subject depicted at the time the photograph was taken.

7. How are the documents submitted?

Once a document has been identified and authenticated, a witness or party wishing to offer it to the Commission for its consideration must provide a copy to every other party for review, present it to the Commission Secretary to mark the document with an identifying letter or number, and then hand it to the Commission Chair. The Chair may then accept the document into evidence. If a party or Commission member objects to a document being accepted into evidence, the Commission must rule on the

objection by either overruling the objection and accepting the document into evidence or by sustaining the objection and refusing to accept the document into evidence. All documents tendered as evidence by a party or witness (whether or not allowed into evidence) shall be retained by the Commission Secretary as part of the official record of the case.

8. How many copies of a proposed exhibit should be submitted?

Although the Commission may accept a single copy of a proposed exhibit, it is strongly recommended that a person wishing to submit a document into evidence bring enough copies for each of the five Commission members, the Commission Secretary, the Town Attorney, and each party to have their own copy.

9. Can proposed evidence, which has been refused, be preserved in the record?

Yes. If the Commission by its own action, or by sustaining an objection to testimony or a document that is offered to it for consideration refuses to consider evidence that has been offered to it (see Objections to Evidence §§ 1-4), the party or witness offering the evidence can make an “offer of proof.” This requires that the witness or party announce “I wish to make an offer of proof” and then proceed with the testimony that has been excluded or provide the excluded document to the Commission Secretary, who will mark the document for identification purposes. Any such document shall be retained as part of the record, but it shall not be considered by the Commission in its deliberations or decision.

10. When can Commission members rely upon their own knowledge of the subject property?

If a Commission member, while inspecting the property in question, has either noted some matter or feature that may influence the Commission member’s decision in the case, or, while inspecting the full departmental file in the case, has noted some document that is not included in the staff report, the Commission member can utilize such information under the following circumstances: While the evidentiary hearing is still open, the Commission member must note the matter or feature observed or document noted. In the case of a document, the Planning staff shall produce the document for review by all parties and Commission members. The Commission shall allow all parties to reasonably inspect the document before it is inspected by other Commission members, and each party shall be given an opportunity to offer evidence related to the document. When a Commission member has noted a matter or feature relating to an inspection of the property in question, all parties shall be given an opportunity to present evidence that relates to the matter or feature.

Objections to Evidence

1. What objections to evidence are allowed?

The only grounds for an objection to the testimony of a party or witness are that: (1) the testimony has no relevance to the case before the Commission, (2) the answer is not responsive to the question which was asked, (3) the person offering the testimony is not competent to offer the type of information or opinion being offered, or (4) the answer contains hearsay statements that do not meet the requirements of Evidence § 4.

The only grounds for objection to documentary evidence are that: (1) the evidence is not relevant; (2) the document has not been properly identified or authenticated in accordance with Evidence § 4; or (3)

the evidence is unacceptable hearsay or contains hearsay statements that do not meet the requirements of Evidence § 4.

A party may also object to the form of a question, such as that it is argumentative, a compound question, improperly leads (puts words in the mouth of) the witness, or calls for information which is not relevant to the case.

2. What evidence is “relevant”?

Relevant evidence is information that relates to a factual or legal issue that the Commission may or must decide in a particular case, including issues of credibility. Documentary evidence that contradicts the witness’s testimony is always relevant since credibility of witnesses is an issue in every case. Relevant evidence should, by itself or in combination with other evidence, help the Commission determine any issue it needs to decide.

3. Who can object to evidence?

Only a party may object to the testimony of a witness, the admissibility of a document, or a question asked by another party.

4. How are objections decided?

The Commission Chair shall rule on any objections, and the Chair’s rulings may be appealed to the full Commission. Upon appeal to the Commission, all participating members, including the Chair, shall vote, and any abstention by a member shall be counted as a vote in favor of the motion. In the event of a tie vote by the Commission, the objection will be overruled and the evidence considered by the Commission. If testimony is successfully objected to, a witness may make an “offer of proof” by stating those things which the witness intended to state, but such statements will only be for the purpose of preserving the record of the case and shall not be considered by the Commission. (See Evidence § 9.)

Weighing the Evidence

1. How does the Commission decide what weight to give documents and testimony?

In general, as with any court, the Commission must weigh the evidence that is presented to it. When there is conflicting evidence relating to an issue it must decide, the Commission must explicitly resolve such conflict. It may also, however, refuse to give any weight to evidence that has been presented to it – even when no conflict in the evidence exists – when the Commission determines that the evidence is not credible or relevant. In determining the weight it will give to testimony and documentary evidence, the Commission may consider such things as the credibility of a witness (based on such considerations as the witness’ demeanor, qualifications or expertise, ability to observe the conditions about which testimony is offered) and the reliability and persuasiveness of documents that are offered as evidence. In general, the testimony of a person appearing before the Commission who is thus subject to cross-examination will be preferred over testimony contained in a sworn statement or affidavit, and in general, testimony contained in a sworn statement or affidavit will be preferred over testimony contained in a non-sworn written statement. However, the Commission may conclude that the information in a non-sworn statement is more reliable than the testimony of a person who has appeared and testified before it if it finds sufficient cause to do so.

2. Can the Commission make credibility decisions?

Yes. In making its decision the Commission may explicitly or implicitly make credibility determinations regarding the testimony of any witness or party. Where the Commission has concluded that the testimony of a particular witness is not credible or is otherwise unreliable, it is not bound to accept that testimony and may not only reject it but, if warranted, may make a contrary finding from the facts which that witness asserted. A credibility decision may be based upon such factors as the demeanor of the witness, the consistency of the witness's testimony, the consistency of the witness's testimony with other evidence of record which the Commission finds more reliable or persuasive, or any other relevant factor.

3. Should Commission members discuss their view of a case while evidence is being presented?

Private discussions among Commission members should never take place regarding a case prior to a decision being rendered. Commission members should also limit open discussion with each other during the presentation of the evidence, and should instead use the evidentiary portion of the hearing to listen to, consider and elicit evidence relating to the issues that must be decided. After the evidentiary portion of the hearing is closed and before a decision is rendered, Commission members are encouraged to publicly discuss their views of the case, including those factors that might lead them to support a particular position or outcome in the case.

The Decision

1. How does the Commission decide a case?

Deliberations may be flexible and involve open discussion of the case among Commission members or a process by which the Commission members identify proposed findings of fact and determine whether a majority of members endorse each such proposal, or a combination of the two. At the suggestion of the Commission Chair or another member of the Commission, the Commission can also conduct "straw polls" about particular issues or facts before formally adopting findings of fact or conclusions of law. The Commission may consider each of the conclusions for the type of case before it and upon motion and second, may vote on each such conclusion, and the Commission may include discussion and the adoption of findings of fact prior to any conclusion of law being adopted, or it may intersperse such discussion and adoption of findings among its actions to adopt conclusions of law. Once a motion has been made and seconded on either a proposed finding of fact or proposed conclusion of law, Commission members can offer proposed modifications to the motion, and if those are accepted by the person who made the motion and the person who seconded the motion, the modified motion will be substituted for the original one. In general, each Commission member is encouraged to explain his or her view of the case and the significant issues involved, particularly if the member intends to vote against a motion that has been offered in favor of an applicant. However, there is no formal requirement that each Commission member explain his or her individual view of the case.

If the evidentiary portion of the case has been closed and, during the discussion of a case, a Commission member raises an issue for which additional testimony is desired, a matter or issue that was not addressed at the hearing, information based upon the member's personal visit to the property in question or the member's review of the file and documents that are not part of the staff report and

have not been addressed during the evidentiary hearing, or other good cause, the Chair may reopen the public hearing to allow evidence, argument and rebuttal evidence on that particular issue.

2. Can the Commission recess a hearing after the evidentiary portion of the case has been closed and reconvene the hearing at a later time for the decision to be made?

Yes. Upon majority vote, the Commission may recess a case between the close of the evidentiary hearing and the decision by the Commission until (but not later than) the next scheduled meeting of the Commission, to allow Commission members an opportunity to review, but not discuss, the evidence that has been submitted.

3. Can a case be dismissed before full findings of fact and conclusions of law are adopted?

Yes. If an applicant does not present evidence which at a minimum addresses every conclusion of law that must be decided by the Commission in the particular type of case, at the conclusion of the evidentiary hearing the Commission may adopt a motion dismissing the case. Such a motion must specify in what respect(s) the evidence or presentation was lacking. A dismissal of a case on this basis does not prevent the applicant from submitting a new application for the same approval unless there is some other reason that prevents that, such as a change in the requirements of the UDO.

4. What is a fact?

A fact is a description of a circumstance, event or occurrence as it actually takes place or took place, a description of a physical object or appearance as it actually exists or existed, or an actual and absolute reality, as distinguished from a supposition or opinion not provided by a qualified witness. For example, when talking about traffic, a fact might be that “in the last month there have been ten accidents” at a particular intersection, while a statement that “the intersection is dangerous” would be considered an opinion and not a “fact” unless it were established by a qualified expert, in which case it could be accepted as a “fact.”

5. What is a “finding of fact”?

A finding of fact is a statement of one or more facts that the Commission decides is true and pertinent to the issues it must determine in the case. Findings of fact should be based on evidence presented at a hearing. Generally, the Commission should only adopt findings of fact that relate to the conclusions of law required in a particular case. The Commission must also make a finding of fact to resolve any conflicts in the evidence presented to it if the conflict relates to an issue material to the case. Therefore, if one person testifies, “The road is ten feet wide,” and a second testifies, “The road is twenty feet wide,” the Commission must make a finding as to which is correct.

6. How does the Commission adopt findings of fact?

Upon its deliberation following presentation of the case, the Commission members should discuss the facts presented in the case, discuss the credibility of the witnesses if such has been put at issue by a party or raised as a concern by one or more Commission members, and resolve by majority vote as necessary any contested issues of fact. Facts should be articulated in conclusory form as to what the Commission member believes has been established by the evidence, rather than a recitation of a party’s or witness’ contentions. For example, a finding of fact is “the road is ten feet wide,” whereas a statement that “Mr. Jones testified that the road is ten feet wide” is not a finding of fact. When

competent opinion testimony is provided (See Evidence §§ 3(C) and (D)), a finding of fact may be based upon that opinion. For example, the Commission may adopt as a finding of fact, “The intersection is dangerous,” but such a finding must be supported by an expert opinion to that effect. Findings of fact should generally only relate to the issues before the Board that relate to the type of case before it. They may include findings regarding the credibility of witnesses. (See Weighing the Evidence § 1.) Findings of fact should always address the staff report submitted in the case, and if portions of the report or the report as a whole are not accepted as factually accurate, such should be specifically identified.

7. What is a conclusion of law?

A conclusion of law is a decision about some requirement in the UDO needed to decide the type of case before the Commission. The conclusions of law pertinent to a particular case are generally set forth as potential motions in the staff report. In approving or rejecting any particular such motion, Commission members should articulate the findings of fact upon which each conclusion of law is based.

8. What vote is needed for approval to be granted?

Approval of a Certificate of Appropriateness requires a majority vote of the members of the Commission. For the purposes of this paragraph, vacant positions on the Commission and members who are disqualified from voting on the case shall not be considered members of the Commission for calculation of the requisite majority if there are no qualified alternates available to take the place of such members. See UDO section 6.01.03. In any event, a quorum of at least three members and the affirmative vote of at least two members shall be required for approval of any Certificate of Appropriateness.

10. Can the Commission impose conditions on an approval?

Yes. If the Commission approves a Certificate of Appropriateness, the Commission may do so subject to such reasonable conditions as the Commission concludes are necessary to carry out the purposes of historic preservation as contemplated by the UDO. See G.S. § 160D-947 (a). Conditions that simply reiterate requirements of the UDO are unnecessary and discouraged.

11. If a vote is taken that has the effect of ending the case, can the Commission vote on the other issues which would be decided if an application were approved?

Yes. For the sake of judicial and quasi-judicial efficiency, and at the request of any party, the Commission Chair, or any member of the Commission, the Commission may (upon motion, second and majority vote) issue provisional votes as to any and all preliminary or alternative issues, even though an application or permit has been denied upon some other basis. However, such provisional consideration and votes are not required, and if not made then all parties retain their rights to litigate such issue(s) following any decision on appeal that does not affirm the Commission’s decision.

12. What information should be included in a motion?

A motion by a Commission member should usually include at least a brief statement of the reason(s) for the motion and may cite specific, adopted findings of fact as the basis for the motion.

13. Can Commission members discuss a case once the decision has been made?

No. Because decisions by the Commission are subject to review by the courts of North Carolina, which may send a particular case back to the Commission for reconsideration, Commission members must avoid and refrain from discussing a case even after the Commission has made its decision.

Appeal

1. May an applicant appeal a decision by the Commission?

An appeal may be made from the Commission's action granting or denying a Certificate of Appropriateness. The appeal is made to the Boone Board of Adjustment pursuant to the procedures set forth at Articles 4 and 6 of the UDO, and is in the nature of certiorari as set forth at N.C. Gen. Stat. § 160D, Article 4. The filing of an appeal is subject to a strict filing deadline and the payment of a fee in an amount set by the Boone Town Council.

The Town of Boone has forms for appeals available on the website and in the Planning and Inspections Office. Planning and Inspections is located on the basement level of the Boone Downtown Post Office at 680 West King Street, Boone, NC 28607. The appropriate form must be fully filled out and the fees paid for the Department to process it.

Amendment of Rules

1. May these Rules be amended?

These rules may be amended by the Town Council on its own initiative or upon recommendation of the Commission.

Proposal for a Town of Boone Historical Marker

Submitted by the Boone Historic Preservation Commission
December 2021 [FINAL DRAFT]

Eric Plaag prepared this marker report with assistance from Jessica Mitchell and Christy Turner.

A. SUBJECT OF PROPOSED MARKER:

The Hayes-Bryan-Greene Cemetery Located on Green Heights

B. SITE TO BE MARKED:

The Hayes-Bryan-Greene Cemetery
Watauga County Parcel ID: 2901-61-3065-000
Located just east of Gladys Street and just north of Charles Street, between 245 Charles Street and 225 Gladys Street.

C. PROPOSED LOCATION OF MARKER:

Option A: Mulched area at northeast corner of Parcel 2900-69-7872-000, Watauga County Extension Property, on West King Street opposite Straight Street.

Option B: Mulched area at east corner of Parcel 2900-79-7988-000, adjoining Watauga County Courthouse Annex (stone building) at intersection of Queen and North Water Streets.

D. DISTANCE AND DIRECTION FROM THE PROPOSED LOCATION TO THE SITE TO BE MARKED: *(for example, 100 yards S.E.)*

Option A: Approx. 440 yards SSE of cemetery.

Option B: Approx. 600 yards SE of cemetery.

E. HISTORICAL SKETCH:

The Hayes-Bryan-Greene Cemetery is located in a section of Boone known since at least the early twentieth century as “Green Heights.”¹ The cemetery is Watauga County parcel ID 2901-61-3065-000, with no owner or trustees assigned to the parcel. Various volunteers have maintained the cemetery for the past several decades, functioning individually rather than as part of any particular organization. The property is bounded to the north by 225 Gladys Street, which is owned by descendants of the Hayes family; to the east by 259 Charles Street; and to the south by 245 Charles Street.

The cemetery is surrounded by a stockade fence on its south and west boundaries and a split-rail fence on its north and east boundaries. Both fences are still functional but show significant signs of rot and decay, as well as a few fallen rails or missing boards. A post at the west corner of the cemetery, near its entrance, features a carved sign that reads, “Hayes-Bryan Cemetery.” Otherwise, the cemetery is well shaded by trees just outside the fenced perimeter. Deed records indicate that the excepted portion of land dedicated to the cemetery is supposed to be 54 by 64 feet in size (no cardinal directions are given for which is the long side), but the present parcel boundary appears to be marked off at roughly 50 feet by 50 feet.² The cemetery is accessible via a deeded, 10-foot-wide easement from Gladys Street to the west corner of the cemetery.³

The cemetery contains three fieldstones that appear to be functioning as grave markers to unidentified individuals, plus 17 additional grave markers for 18 identified individuals. The age of the cemetery is not known but contains burials dating back to at least the mid-nineteenth century.⁴ The earliest graves appear to be those of Ransom Hayes (d. 1868) and Sallie Greene Hayes (d. 1862), although the markers for those graves date to much later (1924).⁵ Other individuals buried within the cemetery are members of the Bryan, Greene, and Councill families, all of which were interrelated due to marriages among some members of those families.

For the most part, the grave markers display little in the way of unusual or noteworthy funerary art, and thus the cemetery does not rise to a standard of special significance related to funerary art and display. Several carving themes are

¹ “Col. W. L. Bryan Crosses the Bar,” *Watauga Democrat*, 27 December 1928: 1. For an earlier reference see “Town and County,” *Watauga Democrat*, 20 August 1914: 3.

² For the deed excepting the cemetery, see R. F. Greene and Pearl H. Greene to Mamie H. Smith, 20 March 1946, Deed Book 60, Page 618, Watauga County Register of Deeds.

³ Mamie H. Smith and I. L. Smith to James H. Burris and Patricia Burris, 29 October 1969, Deed Book 109, Page 414, Watauga County Register of Deeds.

⁴ Because of this possibility, the cemetery is a good candidate for a ground-penetrating radar study to determine just how many gravesites are included within its boundaries.

⁵ “Local Happenings,” *Watauga Democrat*, 18 December 1925: 5. The notice of the erection of the Hayes graves makes clear that the new stones were intended to mark extant gravesites for those individuals, rather than simply serve as a memorial.

recurrent and fairly stereotypical: resting lambs on graves for infant deaths, scrolls and laurels on some adult grave markers, and footstones carved with the initials of the corresponding individual for many of the more recent graves. Judge L. L. Greene's grave marker is somewhat more elaborate, given that it is an obelisk carved with a Masonic symbol. Two of the markers appear to be official military headstones acquired from the federal government. Otherwise, most grave markers are plain, listing the name of the individual, the buried individual's relationship to others buried nearby, and the relevant dates of death.

Any special significance for the cemetery stems from the presence of gravesites for three individuals of outstanding significance to Boone's history and development: Ransom Hayes (Abt. 1805-1868), Judge Leander Lawrence Greene (1845-1898), and William Lewis Bryan (1837-1928). All three men played major roles in the establishment of the Boone community and its early development. The descriptions that follow address each marked gravesite and provide a brief biography for those burials that have been identified.

Given the presence of the gravesites of one of the donors of Boone's land in 1849, an influential superior court judge based in Boone, and the first mayor of Boone, the cemetery appears to warrant interpretation through an historical marker describing the cemetery and its burials.

Stone covered in lichen, possible fieldstone



After cleaning some of the lichen off using water and a soft brush, no carving could be discerned. This is unmistakably a grave marker, however, located just south of Mattie J. Greene's headstone in the southwest corner of the cemetery.

Mattie J. Greene (1853-1930)



Martha J. "Mattie" Horton Greene was the daughter of Sheriff Jack Horton (1816-1884) and Rebecca Mast Horton (1818-1857). She married Leander Leonidas Greene on March 1, 1876, at Boone, and the marriage produced two children. Following his death, she took a position with the federal government in Washington, DC, where her daughter Bina was living at the time.⁶ She died in 1930 at the Watauga Hospital following a series of internal hemorrhages.⁷

Wilmetta Greene (1889-1951)



⁶ "Local News," *Watauga Democrat*, 12 April 1900: 3. Bina also worked in the civil service at Washington. See "Local News," *Watauga Democrat*, 22 February 1900: 3.

⁷ John Preston Arthur, *A History of Watauga County, North Carolina*, (Richmond: Everett Waddey Co., 1915), 313; and "Widow of Late Judge Greene Dies Saturday," *Watauga Democrat*, 1 May 1930: 1.

Wilmetta Greene was the daughter of Judge L. L. Greene and Mattie J. Greene. Born at Boone, she apparently never married. She was a patient in the North Carolina State Hospital for the Insane at Morganton for nearly 25 years prior to her death in 1951.⁸

Judge L. L. Greene (1845-1898)



Leander Lawrence Greene (expressed as “Leonidas L. Greene” in some sources), the son of Robert Greene and Chaney Elrod, was born at Blowing Rock on November 11, 1845.⁹ Throughout much of his adult life, his name was spelled interchangeably as “Green” or “Greene.” During the American Civil War, he served as a private in Company D of the North Carolina 1st Cavalry, having enlisted in May 1864. He was wounded September 30, 1864 (probably near Jonesborough, Tennessee), then was

⁸ “Rites on Tuesday for Miss Greene,” *Watauga Democrat*, 15 Mar 1951: 4.

⁹ Arthur, *Watauga County*, 313. Arthur is one of several sources that attribute Greene’s first name as “Leonidas,” but most contemporary sources, including military records, list his name as “Leander Lawrence Greene.” For another example of “Leonidas,” see “Sued for Refusing Habeas Corpus Writ,” *Raleigh Times*, 20 September 1897: 3.

wounded again and deserted his unit at Bellfield, Virginia, on January 30, 1865.¹⁰ Following the war, he returned to Boone, attended Cumberland College in Tennessee, and trained for the legal profession under Harvey Bingham. He returned to Boone in 1872 to begin practicing law. He was eventually elected as a Democrat to serve in the North Carolina House of Representatives in 1874-75.¹¹ He married Martha J. "Mattie" Horton on March 1, 1876, and the marriage produced two children.¹²



Judge Leander Lawrence Greene, from John Preston Arthur's *History of Watauga County, North Carolina* (1915).

¹⁰ "Leander Green," Historical Data Systems, Comp., *US, Civil War Soldier Records and Profiles, 1861-1865*, Database Online, (Provo, UT: Ancestry.com Operations Inc., 2009).

¹¹ "Death," *Watauga Democrat*, 5 January 1899: 1; "Judge Leander L. Greene," *Watauga Democrat*, 17 November 1898: 3; and *Journal of the House of Representatives of the General Assembly of the State of North Carolina at Its Session of 1874-75*, (Raleigh: Josiah Turner, 1875), 5.

¹² Arthur, *Watauga County*, 313.

Greene was also active in the state leadership of the Masons, his name routinely appearing in the press during the late 1870s in this capacity.¹³ In 1878, his home at Boone was destroyed by fire.¹⁴ He was often credited as the founder of the Republican Party in Boone in the 1880s, which was painted by some as having “gone to the Radicals—sold out for a place in the Revenue Department—cheap price.”¹⁵ He was also a member of the Executive Campaign Committee of the District Anti-Prohibition Convention held at Yadkinville in 1881.¹⁶ Greene ran unsuccessfully for US Congress on the Republican ticket in 1884.¹⁷

In 1888, Greene briefly operated Boone’s second newspaper, the *Watauga Enterprise*, with Thomas Bingham, stopping publication shortly after the 1888 election.¹⁸ Greene was elected judge of the 10th Judicial District for an eight-year term in 1894 and served in that role until his death. He had an outstanding reputation as a capable, fair, and clear-minded judge.¹⁹ He was also an early and vocal advocate for bringing a railroad to Boone.²⁰ Despite his Republican Party membership, he was closely aligned with the Democrats in the 1898 election, telling the editor of the *Watauga Democrat* that “a change must come.” While Greene did not survive to vote in that election, passing away on November 2, 1898, the contest was nevertheless dominated statewide and in Watauga County by an overt and quite public Democratic effort to disenfranchise Black voters.²¹

¹³ For an example, see “Grand Lodge of Mason,” *Daily Review*, 5 December 1878: 4.

¹⁴ “Spirits Turpentine,” *Wilmington Morning Star*, 18 July 1878: 1.

¹⁵ “From Watauga,” *The Farmer and Mechanic (State Chronicle)*, 24 June 1880, 30; and “Widow of Late Judge Greene Dies Saturday,” *Watauga Democrat*, 1 May 1930: 1.

¹⁶ *Winston Sentinel*, 30 June 1881: 2. See also “The Cold Water Campaign,” *The Farmer and Mechanic*, 9 June 1881: 2.

¹⁷ “Eighth District Republicans,” *State Chronicle*, 6 September 1884: 2.

¹⁸ Arthur, *Watauga County*, 157.

¹⁹ For a lengthy eulogy by Romulus Z. Linney addressing Judge Greene’s prowess as both an attorney and a judge, see “Death,” *Watauga Democrat*, 5 January 1899: 1. On the 1894 election, see “Judge Leander L. Greene,” *Watauga Democrat*, 17 November 1898: 3.

²⁰ “Do You Want a Railroad Through Watauga County?” *Watauga Democrat*, 28 October 1897: 2.

²¹ “Judge Leander L. Greene,” *Watauga Democrat*, 17 November 1898: 3. Greene appears to have died from an attack of asthma following a bad cold; he had suffered from asthma for many years. For news of another asthmatic attack, see “Local News,” *Watauga Democrat*, 3 March 1898: 3. For a synopsis of the 1898 election in North Carolina, see Kathy Roberts Forde and Kristin Gustafson, “A White Supremacist Coup Succeeded in 1898 North Carolina, Led by Lying Politicians and Racist Newspapers That Amplified Their Lies,” *The Conversation*, 15 January 2021, Online, available at <https://theconversation.com/a-white-supremacist-coup-succeeded-in-1898-north-carolina-led-by-lying-politicians-and-racist-newspapers-that-amplified-their-lies-153052>; and Nicholas Graham, “The Election of 1898 in North Carolina: An Introduction,” *The 1898 Election in North Carolina*, UNC Libraries, University of North Carolina at Chapel Hill, Online, available at <https://exhibits.lib.unc.edu/exhibits/show/1898/history>.

James Henry Bryan (Mar. 14, 1869-Dec. 22, 1946)



James Henry Bryan was the son of William Lewis Bryan and Sallie Hayes Bryan. He never married. He left Boone in the early 1890s, working for several years in the lumber business in Bristol, Tennessee, and trading in horses.²² By the early 1900s, James relocated to Edmonton, Canada, where he entered the fur trade and became a large-scale fur buyer.²³ He also owned controlling stock in a coal corporation in Canada and owned a large horse farm.²⁴ Toward the end of his life, he was involved in the livestock business at Charlotte and worked for a mercantile firm at Monroe.²⁵ Bryan returned to Boone in April 1946 for an “indefinite” visit.²⁶ He died several months later as a boarder in Boone.²⁷

²² “Local News,” *Watauga Democrat*, 15 February 1894: 3; “James H. Bryan Dies on Sunday,” *Watauga Democrat*, 19 December 1946: 1.

²³ “Mammoth Bear Skin,” *Watauga Democrat*, 16 August 1934: 1.

²⁴ “Former Resident Visits the ‘Old Home Town,’” *Watauga Democrat*, 11 October 1923: 5.

²⁵ “James H. Bryan Dies,” 1.

²⁶ “Local,” *Watauga Democrat*, 11 April 1946: 5.

²⁷ “James H. Bryan Dies,” 1.

Stone covered in moss, possible fieldstone



After cleaning some of the lichen off using water and a soft brush, no carving could be discerned. This is unmistakably a grave marker, however, located along the south fence line.

Ransom Hayes (Born in Caldwell Co., Died April 1868)—“He gave Watauga Co. 25 acres of land and half of original Co. site where Boone is now located.”



Born about 1805, Ransom Hayes was apparently a Caldwell County native, as listed on his headstone. Sometime before 1836, he married Sallie Greene, the daughter of Joseph Greene. The marriage produced a total of eleven children.²⁸ On November 25, 1844, Hayes received a land grant in the amount of 10 acres located on Rich Mountain in what was then Ashe County.²⁹ He also acquired land from either John or Jerry Green, two brothers who owned homes in the vicinity of what would become Boone. The house that Hayes purchased was a large, log house and stood between the later Judge L. L. Greene residence and his storehouse that would be built just to the west of it, on the north side of present-day Green Street.³⁰ Five years later, Hayes made what was probably his most significant contribution to Boone's history, agreeing along with Jordan Councill, Jr., to donate 25 acres each to create the county seat of Boone in the newly established Watauga County, earning Hayes the appellation of "stepfather of Boone."³¹ Between the establishment of the new county in 1849 and the construction of the first hotels at Boone in 1870, Hayes took in boarders at his home during court weeks.³²

About 1851 or 1852, Hayes hired Joseph C. Gaines to build a one-story, brick home with a footprint of roughly forty by twenty feet and a brick partition running through the middle of the home. Chimneys were located at each end of the house. This house later burned, and Judge L. L. Greene, who owned the house at the time of the fire, had his two-story, brick home (no longer extant) built on the original home's foundation.³³ Hayes was appointed as a commissioner in November 1866, along with Robert Shearer and Eli Brown, to build a new church for the Three Forks Baptist congregation in the summer of 1867.³⁴ He died in April 1868 at the age of 63 and was buried at the Hayes-Bryan-Greene Cemetery, but the headstones of Ransom Hayes and his wife Sallie Greene Hayes were not erected until December 1924.³⁵

²⁸ Arthur, *Watauga County*, 318. The 1850 Census shows nine children living in Hayes's home. See "Ransom Hase, Watauga, Watauga, North Carolina," Ancestry.com, *1850 United States Federal Census*, (Lehi, UT: Ancestry.com Operations, Inc., 2009), Database Online, available at <https://www.ancestry.com/discoveryui-content/view/13069441:8054>. The 1860 Census shows seven children living in Hayes's home. See "Ransom Hayse, Boone, Watauga, North Carolina," Ancestry.com, *1860 United States Federal Census*, (Provo, UT: Ancestry.com, Operations, Inc., 2009), Database Online, available at <https://www.ancestry.com/discoveryui-content/view/41530415:7667>.

²⁹ For an image of this land grant reference, see "Ransom Hays," Ancestry.com, *North Carolina, US, Land Grant Files, 1693-1960*, (Provo, UT: Ancestry.com Operations, Inc., 2016), Database Online, available at https://search.ancestry.com/cgi-bin/sse.dll?dbid=60621&h=132306&indiv=try&o_vc=Record:OtherRecord&rhSource=60525.

³⁰ Arthur, *Watauga County*, 147.

³¹ Arthur, *Watauga County*, 115. According to Arthur, Hayes's donation included the land "between the branch above Blackburn's Hotel, then called Upper Branch, and the branch that flows by the new post office, then called the Middle Branch." On the "stepfather of Boone" reference, see Arthur, *Watauga County*, 298. Jordan Councill, Jr., was considered to be the "father of Boone."

³² Arthur, *Watauga County*, 150.

³³ Arthur, *Watauga County*, 154. The house also played a significant role in the Union occupation of Boone by Kirk's men in April 1865. See Arthur, *Watauga County*, 181.

³⁴ Arthur, *Watauga County*, 77.

³⁵ "Local Happenings," *Watauga Democrat*, 18 December 1924: 5.

Sallie Greene, wife of Ransom Hayes (b. Ashe Co., now Watauga Co., d. 1862)



Sarah “Sallie” (sometimes Sally) Greene Hayes was the daughter of Joseph Green (1782-1861) and Elizabeth Shearer (1790-1811). She was born in the portion of Ashe County that became Watauga County on January 22, 1808.³⁶ She married Ransom Hayes sometime prior to 1836, and the marriage produced eleven children.³⁷ She died in 1862 under unknown circumstances.

³⁶ See “Sarah ‘Sallie’ Greene Hayes,” Find-a-Grave, Online Database, available at <https://www.findagrave.com/memorial/54875211/sarah-hayes>.

³⁷ Arthur, *Watauga County*, 318. The 1850 Census shows nine children living in Hayes’s home. See “Ransom Hase, Watauga, Watauga, North Carolina,” Ancestry.com, *1850 United States Federal Census*, (Lehi, UT: Ancestry.com Operations, Inc., 2009), Database Online, available at <https://www.ancestry.com/discoveryui-content/view/13069441:8054>. The 1860 Census shows seven children living in Hayes’s home. See “Ransom Hayse, Boone, Watauga, North Carolina,” Ancestry.com, *1860 United States Federal Census*, (Provo, UT: Ancestry.com, Operations, Inc., 2009), Database Online, available at <https://www.ancestry.com/discoveryui-content/view/41530415:7667>.

Fieldstone



No carving is discernible, but this fieldstone was clearly intended as a grave marker.

George A. Bryan (b. June 11, 1874, d. Jan 18, 1927)



George A. Bryan was the son of William Lewis Bryan and Sallie Hayes Bryan. During his early career, Bryan appears to have worked as a men's clothing salesman.³⁸ In the early 1900s, George Bryan was employed at the *Watauga Democrat*, occasionally filling in as editor in the absence of Robert C. Rivers, Sr.³⁹ In later years, he worked for several years for the Watauga County Bank and the Watauga Insurance Company during the 1920s. He does not appear to have ever married. Described as "a businessman of extraordinary ability" and "an expert bookkeeper and accountant," George Bryan died in 1927 at the State Hospital in Morganton after being a patient there for mental illness during multiple stints.⁴⁰

Bartlett R. Bryan (May 28, 1884-Dec. 7, 1941)



Bartlett Ransom Bryan was born at Boone in 1884 and was the son of William Lewis Bryan and Sallie Hayes Bryan. Educated at Marion and employed as a teenager at Globe (most likely in one of his father's timber operations), Bartlett left for employment in Arizona, California, and Colorado before 1903.⁴¹ He then took employment with a lumber company at Elizabethton, Tennessee, in May 1903.⁴² He later took a position with an electric company in Richmond, Virginia, sometime before 1907 before moving to Alexandria, Virginia, where he worked as an

³⁸ "Local News," *Watauga Democrat*, 20 February 1896: 3.

³⁹ "Local News," *Watauga Democrat*, 17 April 1902: 3.

⁴⁰ "George Bryan Dead," *Watauga Democrat*, 20 January 1927: 1. On other admissions for mental illness, see "Local Affairs," *Watauga Democrat*, 20 October 192: 3; "Mr. G. A. Bryan Returned to Hospital at Morganton," *Watauga Democrat*, 18 January 1923: 1; and "Local Happenings," *Watauga Democrat*, 15 October 1925: 5.

⁴¹ "Local News," *Watauga Democrat*, 26 February 1903: 3. On his work at Jerome, Arizona, see "From Our Early Files," *Watauga Democrat*, 21 November 1940: 5.

⁴² "Local News," *Watauga Democrat*, 7 May 1903: 3. He also appears to have worked in the lumber business at Cranberry in 1904. See "Local News," *Watauga Democrat*, 2 June 1904: 3.

electrician and married Nettie C. Wells in 1909.⁴³ That marriage produced at least one child.⁴⁴ He returned to Boone several years later, taking a position with the fledgling New River Light and Power Company in 1915 before leaving later that year for an opportunity in California.⁴⁵ In the late 1910s, he was working first for the Virginia-Carolina Survey, then helped survey the Linville River Railway line from Shulls Mills to Boone prior to the formal acceptance of a contract for extension of the line.⁴⁶ By 1920, he was in the Cleveland, Ohio, vicinity at an unknown position.⁴⁷ He later returned to Boone and married Mary Manarkie "Arkie" Ragan in 1921.⁴⁸ During the early 1920s, Bartlett ran the Better Bread Bakery, a bake shop purchased by J. L. Qualls in 1925.⁴⁹ In 1933, he was working at the Watauga Drug Company on King Street, and in 1935, he took a position with the Works Progress Administration as a timekeeper.⁵⁰ In 1939, Bartlett purchased the T & L Café in Boone and operated it as Bart's Café with Linney Walker.⁵¹ The following year, he opened a café and grocery store near Cove Creek High School.⁵² He died from a heart attack at Boone.

Arkie R. Bryan (1899-1994, "A Loving Mother")



⁴³ "Local News," *Watauga Democrat*, 18 March 1897: 3; "Local News," *Watauga Democrat*, 11 May 1899: 3; "The Confederate Reunion," *Watauga Democrat*, 13 June 1907: 2. On his 1909 marriage, see "Local News," *Watauga Democrat*, 26 August 1909: 3.

⁴⁴ "Local News," *Watauga Democrat*, 22 September 1910: 3.

⁴⁵ "Town and County," *Watauga Democrat*, 16 September 1915: 3.

⁴⁶ "Town and County," *Watauga Democrat*, 6 September 1917: 3.

⁴⁷ "Town and County," *Watauga Democrat*, 10 May 1917: 3; "Local Affairs," *Watauga Democrat*, 21 October 1920: 3.

⁴⁸ "Local Affairs," *Watauga Democrat*, 15 September 1921: 3.

⁴⁹ "Qualls Now Owner of Better Bread Bakery," *Watauga Democrat*, 4 June 1925: 1.

⁵⁰ "Local Affairs," *Watauga Democrat*, 16 February 1933: 5; "WPA Work Going Forward in City," *Watauga Democrat*, 7 November 1935: 1. Bartlett also did the improvement work on the Oak Grove Road from Oak Grove Church to Hodges Gap in 1939. See "Oak Grove Road Is Now Being Improved," *Watauga Democrat*, 2 March 1939: 1.

⁵¹ "Notice," *Watauga Democrat*, 5 October 1939: 5; "Armistice Day," advertisement, *Watauga Democrat*, 9 November 1939: 3.

⁵² "New Café and Store," *Watauga Democrat*, 23 May 1940: 5.

Mary Manarkie "Arkie" Ragan Bryan was born at Boone on April 24, 1899, to Lewis Franklin "Frank" Ragan (1869-1954) and Nancy Louisa Lookabill Ragan (1874-1949).⁵³ In 1920, she took work as a housekeeper at the William Lewis Bryan residence.⁵⁴ She married Bryan's son, Bartlett Ransom Bryan, in September 1921.⁵⁵ Beginning in 1950, she took work as a cafeteria helper at Appalachian State Teachers College, working for many years as the salad preparer for the cafeteria.⁵⁶ She died on March 10, 1994, at Boone.⁵⁷

Denver Ragan Bryan, NC CPL 3899 Pers Processing Sq AF (May 31, 1922-March 22, 1960)



The son of Mary Manarkie "Arkie" Ragan Bryan and Bartlett Ransom Bryan, Denver Ragan Bryan was born in Boone in 1922. He graduated from Cove Creek High School in 1941.⁵⁸ He served for three years in the Army during World War II, then in the Air Force during the Korean Conflict.⁵⁹ He first married Mary Modawell of Santa Anna, Texas, in April 1946, then later remarried to Barbara Evelyn Hodges of Boone on October 10, 1951.⁶⁰ The latter marriage produced a daughter, Janna Lee Bryan. At

⁵³ See "Mary Manarkie 'Arkie' Ragan Bryan," *Find-A-Grave*, Online Database, available at <https://www.findagrave.com/memorial/69188207/mary-manarkie-bryan>.

⁵⁴ "Local Affairs," *Watauga Democrat*, 12 August 1920: 3.

⁵⁵ "Local Affairs," *Watauga Democrat*, 15 September 1921: 3.

⁵⁶ "Veteran College Workers Praised by Plemmons," *Watauga Democrat*, 22 December 1955: 1, 2.

⁵⁷ "North Carolina Deaths," *Charlotte Observer*, 11 March 1994: 6C.

⁵⁸ "Cove Creek High School Graduates," *Watauga Democrat*, 8 May 1941: 5; "Mrs. Arkie Ragan Bryan," *Watauga Democrat*, 11 March 1994.

⁵⁹ "Local Affairs," *Watauga Democrat*, 26 September 1946: 7.

⁶⁰ "Pvt. Denver Bryan Weds at Camp Bowie," *Watauga Democrat*, 11 April 1946: 5; "Marriage Licenses," *Watauga Democrat*, 11 October 1951: Second Section, 1.

the time of his death at the age of 37, Bryan was working as a timekeeper for an electric motor company.⁶¹

William Baxter Bryan, TEC 5 US Army, WWII (Sep 30, 1926-May 19, 1996)



The son of Bartlett Ransom Bryan and Mary Manarkie “Arkie” Ragan Bryan, William Baxter Bryan was born at Boone. A graduate of Appalachian High School in 1943, he served in the US Army at Fort Ord, California, during World War II and was discharged in 1946.⁶² Sometime before 1960, he relocated to Brookline, Massachusetts, where he worked as a firefighter.⁶³ On June 25, 1964, he married Catherine Marie McGinn in Seabrook, New Hampshire, which was his second marriage.⁶⁴ He died at Boone on May 19, 1996.⁶⁵

⁶¹ “Denver Ragan Bryan, Watauga, March 1960,” Ancestry.com, *North Carolina, US, Death Certificates, 1909-1976*, Database Online, (Provo, UT: Ancestry.com Operations, Inc., 2007), Image 7.

⁶² “Appalachian High School News Items,” *Watauga Democrat*, 29 April 1943: 6; “Local Affairs,” *Watauga Democrat*, 9 May 1946: 6.

⁶³ “Denver Bryan Rites Are Held,” *Watauga Democrat*, 31 March 1960: 1.

⁶⁴ See “William Baxter Bryan,” Ancestry.com, *New Hampshire, US, Marriage Records, 1700-1971*, (Lehi, UT: Ancestry.com Operations, Inc., 2021), Database Online, available at <https://www.ancestry.com/discoveryui-content/view/625338:61836>.

⁶⁵ “Mr. William Baxter Bryan,” *Watauga Democrat*, 20 May 1996: 3A.

W. L. L. Bryan, son of W. L. & S. H. Bryan (Nov. 11, 1888-Feb. 18, 1891)



William Louis Loventhorpe Bryan was the infant son of William Lewis Bryan and Sallie Hayes Bryan. He died at Boone at the age of two.⁶⁶

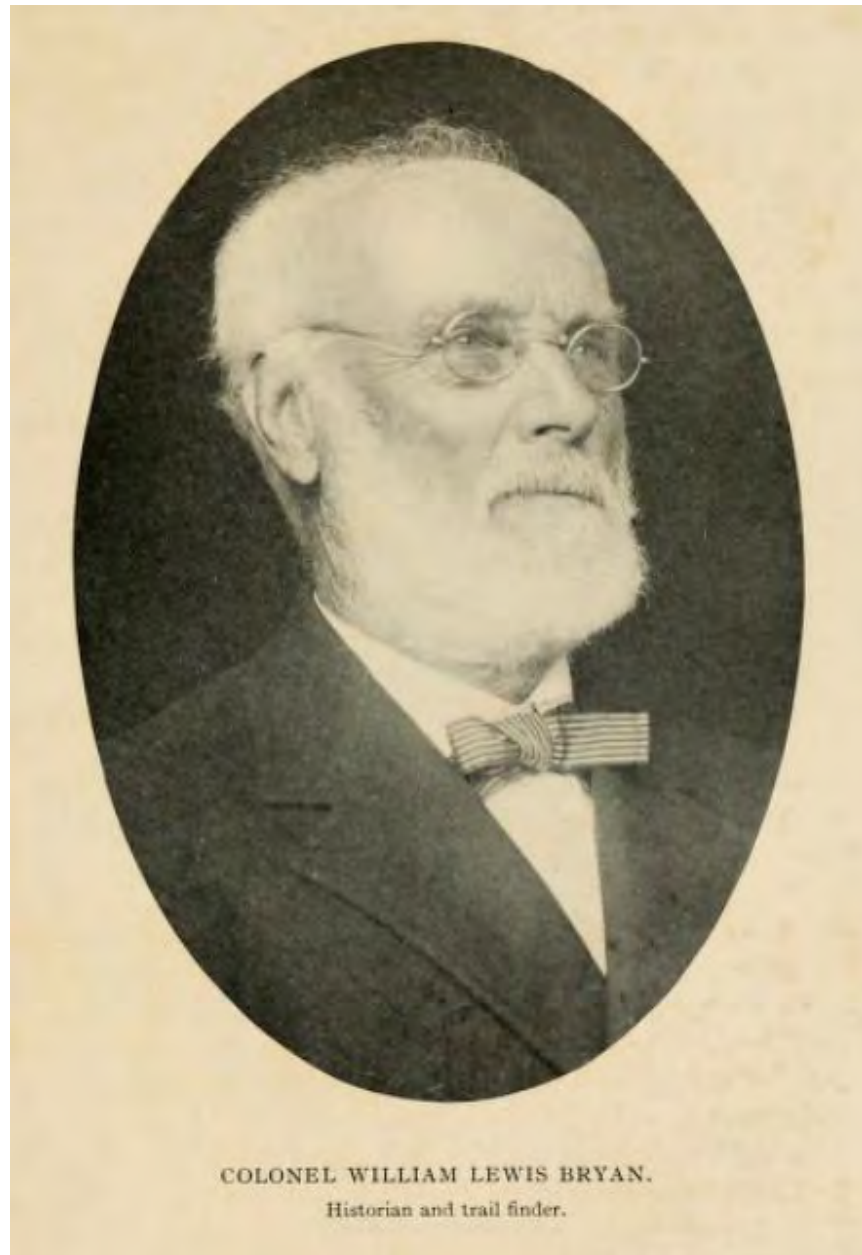
Sallie Hayes Bryan (Sept. 11, 1844-April 14, 1919)



⁶⁶ "In Memorium [sic]," *Watauga Democrat*, 26 February 1891: 3.

Sallie Hayes Bryan was the daughter of Ransom Hayes and Sarah “Sallie” Greene Hayes. She was born in the Ransom Hayes residence at Boone on September 11, 1844. She was one of the first members of the Boone Baptist Church, and her marriage to William Lewis Bryan produced six children.⁶⁷ She died at home in Boone on April 14, 1919. Her headstone is shared with William Lewis Bryan.

William Lewis Bryan (Nov. 19, 1837-Dec. 20, 1928)



Col. William Lewis Bryan, from Arthur's *History of Watauga County, North Carolina*.

⁶⁷ "Mrs. W. L. Bryan," *Watauga Democrat*, 17 April 1919: 3.

According to John Preston Arthur, William Lewis Bryan was born at Meat Camp on November 19, 1837, to Battle or Bartlett Bryan (1802-1903) and Rebecca Miller Bryan (1805-1903). He was educated in Meat Camp schools and worked briefly to build an overshot grist mill near Meat Camp for George Bower before moving to Boone in 1857.⁶⁸ At Boone, Bryan worked first for Jacob Rintils as a clerk, then made shoes for Sheriff Jack Horton's store. About 1858, Bryan followed Rintils to Statesville, where he continued to clerk for several months, then returned to Boone to operate a business for Rintils in the James H. Tatum store until some point during the American Civil War. Bryan then took over the business and moved it to a storeroom near the James Council House on King Street. In addition to these professional efforts, Bryan also served as first lieutenant in Company B of the Watauga Home Guard during the American Civil War.⁶⁹ It was likely as a result of this service that he later earned the appellation of "Colonel Bryan."⁷⁰

After the war, Bryan returned to Meat Camp and married Sarah "Sallie" Hayes on December 12, 1865; they resided at Meat Camp until 1868. Thereafter, he returned to Boone, where he was engaged in farming and a mercantile operation for much of the late nineteenth century until his business fell victim to arson in 1895.⁷¹ He was also named a Master Mason at some point in the late nineteenth century.⁷²

Bryan was appointed by the North Carolina legislature to serve as Boone's first mayor beginning in 1872, an office he held intermittently for over 25 years (1872-1890, 1899-1907, and 1909-1911).⁷³ Bryan also helped found the Boone Baptist Church in 1882, along with Thomas J. and W. C. Coffey.⁷⁴ Bryan's first major business at Boone was the Blair Hotel, located on the south side of King Street just to the east of his home.⁷⁵ The Blair Hotel was demolished about 1923 for construction of the Farmer's Hardware Block, and the Bryan residence was moved to Howard Street in 1938 before being demolished in the late twentieth century.

Bryan claimed a direct lineage to the family of Daniel Boone through Boone's wife, Rebecca Bryan, whose father Morgan Bryan was a direct ancestor of W. L. Bryan's. This ancestral connection likely played a significant part in Bryan's ongoing promotion of Daniel Boone's association with the valley where the Town of Boone is located. His enduring project in this area was the erection of the Daniel Boone

⁶⁸ Arthur, *Watauga County*, 292; and "Bryan's Diary Reveals Two Saloons in Boone in 1857," *Watauga Democrat*, 23 June 1849: Centennial Edition, 1.

⁶⁹ Arthur, *Watauga County*, 283.

⁷⁰ Bryan had a close friendship with John Preston Arthur, who was also called "Colonel" during the later years of his life, and it's possible that the terms were mutually applied terms of affection and respect. See O. L. Brown, "John Preston Arthur Early Day Scholar, Author; Boone Resident Plagued by Loneliness and Want," *Watauga Democrat*, 3 January 1963, Second Section: 2-3.

⁷¹ Arthur, *Watauga County*, 292; and "Wrapped in Flames," *Watauga Democrat*, 11 July 1895: 2.

⁷² "W. L. Bryan," *Watauga Democrat*, 7 February 1929: 5.

⁷³ Arthur, *Watauga County*, 142; and "List of Mayors of Boone, NC," Historic Boone Collection, 2.67.5, Digital Watauga Project.

⁷⁴ Arthur, *Watauga County*, 102.

⁷⁵ Arthur, *Watauga County*, 150.

Monument at the alleged prior location of the “Daniel Boone Cabin,” which was more likely a cabin owned by Benjamin Howard that was located near the present Duck Pond on the Appalachian State University campus. Bryan began work on this monument on his own in 1911, utilizing what he claimed were original stones from the cabin’s chimney. He also inserted tablets honoring Boone and himself. He completed the monument in October 1912.⁷⁶

The following year, Bryan also played an influential role in the placement of the six Boone Trail markers erected by the Daughters of the American Revolution (DAR) in Watauga County, including one located on the lawn of the Watauga County Courthouse in Boone. While Lindsay Patterson is generally credited with the November 1912 proposal to the DAR for the creation of such a trail of markers, circumstantial evidence suggests that Patterson and Bryan may have been working together on the idea well ahead of that. In April 1912, Bryan published a postscript to his letter about the Daniel Boone Monument in the *Watauga Democrat*: “I also want each county in N.C., Tenn., and Va. through which Daniel Boone passed on his way to Kentucky to build a monument on his pathway thro’ the counties through which he passed to mark his trail through the wilderness, as it was in those days. I want this for the benefit of the present and rising generations.”⁷⁷ Bryan also funded and helped write John Preston Arthur’s *History of Watauga County, North Carolina*, in 1915, prompting Arthur to acknowledge that the book was as much Bryan’s creation as his own. Bryan died at the age of 92 from influenza at his home in Boone.⁷⁸

⁷⁶ Arthur, *Watauga County*, 33-34. Arthur claimed that the Town of Boone was so named in 1849/1850 “because of the location of Boone’s cabin within a few hundred feet of its court house.”

⁷⁷ W. L. B., “The Daniel Boone Monument,” *Watauga Democrat*, 25 April 1912: 3. For a discussion of this possible cooperation between Patterson and Bryan, see Randell Jones, *Trailing Daniel Boone*, (Winston-Salem, NC: Daniel Boone Footsteps, 2012), 51-56.

⁷⁸ “Col. W. L. Bryan Crosses the Bar,” *Watauga Democrat*, 27 December 1928: 1.

Richard L. Councill, son of R. L. & C. L. Councill (Nov. 6, 1893-Nov. 20, 1893)



The infant son of Richard Lenoir Councill and Cora L. Bryan Councill, the junior Richard Councill survived just two weeks following his birth in November 1893.⁷⁹

Louis F. Councill, son of R. L. & C. L. Councill (Apr 10, 1892-Feb 8, 1893)



⁷⁹ "Richard Councill, Watauga County, Bryan Family Cemetery, Boone, NC," Ancestry.com, *North Carolina, US Historical Records Survey, Cemetery Inscription Card Index, 1700-2018*, Database Online, (Lehi: UT: Ancestry.com Operations, Inc., 2020), Image 3902.

Affectionately known as “Frank,” Louis Francis Council was the infant child of Richard L. Council and Cora Bryan Council. He appears to have succumbed to an illness of some sort in February 1893, at just ten months of age.⁸⁰

Richard L. Council (Apr 10, 1864-Oct 2, 1895)



Richard Lenoir Council was the son of James Willis Council (1826-1884) and Mary V. Cocke Council (1834-1894). On October 23, 1889, Council married Cora Lee Bryan in the Boone Baptist Church, with R. C. Rivers, Jack Todd, and L. C. Reeves as witnesses to the marriage.⁸¹ Council appears to have been engaged in the building trades for much of his brief career. He apparently helped construct tenement houses for a “Mr. Parker” at Linville in 1889, and he was mentioned as the builder of W. L. Bryan’s storehouse in 1890, when he was described as “a good workman” in the local press.⁸² In 1891, Council briefly relocated to Linville to serve as construction boss for a new hotel there, and in 1892, he built “a fine residence” for W. R. Lovill at Sutherland.⁸³ Council appears to have been working as the local tax collector in the

⁸⁰ “Local News,” *Watauga Democrat*, 2 February 1893: 3; “In Memoriam,” *Watauga Democrat*, 23 February 1893: 3.

⁸¹ “Index to Marriages—Watauga County,” Ancestry.com, *North Carolina, US Marriage Records, 1741-2011*, Database Online, (Provo, UT: Ancestry.com Operations, Inc., 2015), Image 269.

⁸² “Linville Letter,” *Watauga Democrat*, 19 September 1889: 2; “Local News,” *Watauga Democrat*, 21 August 1890: 3.

⁸³ “Local News,” *Watauga Democrat*, 26 March 1891: 3; “Local News,” *Watauga Democrat*, 21 July 1892: 3.

1890s; in 1894, a brief notice mentioned his occupation and the completion of his new home, which consisted of part of the present-day Linney House.⁸⁴ He also is listed as a tax district commissioner in an 1893 advertisement noting his seizure of apple brandy and a still operation belonging to B. F. Eller, Jr., for violation of the US Internal Revenue law.⁸⁵ After years of battling tuberculosis, Council succumbed to his illness on October 2, 1895.⁸⁶

Cora L. Council (1871-1950)



The daughter of William Lewis Bryan and Sarah “Sallie” Hayes Bryan, Cora Lee Bryan married Richard Lenoir Council at Boone in October 1889. The marriage produced three children, only one of which, Pearl Council Russell (1890-1970), survived to adulthood.

Devastated by the deaths of her husband and children, and overwhelmed by debt, Cora Council eventually departed for work as a hotel housekeeper in Asheville in 1899 and later sold the family house at Boone to Frank A. Linney as part of a courthouse sale in 1902.⁸⁷ She remarried to a hotelier, James Robert Webster Woodburn (1859-1909) of Raleigh, in 1905, but that marriage produced no children, and Woodburn’s untimely death once again left her in poverty, forcing her to return to her father’s home in Boone.⁸⁸ Later in 1909, Cora Council Woodburn

⁸⁴ “Local News,” *Watauga Democrat*, 13 September 1894: 3.

⁸⁵ “Notice,” *Watauga Democrat*, 14 December 1893: 4. See also “Notice of Seizure,” *Watauga Democrat*, 28 June 1894: 4, for another such case involving Council.

⁸⁶ “Local News,” *Watauga Democrat*, 3 October 1895: 3.

⁸⁷ “Local News,” *Watauga Democrat*, 30 March 1899: 3; “Notice,” *Watauga Democrat*, 12 June 1902: 2; “Local News,” *Watauga Democrat*, 28 August 1902: 3.

⁸⁸ “Local News,” *Watauga Democrat*, 7 September 1905: 3. On Woodburn’s estate and Cora Woodburn’s suit for deficiency against his estate, see “James W. Woodburn, Rockingham, Wills 1663-

left North Carolina with her daughter Pearl for Baltimore, Maryland, where she worked in a millinery operation, then relocated in 1911 to Statesville, North Carolina, where she opened her own millinery business.⁸⁹ In later years, she worked as a housekeeper and hostess in various hotels in Bristol, Virginia; Raleigh, North Carolina; Asheville, North Carolina; Columbia, South Carolina; Akron, Ohio; and Keystone, West Virginia, before retiring to Boone.⁹⁰

1978; Estate Papers, 1780-1926," Ancestry.com, *North Carolina, US, Wills and Probate Records, 1665-1998*, Database Online, (Provo, UT: Ancestry.com Operations, Inc., 2015), Images 445-449.

⁸⁹ "Local News," *Watauga Democrat*, 25 February 1909: 3; "Local News," *Watauga Democrat*, 21 April 1910: 3; "From Our Early Files," *Watauga Democrat*, 5 January 1950: 9.

⁹⁰ "Town and County," *Watauga Democrat*, 13 December 1917: 1; "Local Affairs," *Watauga Democrat*, 12 December 1918: 3; "Mrs. Council Taken by Death," *Watauga Democrat*, 15 June 1950: 1.

F. PROPOSED MARKER TEXT

Title: *The Hayes-Bryan-Greene Cemetery*

For Option A: *Located 440 yards to the north-northwest, the Hayes-Bryan-Greene Cemetery contains the graves of several key figures in Boone's early history. Known as the "stepfather of Boone," Ransom Hayes (circa 1805-1868) donated 25 acres for the laying out of the new Watauga County seat in 1849. Judge Leander Lawrence Greene (1845-1898), who later acquired the Ransom Hayes residence, rose to prominence in Boone as a lawyer and outstanding jurist during the late nineteenth century. He also operated an early Boone newspaper. William Lewis Bryan (1837-1928) was a Meat Camp native who married Ransom Hayes's daughter, Sallie. Bryan was appointed by the NC legislature as Boone's first mayor in 1872—a position he held intermittently for more than 25 years. A prominent hotelier and businessman, Bryan's numerous tourism initiatives, including the Daniel Boone Monument and the Daniel Boone Trail, boosted Boone's early twentieth-century economy and solidified local lore associating Daniel Boone with the Boone vicinity.*

36" X 24" Georgia, Sewah Studios

5/8" letters

(Limited to 27 lines, 38 sp/ltr per line, 1,026 total characters, 174 words)

Current Count: 1,012 total characters, 153 words

For Option B: *Located 600 yards to the northwest, the Hayes-Bryan-Greene Cemetery contains the graves of several key figures in Boone's early history. Known as the "stepfather of Boone," Ransom Hayes (circa 1805-1868) donated 25 acres for the laying out of the new Watauga County seat in 1849. Judge Leander Lawrence Greene (1845-1898), who later acquired the Ransom Hayes residence, rose to prominence in Boone as a lawyer and outstanding jurist during the late nineteenth century. He also operated an early Boone newspaper. William Lewis Bryan (1837-1928) was a Meat Camp native who married Ransom Hayes's daughter, Sallie. Bryan was appointed by the NC legislature as Boone's first mayor in 1872—a position he held intermittently for more than 25 years. A prominent hotelier and businessman, Bryan's numerous tourism initiatives, including the Daniel Boone Monument and the Daniel Boone Trail, boosted Boone's early twentieth-century economy and solidified local lore associating Daniel Boone with the Boone vicinity.*

36" X 24" Georgia, Sewah Studios

5/8" letters

(Limited to 27 lines, 38 sp/ltr per line, 1,026 total characters, 174 words)

Current Count: 1,006 total characters, 153 words

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Cemetery Marker - Location A

Watauga County Tax Information

Parcel ID: 2900-69-7872-000

Tax District: C02 **Land Use:** E01

Ownership Information:

WATAUGA COUNTY
814 WEST KING ST
SUITE 205
BOONE, NC 28607

Property Information:

971 KING ST
OLD AMERICAN WICKER PROPERTY

Building Value: \$750,700
Land Value: \$511,100
Total Value: \$1,261,800

Town of Boone Information

Zoning District: Town Limits

Zoning: B1DI Downtown Interface

Conditional Use: N/A

Conditional: N/A

Corridor District: N/A

Watershed: N/A

Flood Zone: Yes

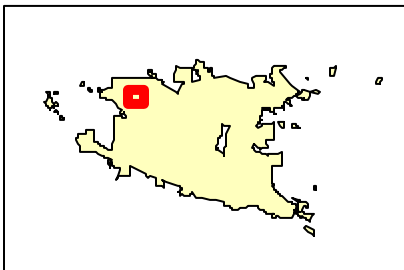
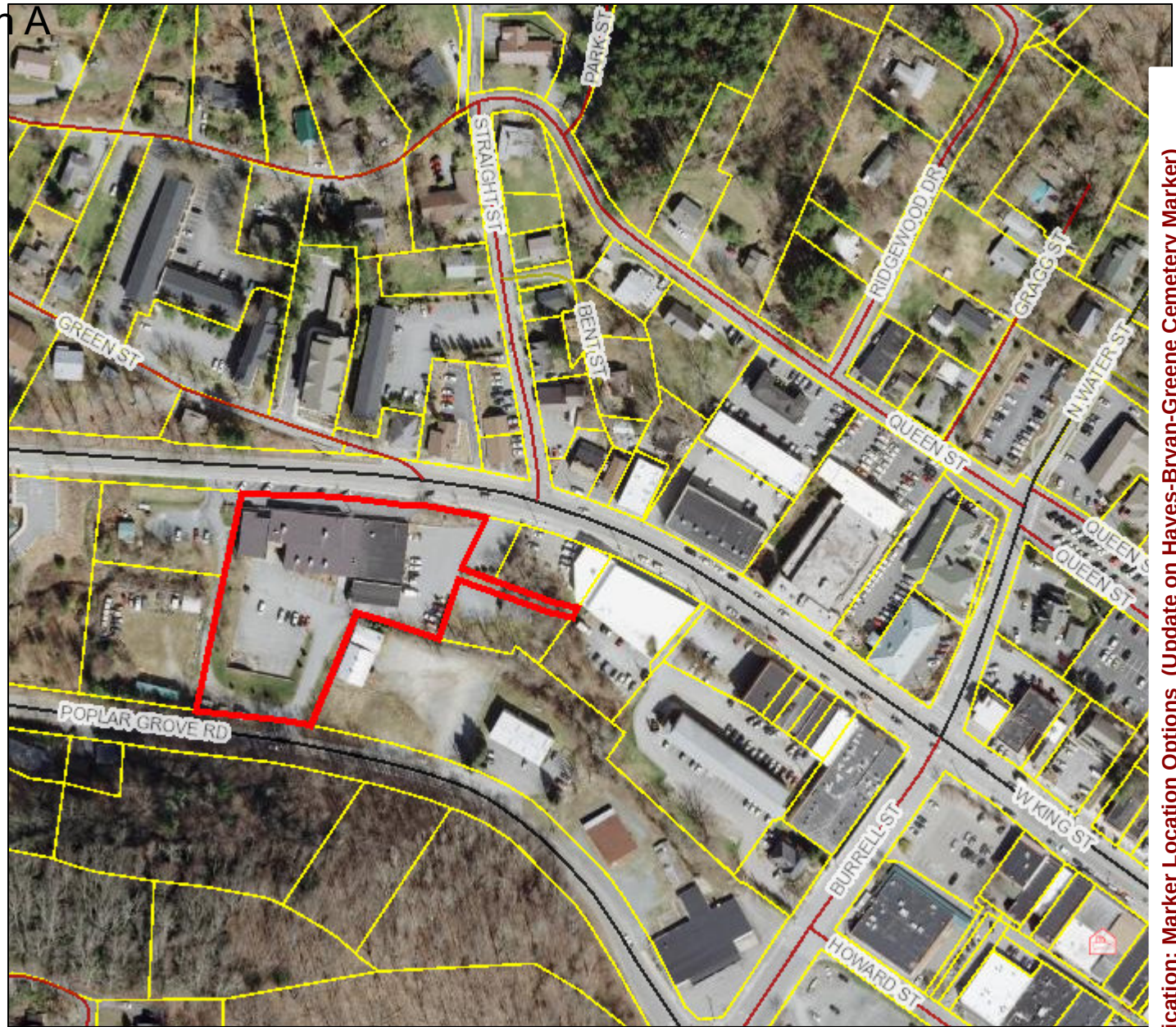
View Shed Protection Area: N/A

Municipal Service District: N/A

Primary Fire District: Yes

Neighborhood Conservation District: N/A

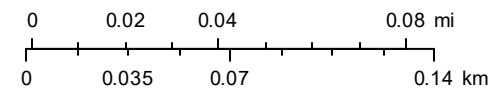
Downtown Boone Local Historic District: N/A



Disclaimer:

This map is based on the Watauga County Tax Parcel Map.
All layers have been modified to this base.
This is a thematic map for general planning purposes only.
This map is subject to quarterly updates and revisions.

1 inch = 216 feet



December 8, 2021



Hayes-Bryan-Greene Cemetery Marker

Location A

Location A corresponds to Proposed Marker Text for Hayes-Bryan-Greene Cemetery for **Option A**. This location option would require permission and cooperation with the Watauga County government.



Cemetery Marker - Location B

Watauga County Tax Information

Parcel ID: 2900-79-7988-000

Tax District: MS1 **Land Use:** E01

Ownership Information:

WATAUGA COUNTY
814 WEST KING ST
SUITE 205
BOONE, NC 28607

Property Information:

842 W KING ST
PAVING ADJ PLANNING-STONE BLDG

Building Value: \$4,000
Land Value: \$122,000
Total Value: \$126,000

Town of Boone Information

Zoning District: Town Limits

Zoning: B1DC Downtown Core

Conditional Use: N/A

Conditional: N/A

Corridor District: N/A

Watershed: N/A

Flood Zone: N/A

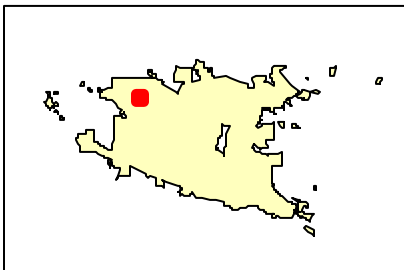
View Shed Protection Area: N/A

Municipal Service District: Yes

Primary Fire District: Yes

Neighborhood Conservation District: N/A

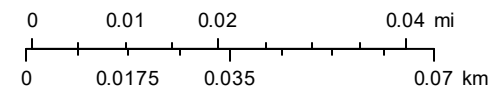
Downtown Boone Local Historic District: Yes



Disclaimer:

This map is based on the Watauga County Tax Parcel Map.
All layers have been modified to this base.
This is a thematic map for general planning purposes only.
This map is subject to quarterly updates and revisions.

1 inch = 108 feet



December 8, 2021



Hayes-Bryan-Greene Cemetery Marker

Location B

Location B corresponds to Proposed Marker Text for Hayes-Bryan-Greene Cemetery for **Option B**. This location option would require permission and cooperation with the Watauga County government.



Proposal for a Town of Boone Historical Marker

Submitted by the Boone Historic Preservation Commission
January 2022 [FINAL DRAFT]

Eric Plaag prepared this marker report with assistance from Virginia Roseman.

A. SUBJECT OF PROPOSED MARKER:

Councill's Store

B. SITE TO BE MARKED:

Original and Final Sites of Councill's Store Building
Watauga County Parcel ID: 2900-88-5833-000
Located due south of intersection of Grand Blvd. and West King St.

C. PROPOSED LOCATION OF MARKER:

Option A: Raised planter area at sidewalk immediately east of driveway to Parcel 2900-88-5833-000, Town of Boone Property, on West King Street opposite Grand Blvd.

Option B: Bulb out immediately east of intersection of Grand Blvd. and West King Street, in NCDOT right of way.

D. DISTANCE AND DIRECTION FROM THE PROPOSED LOCATION TO THE SITE TO BE MARKED: *(for example, 100 yards S.E.)*

Option A: Located at final site of Councill's Store Building

Option B: Located approximately 10 yards southwest of original site of Councill's Store Building

E. HISTORICAL SKETCH:

Evidence for permanent settlement of the area now known as Boone between 1350CE and the late eighteenth century is relatively scant, with most archaeological evidence suggesting that any settlements here by indigenous peoples were seasonal at best, and most, if not all, of them date to before 1350CE. The Little Ice Age period (1400-1850CE) made the mountains of northwestern North Carolina unattractive for permanent settlement because of the brutal winters and abbreviated growing seasons, although it is likely that native peoples continued to perform some seasonal hunting in the area into the eighteenth century. Thus, the commonly held belief that the Cherokee resided in the Boone Creek valley at the time of European

contact and settlement by early longhunters and adventurers is almost certainly a myth.¹

Perhaps the best documentation of an early visit by White adventurers to the area during the eighteenth century resides in the account of Bishop August Gottlieb Spangenberg (1704-1792), a Moravian minister who led a party of surveyors through the New River valley in 1752.² Spangenberg reported relying on a local hunter who claimed to be familiar with the area, as well as encountering another hunter who directed them to a meadow he had just visited. This strongly suggests that White adventurers had already explored the Boone basin prior to Spangenberg's arrival, although no accounts of their efforts are known to survive. Also unknown is whether any of those hunters and trappers had permanently settled in the Boone Creek area before the 1760s.

Local tradition holds that Daniel Boone, a resident of Yadkin Valley to the east of the Blue Ridge crest, frequently hunted in the area that is now Watauga County during the mid to late 1760s, although little, if any, direct evidence exists to support the tradition that he actually hunted at what is now Boone. A related tradition, popularized by Boone's first mayor, William Lewis Bryan, in the 1910s, was that Boone frequently encamped during the 1760s at a cabin owned by Benjamin Howard and located on the present-day campus of Appalachian State University (near the present site of the *Daniel Boone with Hunting Dogs* statue). Little direct evidence exists for any of these claims, and Bryan's reputation as a crafty and determined booster for bringing improved roads to the Town of Boone in the early twentieth century suggests that these stories may indeed be nothing more than that.³

Permanent colonial settlement of the Watauga County area more broadly was certainly well underway by the early 1770s, and in 1790, the Three Forks Baptist Church—then located just over two miles east of downtown Boone—became the first church established in what is today Watauga County (at that time part of Wilkes County), with several dozen members listed during the 1790s in church records.⁴ As

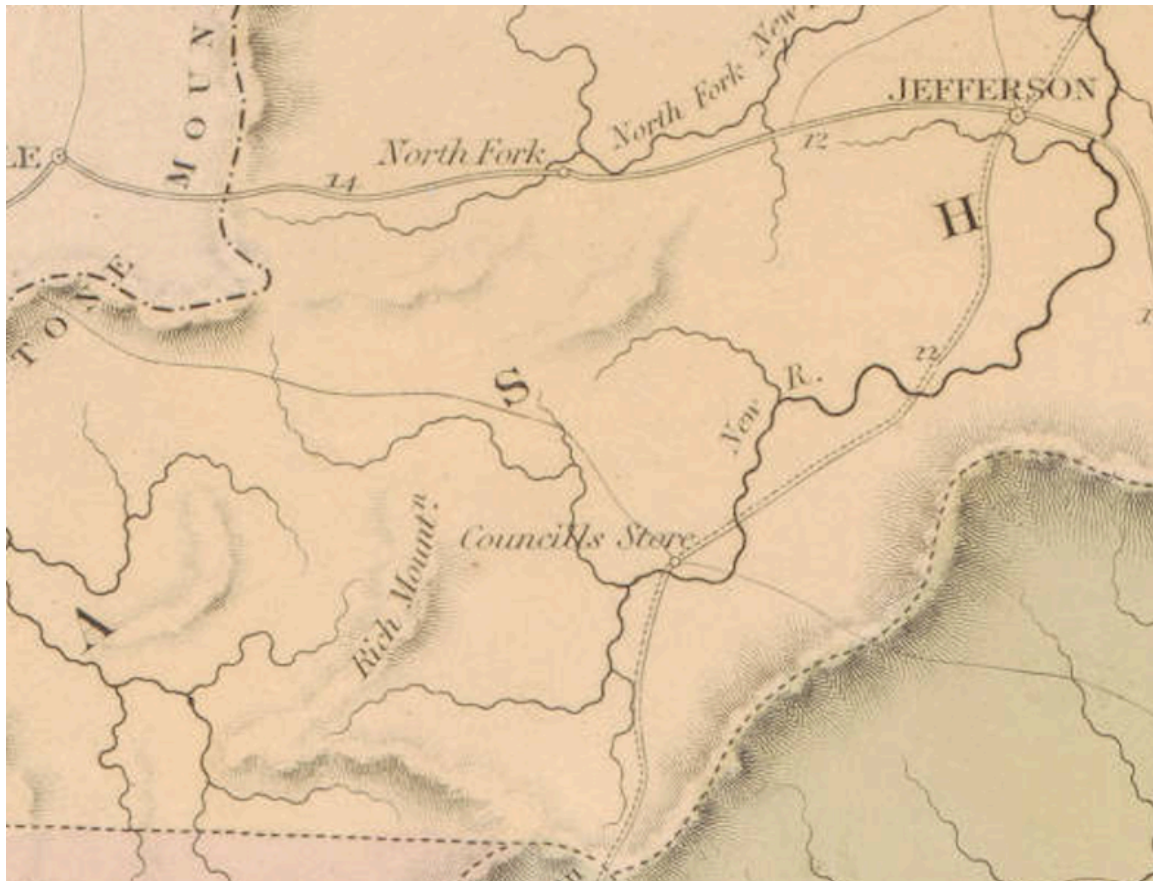
¹ Tom Whyte, *Boone Before Boone: The Archaeological Record of Northwestern North Carolina through 1769*, (Jefferson, NC: McFarland and Company, Inc, 2020), 157.

² August Gottlieb Spangenberg, *Journal of August Gottlieb Spangenberg's Voyage to North Carolina to Establish a Moravian Settlement [Translation]*, Volume 5, 1-14, *Colonial and State Records of North Carolina*, Documenting the American South, online, <https://docsouth.unc.edu/csr/index.php/document/csr05-0001>.

³ John Preston Arthur, *A History of Watauga County, North Carolina*, (Richmond: Everett Waddey Co., 1915), 32-35, 38-40. Howard lived near the Yadkin River but allegedly herded cattle during the summer months in the Boone Creek valley, and the tradition claims that Howard's herders—including an enslaved man named Burrell—and the occasional hunter used the cabin as a storehouse and residence when in the vicinity. Howard, a Tory at the beginning of the American Revolution, is also reported to have hidden in a cave on the north side of Howard's Knob when American Patriots were hunting for him. He later joined the American cause. His daughter Sallie later married Jordan Councill, Sr. See Arthur, 64-65.

⁴ Arthur, *Watauga*, 71-74.

for the area that was later designated as Boone with the establishment of Watauga County, John Preston Arthur reports that John and Jerry Green, two brothers, were the first settlers of the immediate vicinity, with one brother living in the area of present-day Green Street and the other living on the property where the Jones House is currently located. The Green brother living in the Green Street vicinity reportedly later sold his property to Ransom Hayes, while the other brother sold his property to Jordan Council, Jr.⁵



Earliest known map showing the location of Council's Store in Ashe County, detail crop from David H. Burr, *Map of North and South Carolina Exhibiting the Post Offices, Post Roads, Canals, Rail Roads, Etc.*, 1839, North Carolina Maps, online, <https://dc.lib.unc.edu/cdm/singleitem/collection/ncmaps/id/624/rec/5>.

Prior to the 1820s, however, no post offices appear to have been located at present-day Boone or in the area that would become Watauga County before 1823, no doubt reflecting how thinly settled the area still remained. The first such post office at present-day Boone was known as Council's Store, named for Jordan Council, Jr., the long-time postmaster who later donated land and helped lay out the plat for the Town of Boone, the new Watauga County seat in 1849. Claims differ regarding the date for the establishment of the Council's Store post office, but the most reliable

⁵ Arthur, *Watauga*, 147. An extensive search of deed records in both Ashe and Watauga Counties has not identified a deed documenting either transaction.

sources have settled on official establishment occurring on July 20, 1823.⁶ This date appears to be affirmed by an article that appeared in the *Western Carolinian* in April 1824 discussing post offices established “within the last year.”⁷ That said, there is some evidence that there was some effort to establish a mail stop at Jordan Council, Jr.’s store as early as 1822, when a route proposal for Route 147 included, “From Greenville, Va. by Edwards’s, Williams’s, McMillan’s and Jefferson, Asheville to Jordan Councils, once in two weeks, 60 miles.”⁸ The authorization of a portion of this route appears to have been affirmed by an act of Congress passed in May 1822, calling for the establishment of a route “from Ashe Court House to Jordan Councils, in same county.”⁹

As this information implies, the first postmaster was Jordan Council, Jr. (1799-1875), a prominent merchant and enslaver who operated a store of that name on the north side of present-day King Street and just east of Grand Boulevard near the present site of the Daniel Boone Condominiums in downtown Boone.¹⁰ Some sources have alleged without citation that the first post office stood near the home of Jordan Council, Sr. (1769-1838), also known as the “Buck Horn Tree Place,” but there is no direct evidence for this and considerable evidence to the contrary.¹¹ Early Watauga County historian John Preston Arthur, however, is definitive about Jordan Council, Jr., building the store and post office that stood on the old Dr. W. B. Council property (the same location where Jordan, Jr., built his home):

⁶ “Ashe County,” *North Carolina Postmark Catalog Update*, North Carolina Postal History Society, April 17, 2020, online, http://www.ncpostalhistory.com/wp-content/uploads/2020/04/PostmarkCatalog_ashe_county-20200417.pdf. For an overview of Boone’s early postal history, including a list of postmasters, see “Boone Post Office Serves 10,000 People; History Dates from 1823,” *Watauga Democrat*, 23 June 1949, Centennial Edition: 5. Inexplicably, one source claims a date of July 2, 1809, claiming that the post office was located “at the Mast General Store,” which is not only false, but the information provided thereafter also clearly references the post office at the Mast General Store in Valle Crucis, which has no relationship to the Boone post office. See Anita Price Davis, “Boone,” *New Deal Art in North Carolina*, (Jefferson, NC: McFarland and Company, Inc., 2009), 33.

⁷ “New Post-Offices,” *Western Carolinian*, 27 April 1824: 2. This article claims to be quoting from an issue of the *National Intelligencer*, believed to be “A List of Post Offices, Established from the 1st January, 1823, to 31st March, 1824, Inclusive,” *Daily National Intelligencer*, 12 April 1824: 2.

⁸ “Proposals,” *Daily National Intelligencer*, 19 July 1822: 2.

⁹ “By Authority,” *Providence Patriot*, 5 June 1822: 1.

¹⁰ The earliest reference found listing Jordan Council, Jr., by his suffix as the postmaster at Council’s Store is *List of the Post-Offices in the United States, with the Names of the Post-Masters, June 1828*, (Washington, DC: Way and Gideon, 1828), 25. Council was listed as enslaving 13 individuals in 1850 and 11 in 1860. See Ancestry.com, *1850 US Federal Census—Slave Schedules*, database online, (Lehi, UT: Ancestry.com Operations, Inc., 2004) and Ancestry.com, *1860 US Federal Census—Slave Schedules*, database online, (Lehi, UT: Ancestry.com Operations, Inc., 2010).

¹¹ See, for example, J. E. Hodges, “Dr. Hodges Gives Early History of Boone P.O.; Once Was in Ashe,” *Watauga Democrat*, 21 March 1957, Second Section: 1. Hodges confirms Jordan Council, Jr., as the first postmaster, but he also wrote, “We are told that this store stood near the “Buckhorn tree” which was in the community where the Advent Christian Church now stands.” Earlier accounts place the tree itself on the property where A. E. Hamby had his home in 1931. See “Boone’s Fast Development Depicted in Unique History,” *Watauga Democrat*, 12 February 1931: 6.

Jordan Council, Sr., lived where Jesse Robbins has recently built two cottages, and near which stood the old Buck Horn oak. Jordan Council, Jr., son of Jordan, Sr., built and occupied the old frame residence which still stands north of the road to Jefferson. It was probably the first frame house built in the county, and was for years the finest house in this section of the State. The store house used by Jordan Council, Jr., stood west of his residence and between the office building erected by Dr. W. R. [sic] Council and the road. The store house was afterwards moved across the road to its present location, and is now occupied as a residence by R. M. Greene.¹²

Arthur's account describing one of the Jordan Council, Jr., store buildings as later being incorporated into what became the Greene Inn on the south side of King Street seems to be affirmed by some later accounts functioning independently of Arthur's claims. Nevertheless, a common source of confusion is Arthur's separate note about D. B. Dougherty building "a small house for the post office just east of the Critcher hotel soon after the Civil War. It was enlarged and improved and used by D. Jones Cottrell as a store room about 1909 and since."¹³ Indeed, Confusion about the evolution of Jordan Council, Jr.'s store building and the Dougherty post office has reigned for more than a century. A history of Boone's development penned by the "primary department of Appalachian State Teachers College" in 1931 claimed that Jordan Council, Jr., "also built a store on the site now occupied by the Greene Inn."¹⁴ Writing in 1954, however, Rob Rivers, Jr., reported on the demolition of the Greene Inn and said,

The Greene Inn, ancestral home of Dr. B. B. Dougherty, and later the residence of Mr. and Mrs. R. M. Greene, is giving up its honored place in the center of town.... Mrs. Roy Rufty reminds us that the house was the property of her grandfather, Daniel B. Dougherty, former editor of the *Watauga Democrat*, and that the original portion of the building was a store house, which she believes was constructed about 1848.... Historian Arthur refers to this store house as the former property of Jordan Council, Jr., and says it was moved from across the street to become the start of the Dougherty-Greene house.¹⁵

¹² Arthur, *Watauga County*, 151.

¹³ Arthur, *Watauga County*, 155. It does not help that old deeds and even early issues of the *Watauga Democrat* referred to Dougherty's post office and Council's post office interchangeably as "the old post office."

¹⁴ "Boone's Fast Development Depicted in Unique History," *Watauga Democrat*, 12 February 1931: 6. This article appears to be leaning on Arthur's account, as it later states, "The store house used by Jordon [sic] Council, Jr., stood west of his residence and between the office building erected by Dr. W. R. [sic] Council and the road. The storehouse was afterward moved across the road, where the residence of David Greene now stands."

¹⁵ Rob Rivers, Jr., "King Street," *Watauga Democrat*, 18 March 1954: 1, 4.



Detail crop from L. A. Ramsour's circa 1885 image of Boone from the southwest. King Street runs west to east from left to right between the Councill properties north of the road and the Old Brick Row and Dougherty House to the south of the road. Labels are speculative based on available evidence. Image from the Historic Boone Collection, Digital Watauga Project.

Relying on the circa 1885 image by L. A. Ramsour (above), it's clear that the Dougherty home—which we know was extant in the 1880s—sat some distance to the east of the east end of the Old Brick Row, at a site that aligns with the later site of the Greene Inn, approximately where the Veterans Memorial is positioned on Town of Boone property today. One mystery from the Ramsour image is the source of the “old post office building” that Arthur attributes to Dougherty from shortly after the close of the Civil War, since it could not possibly have been the storehouse taken over by D. J. Cottrell about 1909, as it sat east of what was later Cottrell's property. We know, for example, that Mrs. R. M. (Etta) Greene (daughter of D. B. Dougherty) apparently opened “a very neat and attractive line of goods in the old postoffice building, near D. B. Dougherty's” in 1900, suggesting that the post office building constructed by Dougherty was distinct from his home but located nearby.¹⁶ The Dougherty heirs then sold the 42-acre parcel containing the Dougherty House, the “old post office building” (Dougherty's, not Councill's), and the land later used by Cottrell to Etta M. Greene in March 1904, inclusive of the fenced field shown in the Ramsour image between the Dougherty House and the Old Brick Row. Etta Greene in turn sold this fenced field to Richard M. Greene in October 1904, while Richard and Etta Greene sold the portion between the Old Brick Row and the fenced field to D. J. Cottrell in September 1907, whereupon Cottrell occupied a frame storehouse on the site that had apparently been built or moved there by R. M. Greene at an unknown date.¹⁷ Further evidence of this was published in 1907, when the *Watauga*

¹⁶ “Local News,” *Watauga Democrat*, 23 August 1900: 3.

¹⁷ For chain of title, see D. D. Dougherty and B. B. Dougherty to Etta M. Greene, 1 March 1904, Deed Book Y, Page 550; Etta M. Greene to Richard M. Greene, 20 October 1904, Deed Book 3, Page 144; R. M. Greene to Etta M. Greene, 20 February 1905, Deed Book 4, page 37; and R. M. Greene and Etta M.

Democrat announced, “D. J. Cottrell has purchased the R. M. Green store house and lot, and Mr. Green is building a new store house in his yard near the residence of Attorney Fletcher,” which would have been east of the Dougherty/Greene home.¹⁸ This Cottrell land was later sold to J. L. Qualls for construction of the Qualls Block in 1921.¹⁹ Meanwhile, the Greens retained the eastern portion of the fenced field, later selling it to John W. Hodges in 1926; on this property sat the frame building that housed the Greene and Bingham Edison shop and, after 1926, the Hodges Drug Company (later the Carolina Pharmacy) and the Watauga Drug Store.²⁰



Detail crop from circa 1923 image showing the east part of downtown Boone from the south, running from west (Watauga County Bank) to east (Jordan Council, Jr. House). Image courtesy of the John Waite Stemwinder Collection, Digital Watauga Project.

A more viable explanation for the history of these properties—Council’s post office and Dougherty’s post office—is that they became confused in the public mind. The available, reliable evidence seems to suggest that the story about Council’s store being moved from the Council property on the north side of King to the south side of King, then being incorporated into the Dougherty residence (later the Greene Inn) is probably correct, although the timing for this move is not known. Whether this was the original post office and store run by Jordan Council, Jr., in the 1820s or a later iteration (perhaps 1840s) is also unfortunately lost to history. Meanwhile, the construction date for the Dougherty post office is also unclear. It is possible that

Greene to D. J. Cottrell, 16 September 1907, Deed Book 12, Page 114. Note that the “Greene” name is alternatively spelled as “Green” in numerous documents and publications.

¹⁸ “Local News,” *Watauga Democrat*, 26 September 1907: 3. Greene demolished this later store house in 1925 in order to expand the Greene Inn. See “Local Happenings,” *Watauga Democrat*, 22 October 1925: 1. Fletcher’s land was located to the east of the Greene parcel.

¹⁹ On the location of Cottrell’s old store, see “Local Affairs,” *Watauga Democrat*, 15 April 1920: 3; R. M. Greene and Etta M. Greene to D. J. Cottrell, 16 September 1907, Deed Book 12, Page 114; and D. J. Cottrell and Texie Cottrell to J. L. Qualls, 9 June 1919, Deed Book 22, Page 400.

²⁰ See R. M. Green and Etta M. Green to David F. Green and D. B. Bingham, 4 May 1921, Deed Book 28, Page 88; and A. E. and Maybelle South and David and Lucy Greene to John W. Hodges, 22 July 1926, Deed Book 34, Page 366.

D. B. Dougherty constructed his new post office building sometime after about 1885, since that building is not visible in the Ramsour image on the later Cottrell land between the Old Brick Row and the Dougherty House. Another explanation might lie with the building located just to the east of the Dougherty residence in the 1885 Ramsour image. Clearly located on Dougherty's land immediately east of his home, this would seem to align with the post office described as being due south of W. B. Council's medical offices in 1889, and it would make sense that he built a new building for that purpose nearby after conversion and expansion of the old Council store into his private residence.²¹ To align this building with Cottrell's 1907 use of the old Greene store house, it's quite possible that Greene moved the old building seen to the east of Dougherty House in the 1885 image (in other words, the old Dougherty post office) to the Cottrell lot at some time prior to Cottrell's 1907 acquisition of the store and lot.



Detail crop of map showing the crossroads at Howard, not to be confused with the location of Boone. John McRae and Robert Brazier, *A New Map of the State of North Carolina*, 1833, North Carolina Maps, online, <https://dc.lib.unc.edu/cdm/singleitem/collection/ncmaps/id/181/rec/9>.

In any case, what seems certain is that the community known as Council's Store was focused on Jordan Council, Jr.'s storehouse on the north side of present-day King Street at the present site of the Daniel Boone Condominiums at least by the 1840s,

²¹ See "W. B. Council, M. D.," advertisement, *Watauga Democrat*, 7 November 1889: 3.

and that sometime before 1885, Council's store building was acquired by D. B. Dougherty and moved across the street to serve as Dougherty's residence. To add further confusion to this story, it should be noted that some early (1830s-1840s) maps of Ashe County omit Council's Store and instead show a crossroads at a community labeled as "Howard." While this has sometimes been interpreted to mean that Boone was once known as Howard, a more careful evaluation of these early maps and the landmarks contained within them suggests that the community of Howard was east of the South Fork of the New River in the vicinity of present-day Rutherwood. A search for "Howard" as an Ashe County or Watauga County post office prior to 1881, however, has not yielded any results.²²

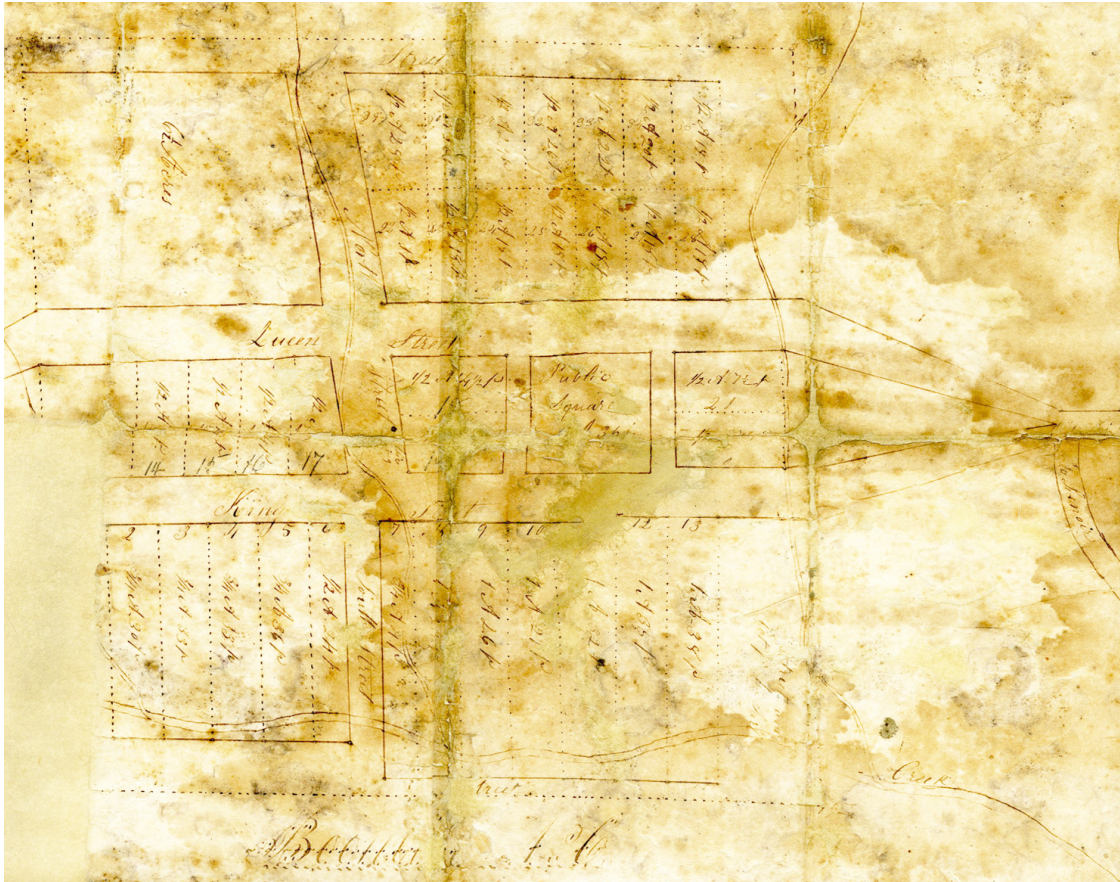
On January 27, 1849, the North Carolina legislature approved a bill to establish a new county from portions of Ashe, Wilkes, Caldwell, and Yancey Counties, and two days later, the legislature passed a subsequent bill establishing guidelines for the governance of the new county and location of the new county seat. The legislature specified that the first session of the new county's court was to be held at the home of Jordan Council, Jr., who—along with Ransom Hayes—had donated land for the new town.²³ The legislation did not specify a name for the new county seat, but it did name Jordan Council, Jr., Jonathan Horton, and Noah Mast as the new county commissioners who would be responsible for laying out the new town. The commissioners likely completed the 1849/1850 map of the town of Boone sometime in mid-1849, since they were advertising the sale of town lots in the new town of Boon (yes, that spelling is correct) by late May 1849.²⁴ This advertisement specified that the new county seat was located "near Council's Store," and the lots laid out for the new town stretched from just west of Council's Store (near present-day Depot Street) west to a point just east of Straight Street and north from present-day Rivers Street to present-day North Street. It's not clear whether the town name was intended to honor Daniel Boone, as local tradition holds, but the location of the new county seat so close to Council's Store no doubt reflected Jordan Council, Jr.'s outsized influence in the community. Nevertheless, by July 1850, Council had acquiesced to the name of his post office being changed from Council's Store to

²² See, for example, "Ashe County," *North Carolina Postmark Catalog Update*, North Carolina Postal History Society, April 17, 2020, online, http://www.ncpostalhistory.com/wp-content/uploads/2020/04/PostmarkCatalog_ashe_county-20200417.pdf. "Howard" was a Watauga County post office from 1881 to 1905, however. See "Watauga County," *North Carolina Postmark Catalog Update*, North Carolina Postal History Society, April 22, 2017, online, http://www.ncpostalhistory.com/wp-content/uploads/2017/04/PostmarkCatalog_watauga-county-20170422.pdf.

²³ See Chapters XXV ("An Act To Lay Off and Establish a New County By the Name of Watauga") and XXVI ("An Act Supplemental To an Act, Passed at the Present Session of the General Assembly, Laying Off and Establishing the County of Watauga," *Laws of the State of North Carolina, Passed by the General Assembly, at the Session of 1848-'49*, (Raleigh: Thomas J. LeMay, 1849), 66-72. On the donation of land by Hayes and Council, see Arthur, *Watauga County*, 115.

²⁴ See "Sale of Town Lots," advertisement, *Weekly Raleigh Register*, 27 June 1849: 4; and "Town Lots for Sale," *Carolina Watchman*, 7 June 1849: 3. The ad in both instances was dated May 28, 1849. "Boon" and "Boone" were used interchangeably for the new town in numerous sources during 1849 and the 1850s.

Boone.²⁵ Jordan Councill, Jr., continued to serve as postmaster until 1859, when Joseph C. Councill served for one year in that role; Jordan Councill, Jr., then resumed the post until his retirement in 1866.²⁶ Official incorporation of the new town as its own governmental entity would wait another 23 years after it was first laid out, however, finally coming to pass on January 23, 1872.²⁷



1849/1850 map showing the layout of Boone, North Carolina, new seat of Watauga County, as contemplated by the county's new commissioners, including Jordan Councill, Jr. Image courtesy of the Historic Boone Collection, Digital Watauga Project.

²⁵ *Weekly Standard*, 10 July 1850: 3. On Councill's influence, see Arthur, *Watauga County*, 114-15.

²⁶ J. E. Hodges, "Dr. Hodges Gives Early History of Boone P.O.; Once Was in Ashe," *Watauga Democrat*, 21 March 1957, Second Section: 1; and "Boone Post Office Serves 10,000 People; History Dates from 1823," *Watauga Democrat*, 23 June 1949, Centennial Edition: 5.

²⁷ See Chapter L ("An Act to Incorporate the Town of Boone in the County Watauga"), *Private Laws of the State of North Carolina, Passed by the General Assembly at Its Session 1871-'72*, (Raleigh: Theo N. Ramsay, 1872), 81-82.

F. PROPOSED MARKER TEXT

Title: *Councill's Store*

For Option A: *Once located 30 yards north, Councill's Store was the area's first post office, established in 1823 and operated by Jordan Councill, Jr. (1799-1875), a prominent merchant, livestock trader, and slaveholder. In 1849, the North Carolina legislature appointed Councill as one of three commissioners tasked with laying out the town of Boon, later Boone, as the seat for the newly established Watauga County, specifying its location on land that Councill and Ransom Hayes donated for that purpose just west of Councill's Store. Councill, who served as the local postmaster from 1823 to 1859 and from 1860 to 1866, consented to changing the post office name to Boone in 1850. By the 1880s, Daniel B. Dougherty acquired the old Councill's Store building and moved it to this site, expanding and converting the old store into his private residence. Dougherty's sons sold the property in 1904 to the Greene family, who operated the Greene Inn, a tourist home, out of the building until its demolition in 1954.*

36" X 24" Georgia, Sewah Studios
5/8" letters

(Limited to 27 lines, 38 sp/ltr per line, 1,026 total characters, 174 words)

Current Count: 1,000 total characters, 164 words

For Option B: *Once located 10 yards northeast, Councill's Store was the area's first post office, established in 1823 and operated by Jordan Councill, Jr. (1799-1875), a prominent merchant, livestock trader, and slaveholder. In 1849, the North Carolina legislature appointed Councill as one of three commissioners tasked with laying out the town of Boon, later Boone, as the seat for the newly established Watauga County, specifying its location on land that Councill and Ransom Hayes donated for that purpose just west of Councill's Store. Councill, who served as the local postmaster from 1823 to 1859 and from 1860 to 1866, consented to changing the post office name to Boone in 1850. By the 1880s, Daniel B. Dougherty acquired the old Councill's Store building and moved it to the south side of King Street, expanding and converting the old store into his private residence. Dougherty's sons sold the property in 1904 to the Greene family, who operated the Greene Inn, a tourist home, out of the building until its demolition in 1954.*

36" X 24" Georgia, Sewah Studios
5/8" letters

(Limited to 27 lines, 38 sp/ltr per line, 1,026 total characters, 174 words)

Current Count: 1,024 total characters, 168 words

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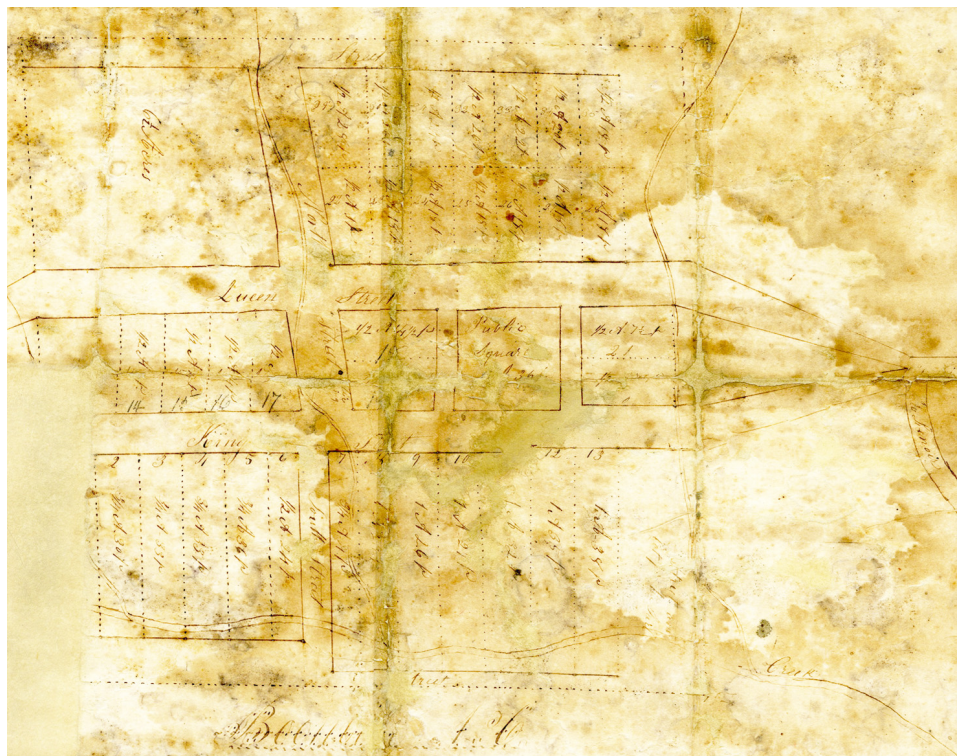
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Howard Street

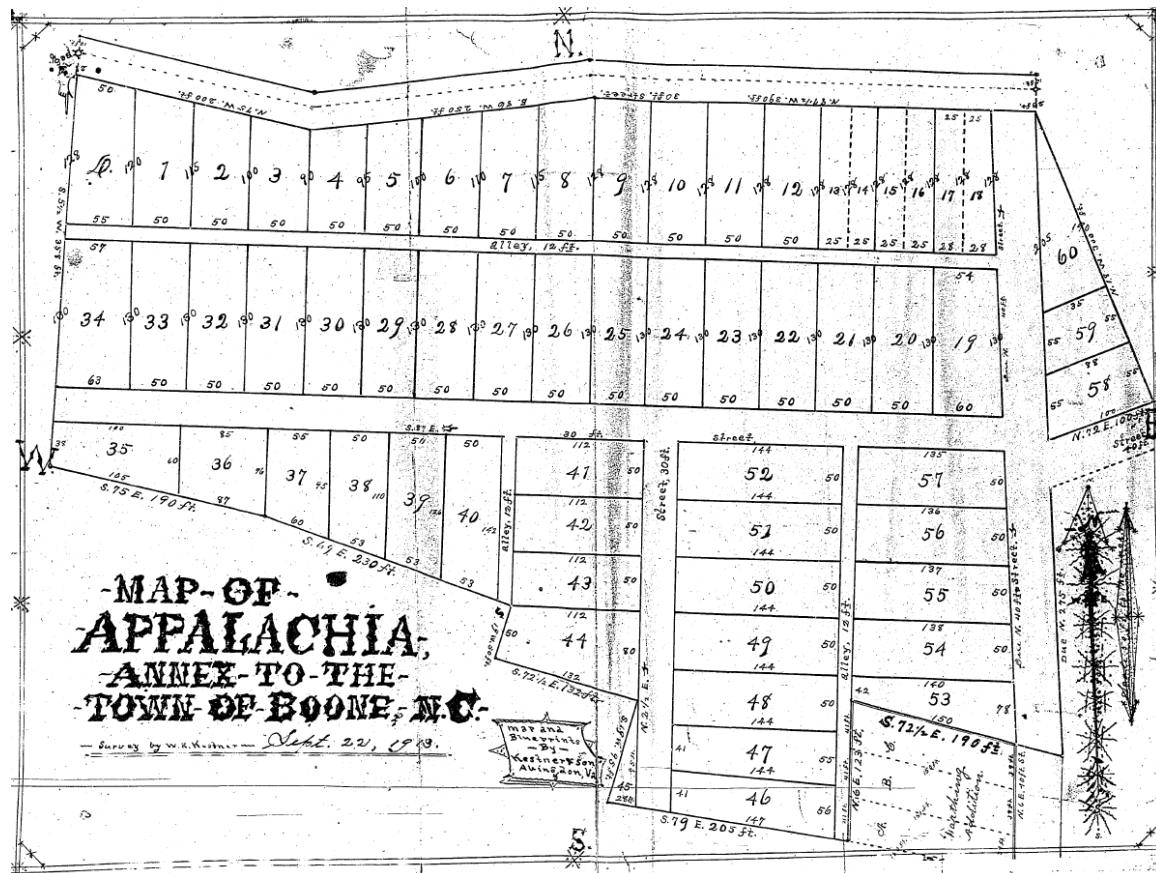
While no definitive evidence has been found to attribute the Howard Street name to Benjamin Howard, it is almost certain that local officials had Benjamin Howard in mind when they first named the street in the 1910s. While Howard's home was actually near Elkville on the Yadkin River, local tradition holds that he herded cattle in the New River valleys, often using the area near Boone Creek, where he had a hunting cabin located near the present *Daniel Boone with Hunting Dogs* statue on the ASU campus. Nearby Howard's Knob, just north of Boone, is named for Howard, who allegedly hid in a cave on the north side of the ridge when American Patriots pursued him during the American Revolution for his Loyalist allegiances. He later joined the Patriots' cause. His daughter, Sallie Howard, married Jordan Council, Sr., an early Boone settler, whose home—the Buck Horn Tree Place—was located just north of the eastern portion of Howard Street and just west of present-day Coffey Street.¹



1849/1850 Map of Boone laying out the land acquired for the new Watauga County seat. King and Queen Streets correspond to the present-day streets of the same name. North and South Streets correspond to present-day Water and Burrell Streets. The alley to the east of the Public Square is present-day Linney Street. The name of the street at the bottom of the map, which roughly corresponds to present-day Rivers Street, is lost due to water damage to the map. Note that Howard Street was not contemplated as a route when the town was laid out. Image from the Historic Boone Collection, Digital Watauga Project.

¹ John Preston Arthur, *A History of Watauga County, North Carolina*, (Richmond: Everett Waddey Co., 1915), 64.

Present-day Howard Street in Boone is divided into two segments. The first runs from Burrell Street east through Depot and Appalachian Streets to a loop at the rear of the Turchin Center for the Visual Arts. The second segment runs from the traffic circle at the intersection with College Street east to Hardin Street/Blowing Rock Road. Historically, though, Howard Street has a much more complex history of development.



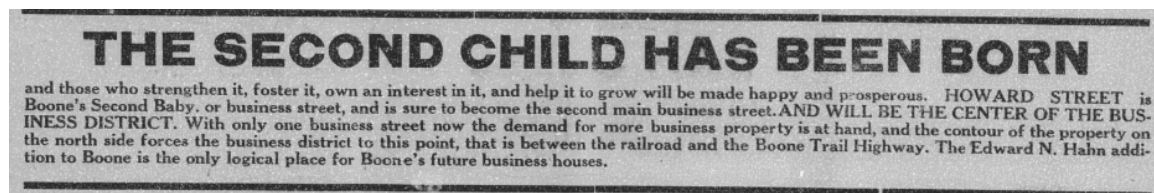
W. L. Kerstner plat of E. S. Coffey's "Appalachia" addition to Boone, 1913. Howard Street runs left to right through the middle of the plat, with King Street at the top. Hardin Street/Blowing Rock Road is at the far right edge of the plat. The map's title is overlaid on the area reserved to the Boone Cemetery.

The original 1849/1850 map of Boone clearly shows that no such roadway was contemplated in the original town plan, with the lots on the south side of King Street extending across Boone Creek to a roadway that was roughly in line with modern-day Rivers Street. At least on the western end of what would become Howard Street, there does not appear to have been any effort to establish a secondary roadway to the south of the King Street lots until the 1920s; postcard views of this area from 1905 and 1915 show no such route established.² By contrast, the eastern portion of

² J. J. Coffey, "Boone, NC," Bobby Brendell Postcard Collection, Digital Watauga Project, online, <http://digitalwatauga.org/items/show/20588>; Albertype Company, "Highest County Site East of the

Howard Street appears to have been established in 1913, when E. S. Coffey's "Appalachia" (bounded roughly by East King Street to the north, Hardin Street to the east, the Farthing addition and the Boone Cemetery to the south, and lands between the cemetery and College Street to the west, colloquially referenced as the "Kerstner Plat") was annexed into the Town of Boone's boundaries.³ While this street does not appear to have been formally named at that time, by 1915, Coffey clearly referenced it as "Howard Street" in an advertisement for the auction sale of Lot 22 on the Kerstner Plat.⁴

In June 1924, plans for developing the western portion of the Howard Street corridor took shape in dramatic fashion, with clear references to the Watch Boone Grow campaign that had begun following the arrival of the Linville River Railway in late 1918. In a full page ad, the Globe Realty and Auction Company announced the auction of two parcels, one of which was a part of the Edward N. Hahn (former Dick Fletcher) property located to the south of Howard Street, presently the site of the Fairfield Apartments and ASU Physical Plant. This ad contained a section announcing this part of Howard Street as "Boone's Second Baby" and its future as Boone's "second main business street," with the contours of the north side of Howard Street forcing future development to the south side.⁵ This also strongly suggests that Howard Street—at least between Depot and the Boone and Blowing Rock Turnpike (now Appalachian Street)—was established that same year, probably in response to the growth of warehouses near the Linville River Railway tracks located just south of Howard Street. This seems to be affirmed by an article that ran in the same June 5, 1924, issue, announcing, "The Globe Realty & Auction Co. is opening a new street in town, Howard Street by name, and are offering the choice lots along it at public auction Saturday June 14."⁶ A subsequent article that month verified that the western part of Howard was "a new Street to be opened from Water Street at the jail to the High School property."⁷



Excerpt from Globe Realty & Auction Co. advertisement, *Watauga Democrat*, June 5, 1924.

Rockies," Bobby Brendell Postcard Collection, Digital Watauga Project, online, <http://digitalwatauga.org/items/show/20585>.

³ W. R. Kerstner, "Map of Appalachian Annex to the Town of Boone, NC," 22 September 1913, Plats in Deed Book 23, Page 336, Watauga County Register of Deeds. All subsequent deed references are from the Watauga County Register of Deeds.

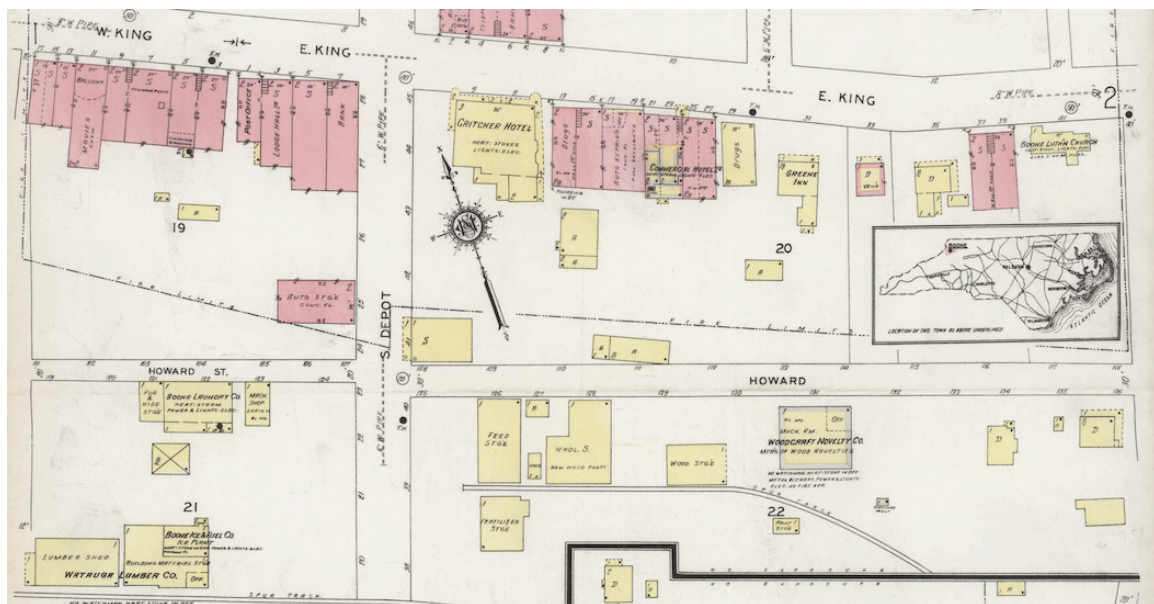
⁴ "Notice," *Watauga Democrat* 1 July 1915: 3. The ad incorrectly listed the lot being auctioned as Lot 2, but the metes and bounds description clearly describes Lot 22 on the Kerstner plat.

⁵ "Sales of Business and Residence Lots," *Watauga Democrat*, 5 June 1924: 3.

⁶ "Tennessee Angler Has Luck in Watauga Waters," *Watauga Democrat*, 5 June 1924: 1.

⁷ "Town Lots Bring the High Dollar," *Watauga Democrat*, 19 June 1924: 1.

The 1925 *Directory of Boone North Carolina* affirms this new, western part of the street through the listings of the Coca Cola Bottling Works near the southeast corner of Depot and Howard Street (labeled as a fertilizer storage building in the 1928 Sanborn Fire Insurance map) and the Maltba Planing Mill just to the west of Depot Street on the south side of Howard (labeled as a machine shop—the Owens Machine Shop—in the 1928 Sanborn Fire Insurance map), as well as listings for numerous White residents living along Howard Street—most likely on the eastern portion of Howard from the 1913 annexation.⁸ More perplexing for some researchers has been the segregated listing of Black residents in the same 1925 directory showing a large concentration of Charles, Folk, Grimes, Hagler, Hennesey, Hickson, Horton, Lenoir, Shearer, and Williams family members on “Howard Street.” Several of these individuals are well documented through deed records as living on North Street at the time, suggesting that the name “Howard Street” was sometimes applied to the street otherwise known as North Street during the 1920s, or—more likely—that the directory publisher incorrectly described this street as Howard Street rather than by the North Street name that appeared in deeds of the time. No other instance of naming North Street as “Howard Street” has been found.⁹

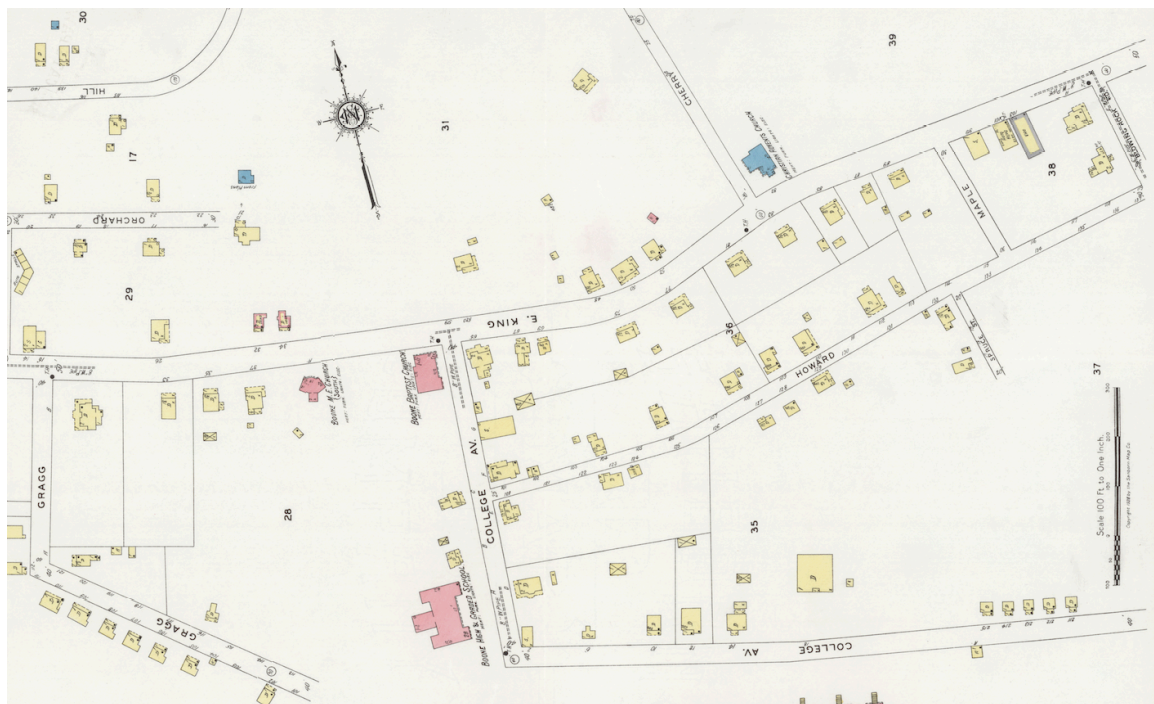


Detail from Page 1 of the 1928 Boone, Watauga County, North Carolina Sanborn Fire Insurance Map showing the western portion of Howard Street. Image courtesy of the Library of Congress.

⁸ See A. Selders, compiler and editor, *Directory of Boone North Carolina*, July 1925, reprint, (Boone, NC: Minors Printing Company, n.d.), Historic Boone Collection, Digital Watauga Project. On the location of the bottling plant, see “Spot Cash Paid for Produce,” *Watauga Democrat*, 5 February 1925: 5.” On the location of the Maltba Planing Mill, otherwise known as the Boone Planing Mills, see “Local Happenings,” *Watauga Democrat*, 5 November 1925: 5; “The Owens Machine Shop Co.,” advertisement, *Watauga Democrat*, 27 October 1927: 4; “Owens’ Machine Shop,” *Watauga Democrat*, 15 November 1928: 8; and “Notice of Trustees Sale,” *Watauga Democrat*, 24 September 1931: 7.

⁹ The Folk, Grimes, Hagler, and Horton families all owned multiple properties in the North Street area in 1925. Coy Williams was the owner of a single lot described as being on North Street; see Deed Book 30, Page 454. Ella Shearer was the owner of a single lot described as being on North Street; see Deed Book 31, Page 486.

Beginning in 1926, residents of the eastern part of Howard Street began lobbying Boone’s mayor and Board of Alderman to pave Howard Street from Pine Street to the Blowing Rock Road. The location of Pine Street has not been verified, but it seems likely that it was the street labeled as “Spruce” on the 1928 and 1947 Sanborn Fire Insurance maps (present-day Brown Street).¹⁰ Additional improvements were made to the eastern portion of Howard Street in 1935 and 1936 using Works Projects Administration funds and matching funds raised by residents of the street.¹¹ Meanwhile, along the western portion of Howard Street, the road remained uncompleted from the Owens Machine Shop to the Bryan-Rivers line (covering approximately the middle third of Howard between Burrell and Depot Streets) until early 1934, when Civil Works Administration funds were secured to complete Howard Street from Burrell (then South Water) Street to Depot Street, creating an uninterrupted route all the way to Appalachian Street.¹²



Detail from Page 2 of the 1928 Boone, Watauga County, North Carolina Sanborn Fire Insurance Map showing the eastern portion of Howard Street at right. Image courtesy of the Library of Congress.

In 1944, the Chamber of Commerce identified a significant problem along the western part of Howard Street that required immediate attention—and that remains largely unaddressed to this day:

At present the sidewalk from the Appalachian High School building to connect with the sidewalk near Dr. Perry’s building [Ivy Hall, at the

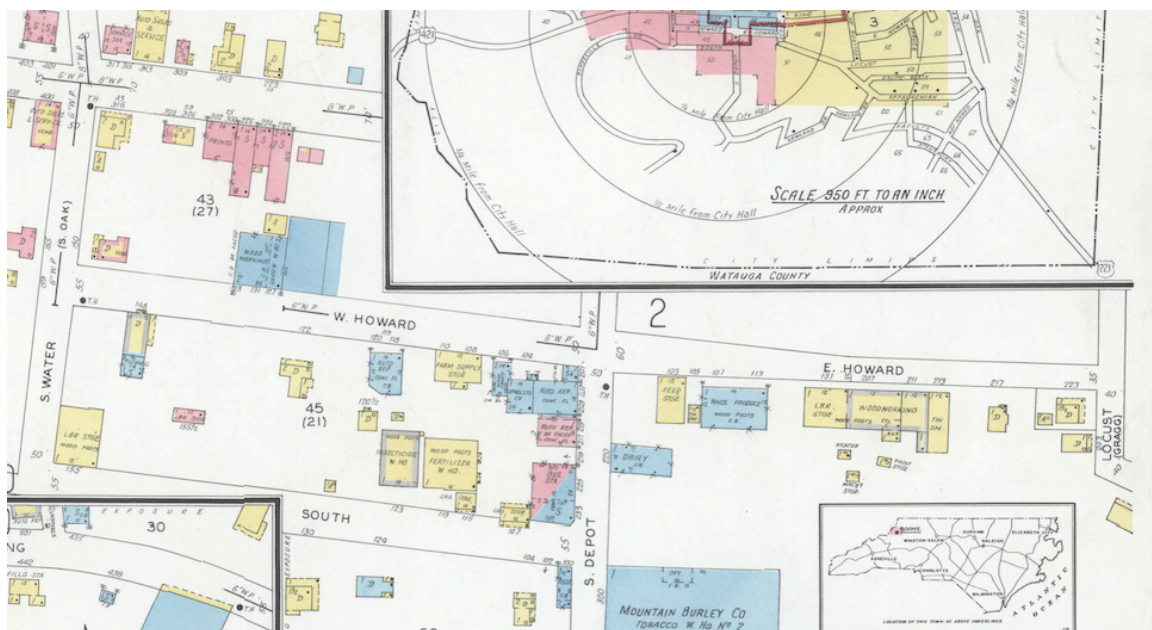
¹⁰ “Notice,” *Watauga Democrat*, 30 September 1926: 7.

¹¹ “Municipality Is Making Strides on Street Work,” *Watauga Democrat*, 5 December 1935: 1.

¹² “New Street Will Be Opened Soon,” *Watauga Democrat*, 14 December 1933: 1.

northwest corner of Howard and Appalachian] is very much needed. In fact it appears to be an absolute necessity. After some child is killed in the narrow, crooked road leading from the school to town, we will immediately build the walk. Why not build the walk now and save the child or children?

The Howard Street from South Water Street to Appalachian Street (old Blowing Rock Turnpike) should be widened before buildings are erected that would have to be moved. The following buildings have been constructed recently, and they are back from the street line enough to permit a wider street: Dr. Perry Building, Goodnight Brothers, Wilcox Drug Co. building, Boone Tire and Bargain store building, Hosiery Mill building, and the Terminal building. Let's act now.¹³



Detail from Page 1 of the 1947 Boone, Watauga County, North Carolina Sanborn Fire Insurance Map. Image courtesy of the Library of Congress. The western portion of Howard Street from Burrell Street (South Water) to Appalachian Street (Locust) is visible running from left to right through the center of the image. Note the division of the western portion of Howard Street as East and West Howard Streets at Depot Street.

While the city council failed to follow through on sidewalks for the entire length of the western part of Howard Street (at that time divided into East and West Howard Streets at Depot Street), they did act in 1947 to plan for several streets throughout town, including the western portion of Howard Street, to be paved for the first time.¹⁴ When this work was delayed more than a year, though, *Watauga Democrat* editor Rob Rivers, Jr., laid into local government about its failure to act:

¹³ "Essential Things Needed for a Bigger and Better Boone," *Watauga Democrat*, 7 December 1944: 1.

¹⁴ "City Streets to Be Paved, Work Started," *Watauga Democrat*, 28 August 1947: 1.

Goodnight Brothers, buying taters and cabbage, and shipping vast cargoes of mountain produce to every section of the country...the deplorable condition of Howard Street in front of their place, particularly when there is rain. Boone's second most important street should be paved, even though the town is pretty short of funds and fostering an intensive street and water expansion program...Howard Street carries the heavy tonnage, embraces some of the town's biggest businesses, and the community credit should stand enough stretching to lay on a surface...With that done, the principal streets would be in good shape.¹⁵



Detail from Page 3 of the 1947 Boone, Watauga County, North Carolina Sanborn Fire Insurance Map. Image courtesy of the Library of Congress. The eastern portion of Howard Street is visible running from lower center to upper right. The termination of the western portion of Howard Street at Appalachian Street (Locust) is visible at lower left.

The pressure from Rivers seems to have forced some action. Two weeks later, Rivers reported, "Howard Street gets the asphalt treatment, as work goes on in the biggest street improvement program since the days when the late WPA poured the cash down to the states, counties and towns...Never has a city administration, so far as we can recall, accomplished so much 'on its own steam...' All the streets which had been surfaced in the past, have been saved from further ruin by retreatment, others have been fixed."¹⁶ A week later, he added, "Howard Street, beautifully paved, and as smooth as a floor, brings joy to the folks who have occasion to use the town's second most important avenue."¹⁷

¹⁵ Rob Rivers, "King Street," *Watauga Democrat*, 16 September 1948: 1.

¹⁶ Rob Rivers, "King Street," *Watauga Democrat*, 30 September 1948: 1.

¹⁷ Rob Rivers, "King Street," *Watauga Democrat*, 7 October 1948: 1.



The western section of Howard Street is seen running from lower right to upper left in this detail crop from a circa 1950 Palmer Blair aerial image of Boone. Image courtesy of the Palmer Blair Collection, Digital Watauga Project.

Despite the improvements, safety concerns remained. In 1962, town officials passed an ordinance to make the eastern portion of Howard Street one way from College Street to Coffey Street, in part to provide parking near the college by devoting one directional lane to parking spaces.¹⁸ Town Council would revisit that concept much later for the western part of Howard Street, which remains one way from Depot Street to Burrell Street in large measure to provide a loading area for delivery vehicles and a pedestrian zone in the former eastbound lane. A similar arrangement

¹⁸ "Town Acts to Relieve Traffic Congestion; Plans One-Way Streets," *Watauga Democrat*, 26 July 1962: 3. As the Mayor Wade Brown and the Town Council noted at that time, much of the congestion was being caused by property owners who were renting to students but failing to provide off-street parking, despite a local ordinance requiring exactly that.

between Appalachian and Depot Streets was abandoned in recent years. Meanwhile, the 1990 construction of Raley Hall (now Kenneth E. Peacock Hall) on the ASU campus forced the realignment of the old Appalachian Street route to Locust Street, effectively creating an extension of the western part of Howard Street to the east beyond Appalachian Street as a service road that terminates in a loop behind the Turching Center for the Visual Arts.

Decades-long efforts to redesign and revitalize the western portion of Howard Street were finally boosted in June 2021 with the announcement of a \$9.7 million US Department of Agriculture loan to help pay for the project. Work is expected to begin in early 2022.¹⁹



The eastern section of Howard Street is seen running through the center of this image from College Street at far left to Hardin Street/Blowing Rock Road at far right in this detail crop from a circa 1950 Palmer Blair aerial image of Boone. Image courtesy of the Palmer Blair Collection, Digital Watauga Project.

--Eric Plaag, with assistance from Phoebe Pollitt

Brief Blurb for Use on Website: Likely named for Benjamin Howard, who tradition holds once herded cattle in the Boone Creek valley, Howard Street was a latecomer to downtown Boone's landscape. The eastern portion of the street, located between College Street and Blowing Rock Road, was first established in 1913 through the annexation of E. S. Coffey's "Appalachia" subdivision. The western portion of Howard, from Burrell Street to Appalachian Street, was partially established in 1924 to provide a "second main business street" for downtown Boone following the

¹⁹ Moss Brennan, "Boone to Receive a \$9.7M USDA Loan for Howard Street Project," *Watauga Democrat*, 29 June 2021, online, https://www.wataugademocrat.com/news/local/boone-to-receive-a-9-7m-usda-loan-for-howard-street-project/article_7ed2ab74-0108-50cc-b3c7-3aed3fca221b.html.

construction of numerous railroads along the Linville River Railway tracks then located just to the south. The western portion of Howard Street was completed as a throughway in 1934.