

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
AUGUST 1, 2023, 3:00 p.m.
WebEx Video Conferencing**

Historic Preservation Commission Members in Attendance:

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

Student Member: Riley Ziegler

Council Liaison: None

Town Staff in Attendance:

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

Others in Attendance: Brenda Councill-Owner and Lead Artist, Councill Fine Art Studio, LLC, Rebecca Triplett-Johnson-Writer-Editor and Chief of Boone Sesquicentennial Monument Project, Jill Privott-North Carolina Historic Preservation State Chair and National Society-Daughters of the American Revolution, Ralph Lentz II Senior Lecturer, Appalachian State University History Department and Vice-President, Watauga Historical Society, Patrick Beville-Engineer, and Travis Critcher-5th Generation Resident

CALL TO ORDER

Chair Plaag called the Boone Historic Preservation Commission meeting via WebEx to order at 3:01 p.m.

ADOPTION OF AGENDA

Vice-Chair Bond made a motion, seconded by Student Member Ziegler, to adopt the agenda as written.

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

APPROVAL OF MINUTES

Student Member Ziegler made a motion, seconded by Chair Plaag, to approve May 16, 2023, special meeting minutes as amended with the following proposed changes:

- Packet Page 3, paragraph six, first sentence: change “The development would involve work on the secondary elevation of the property” to “The development based on town staff’s interpretation would involve work on the secondary elevation of the property.”
- Packet Page 4, paragraph one, first sentence: change “had any commissioner” to “if any commissioner”
- Packet Page 8, paragraph seven, third sentence: change “roll-lock seal” to “row lock sill”
- Packet Page 10, paragraph three, second sentence: change “existing storefront” to “original storefront”
- Packet Page 14, paragraph two, fourth sentence: remove comma after the word “typically”
- Packet Page 14, paragraph six, first sentence: remove the comma after the word “did”
- Packet Page 21, paragraph seven, second sentence: change “tertiary elevation, the rear elevation” to “tertiary elevation, so the rear elevation”
- Packet Page 22, paragraph five, seventh sentence: change “arbiter” to “aperture”
- Packet Page 22, paragraph five, twelfth sentence: change “unbreaking” to “unbricking”

- Packet Page 22, paragraph eight, second sentence: change “which was to the proposed shipping container” to “which was the proposed shipping container”

Vote: Aye – (Plaag, Watkins, Ziegler)

Nay – None

Abstain – (Bond)

The motion passed.

Chair Plaag requested to table the approval of June 5, 2023, meeting minutes until the next advisory meeting, and there was consensus.

Vice-Chair Bond made a motion, seconded by Student Member Riley, to approve the June 6, 2023, meeting minutes as amended with the following proposed changes:

- Packet Page 42, paragraph 4, fourth sentence: change “Church discussions” to “Church in discussions”
- Packet Page 42, paragraph 3, third sentence: change “structured” to “structural”
- Packet Page 42, paragraph 2, fourth sentence: change “they” to “there”
- Packet Page 43, paragraph 4, fourth sentence: change “driven by the presence of many church members having ancestors in that cemetery. He said there are people buried in that cemetery are not part of the First Baptist Church” to “driven by church members having ancestors buried there, but many people are buried in this cemetery that are not associated with the First Baptist Church.”
- Packet Page 43, paragraph 4, third sentence: change “but it was not founded as the First Baptist Church cemetery” to “but it was not designated as the First Baptist Church cemetery”
- Packet Page 44, paragraph 3, last sentence: change “but” to “which”
- Packet Page 47, paragraph 4, fourth sentence: change “Council” to “Councill”
- Packet Page 48, paragraph 2, second sentence: change “He explained that the had used it as a place marker image because how working on options” to “He explained that he had used it as a placeholder image because he was working on options”
- Packet Page 48, paragraph 2, third sentence: change “image in the packet” to “image of a map in the packet”
- Packet Page 48, paragraph 2, fifth sentence: change “they” to “the troops”
- Packet Page 49, paragraph 1, sixth sentence: change “US Calvary through” to “US Cavalry fought”
- Packet Page 49, paragraph 1, eighth sentence: change “Council’s” to “Councill’s”

Vote: Aye – All

Nay – None

The motion passed.

PUBLIC COMMENT

No individuals requested the opportunity to speak during public comment.

HPC ADVISORY ART REVIEW OF THE SESQUICENTENNIAL MONUMENT

Chair Plaag reviewed UDO Appendix D, which has an exception for public art located on Town property. He noted that the HPC is required to review the aesthetics, content, and speech within the content of this monument. He noted that the Town Attorney reminded him that under North Carolina and Federal Law,

the Town as a property owner has a first amendment right to control speech made in its name on its premises, and in this case, it is appropriate for the HPC to review the content and voice their concerns

Ms. Council noted to Chair Plaag that she invited several people, Mr. Ralph Lentz, Ms. Jill Privott, Mr. Patrick Belville, and Ms. Rebecca Triplett, to the meeting who are available for questions specifically on historical content, genealogical or structural questions. She noted she could answer questions on the artistic and merit questions of the monument. Chair Plaag asked the HPC if they had an objection to allowing these individuals to speak; there were no objections.

Chair Plaag opened the floor for questions from the HPC regarding the proposed monument. A brief discussion ensued as to the location of the monument. Vice-Chair Bond referred to packet page 59 and the endorsement made by Ms. Rebecca Triplett, which read, "along with its placement being on the historic site of Council Store and original post office where once stood the beginning foundations of the Town of Boone." Vice-Chair Bond indicated her concerns that the proposed location is not at the site of the Council's Store. Chair Plaag agreed and noted that the members of the Triplett family and at least one other endorser of the project made reference to this being the historic site of Council's Store, but author John Preston Arthur made it clear that it is not true.

Ms. Mitchell suggested that Ms. Council be allowed to present; there being no objection, Ms. Council began her presentation.

Ms. Council first responded to Vice-Chair Bond's question on the proposed location and noted that the actual opening paragraph on the plaque refers to Council's store, not by location other than the general geographic area. She further explained that when the endorsement Vice-Chair Bond had pointed out was written; the proposed location was in front of the Downtown Boone Post Office. She said this area of Town was all Council property, and there was a blacksmith business and a store there at one time.

Ms. Council then referred to the project summary and noted that the most important parts of the proposal begin on page 15 for the Bronze Plaque #1, which is the first of four plaques proposed at this point.

Chair Plaag explained to Ms. Council that the Downtown Boone Post Office is not the site of Council's store. He urged Ms. Council and her committee to read pages 147 and 150-153 of John Preston Arthur, which makes it clear that the present site of the Daniel Boone Condominiums was where Jordan Council Jr.'s house, store, and post office were located.

Chair Plaag talked about a larger concern the HPC and the Town normally require appropriately sourced and documented historical reports that justify the location and content. He noted his concern that there is no report such as that submitted for HPC consideration.

Chair Plaag also noted his concerns, as the Chair of the HPC and as a historian, on approving text where that text was not subject to HPC review or where the text is not documented. He noted that some of the endorsements appeared to have been written by family members and appeared not to have been vetted with any source references.

Ms. Council asked Chair Plaag if a word or phrase made him uncomfortable in the Bronze Plaque #1 proposed text. Chair Plaag responded that his other concerns are over factual content on the plaque.

Chair Plaag reminded Ms. Council that a public monument has the effect of speaking for the Town and the Town effectively endorsing that speech when allowing it to be on its land. He stated that, particularly in a subscription model, anyone who is willing to pay to participate can presumably say anything they want to about any family.

Ms. Privott stated that she is a professional genealogist and that she had vetted the information using national genealogy standards for accuracy, and that sources could be provided.

Discussion ensued as to the addition of text onto the plaques at a later date. Member Watkins asked Ms. Council how text is added onto a bronze plaque. Ms. Council indicated that the plaques would be installed once full, and the proposal was only an example.

Chair Plaag stated his concern about surrendering that location for another project because the HPC earmarked it for the Civil War Trails marker for Stoneman's Raid. He noted that the James W. Council house was located near the proposed site. He said that the HPC had already invested considerable time to attempt to commemorate the Council Family Members at the Council Store location.

Vice-Chair Bond voiced another concern that the concrete pad location is possibly getting too crowded with things being installed there. She mentioned that the Council Store was where the Veterans Memorial is on King Street. Chair Plaag said the Council Store was moved to that location in 1881. Vice-Chair Bond suggested that would have been the best location for the monument.

Ms. Council told Chair Plaag that because the proposed monument could hold three more plaques, the HPC could consider using one for the Stoneman's Raid marker. She explained that the concrete pad location was one of the locations presented to her for the proposed monument when she started this project in 2022. She noted that Mr. Mark Freed, Director of Cultural Resources, could attest to that fact.

Chair Plaag asked Ms. Council about the proposed monument being a gift to the Town and paid for by the subscribers and if the installation cost and perpetual care would be covered by fundraising. Ms. Council explained that the perpetual care cost would be minimal. She noted there would be no landscaping to manage though there would be LED lighting. She pointed out that bronze and stone are some of the best materials because they require the least maintenance.

Chair Plaag noted a concern about perpetual maintenance, including how the monument would be insured. He stated that it was his understanding that with other public art in the Town, the artist is obligated to insure the art while it is onsite, but in this case, this burden would be shifted to the Town once it is on Town property. Ms. Council stated that she chose long-lasting materials for the proposed monument and noted that there is a video surveillance system nearby to help to deter vandalism and that she had put an anti-graffiti coating over the Bronze material.

Discussion ensued as to the lack of involvement by all those whom the plaque claims to honor. Chair Plaag noted that all of the sponsors seem to be white-owned corporations or individual white people. He read from the Bronze Plaque #1 text, "honors early Appalachian pioneer families and African Americans whose courage, strength, and hard work laid the foundation upon which the town was built." He asked if there were any black members on the volunteer team of historians for the project. Ms. Council responded that, currently, there are no blacks on the volunteer team. She explained that she had reached out to the

Junaluska Community and the Boone Mennonite Church with no response. She stated that she wanted participation from African American individuals. She said her outreach had been limited due to the inconsistencies her committee had dealt with on this project. Chair Plaag said he noticed while reviewing the family's tributes that he only saw one black person referenced, and it was Burrell. He pointed out that the HPC had reviewed the story of Burrell and found some concerns with the accuracy in the story about Burrell.

Chair Plaag wondered why no other black individuals were listed in the family tributes either as parts of families or individually separate from the listed families. Ms. Council said that was a question that the families would have to answer individually, which could take some time. She stated that she thought the Bronze portrait helped to remedy this situation. She offered to get statements from the families. She asked Ms. Privott if she had more information on this topic from a genealogical standpoint. Ms. Privott stated that it would not be appropriate for her to speak for the families, but some of the families may or may not have an affiliation with African Americans in their history. Ms. Privott told the HPC that some of the information from the families was incorrect, but the information was vetted and given back to the families with the correct information.

Ms. Council asked Mr. Lentz if he had any comments on the black individuals or families. Mr. Lentz responded that, as far as he knew, this was the only sculptured representation of an African American person in Watauga County. He supported the proposed location for the monument because it would be in close proximity to the Junaluska Community. He said it supports the Junaluska historical marker that is located due North of the proposed monument location.

Chair Plaag pointed out that the Junaluska Community has chosen to represent its own community through a mural that has been painted on Church Street which was done recently and noted the difference in how they choose to be represented, through the mural depicting a later date in history than the founding of Boone.

Chair Plaag talked about an opportunity for the proposed monument project to be revised to accurately reflect those who are attributed to the founding of Boone and used the example of a Founders Monument in San Antonio, Texas. He noted that Boone's early history included topics like segregation, enslavement, and significant people of that timeframe.

Ms. Rebecca Triplett commented on the lack of black family representation in this project and noted that the committee's goal was to do broad media outreach, and each time they tried to do it, a roadblock would come before them. She noted that the Bronze Plaque #1 text was purposely written to include every generation that led us to where we are in Boone today. She said that in moving forward with the other plaques, she wanted to make it clear that this proposed project was intended to be inclusive of everyone important to Boone's History.

Ms. Jane Shook, Director of Planning and Inspections, asked some clarifying questions on the proposed project. She referred to the Bronze Plaque #1 text and said that after the first paragraph of the text, and asked if the families listed were representatives of the founding families or if they were donors. Ms. Council responded that they are representatives of many of the founding families and donors. She pointed out that her committee's outreach had been severely limited and, for the most part, stopped. She

added that this proposed project is expensive, and she cannot ask only the taxpayers to finance it. She noted that for the funding of public art, anyone, including a non-profit, church, civic association, individual family, or group, can contribute funds for this proposed project or any development in Boone.

Ms. Shook asked about the families that cannot afford to participate and noted that the way the first plaque reads leads the reader to believe they were the founding families of Boone

Ms. Shook referred to the Bronze Plaque #1 text and the way that African Americans were mentioned in it. She asked Chair Plaag if this was the correct way to reference them in the text. She asked if there were early African American pioneers. Chair Plaag responded arguably that there were. He explained that the term meant of "African descent" and also simultaneously American. He said you will find many black populations that have dropped that term because they do not feel it is representative of their history and the term is dated as of 2023. He stated that Ms. Shook raises an important point about making sure that the terminology can be as inclusive and sensitive as it can be, while still being accurate.

Ms. Shook said that she had previously been contacted about the concrete pad that is a proposed location for the monument, along with the location where the bike rack is located in the front of the Downtown Boone Post Office. She explained that she had told Town Council her concerns about replacing the bike rack in front of the post office because it was a development requirement. She explained that she was not aware there had been some consideration by the HPC for the concrete pad location for markers. She pointed out that the Downtown Boone Development Association (DBDA) maintains the concrete pad, and they also have been looking at it for a potential art rotation space. She said that at some point, the HPC might need to narrow down the discussion to give Ms. Council some direction on what she needs to take back to the Town Council for further discussion.

Chair Plaag asked Ms. Council who would review content on the plaques that may not be completed when the monument is installed. Ms. Council said each plaque would have to go through the same process as the first plaque. She explained that the Bronze Plaque #1 was only a draft, and the structural part had been engineered to hold four plaques. She said it is important to move forward with the structural aspect of the monument, and the plaques can go in later after the text on them had been approved.

Chair Plaag pointed out that there is a constitutional law issue once the proposed art becomes Town property regarding the speech it represents. He noted his concern based upon the donor model which would require the Town to allow anyone who pays to have the text included on the plaques, as long as it is factual and historically accurate, to be essentially protected speech. Ms. Council said that she, as the artist and creator of the art, would still have control over the content of it, and her art license and contract have protections in it for this type of thing. Chair Plaag indicated that Ms. Council's answer concerned him because it sounded like she would have the control to overrule the Town in determining what goes on with these plaques erected on Town property. Ms. Council said that she could check with her legal people to see how this type of thing could be counteracted.

Chair Plaag said the hybrid of public and private speech being placed in the public square is where most of his concerns come from.

Chair Plaag said that Ms. Council had stated many times that she had not been able to continue the work for the proposed project and asked her if she had been muzzled in some way and if her speech was being limited by the Town. She said that she did not know that the topic should be discussed on this platform. He explained to Ms. Council that she has the right to do the research and present a proposal that honors Boone's history. He said that the HPC encourages this type of proposal just like someone who would bring in a landmark designation or historical marker. She explained that she prepared a press release, and she was asked not to put it out until the decision has been made as to where the proposed project is going to be located.

Chair Plaag suggested a different model for a proposed project that is going to be placed in the public square, which is the model that is already embraced by the Town. He said the monument is an artistic idea, he said he did not have any strong objections to that idea and he said his concern was with the first amendment issues, the historical accuracy, lack of representation, and the vetting process of it all. He said an alternative approach would be to work with the Town to find comprehensive language and inclusive historical narrative for the plaques making reference to key families included in the census records from 1790 forward. He told Ms. Council that there was a way to convince the Town Council and the HPC of this proposed model and that it is a useful way of honoring any people that have been part of the founding and growth of Boone over time. He said this would be a more successful and productive way of telling that story and getting that monument installed somewhere on Town property. Ms. Council said that his suggestions had been well taken.

Chair Plaag asked the HPC if they had other questions about the proposed project. Member Watkins clarified with Chair Plaag that if the proposed monument is moved to private property, the concerns expressed are a moot point. Chair Plaag responded that if the monument were placed on a landmark in the Downtown District, it would still be reviewed for its material and its congruity with the district or with the landmark. He added that the HPC would not be reviewing the content of the monument if it is located on private property within the Historic District. Member Watkins confirmed that the donors for the plaques would not be a concern, and Chair Plaag said that was correct.

Discussion ensued on the recommendation of the proposed project. Chair Plaag asked the HPC for their input on the proposal as it currently exists and what recommendations they might want to send to the Town Council. Vice-Chair Bond said that she had some concerns about the proposal and that she was not going to recommend approval of it at this time. Member Watkins said that the proposed monument contained a beautiful piece of art and it would be good project for private property because the artist can then put on the plaques whatever they want to without Town approval. He said a different and private location would be better to place the monument because the proposed location is becoming a crowded area, and it is competing with the Doc Watson bronze bench that is located close by.

Student Member Ziegler agreed with Member Watkins in that it is a beautiful piece of art with really good intentions. She was concerned about the proposed location becoming crowded with the addition of other things that the HPC had discussed putting at that location. She pointed out that paint and stickers are both types of graffiti to be concerned about on the bronze finish.

Chair Plaag summarized his concerns, including the proposed fiscal model, content, and the lack of inclusivity. He was concerned about recommending approval of a project where the historical narrative

content of the project has not been pinned down. He reiterated that there is a way to revise the proposed project where the various families, the artist, and the sponsors could work with the HPC to create a narrative that is historically inclusive, accurate, and comprehensive.

Motion and Vote:

Chair Plaag made a motion, seconded by Student Member Zielger, that the proposal in its present form, both in its location and the historical content of the project, is not sufficient to meet the expectations of the Historic Preservation Commission in terms of historical accuracy, historical inclusiveness or historical comprehensiveness. The proposed location is problematic because of other possible plans for that same location, and there are serious first amendment and legal issues that are raised by the fiscal model and the ownership model that exists with regard to the placement of the monument, ownership of the physical monument and ownership of the content of the monument that need to be explored by the Town Attorney and Town Council in more detail. He stated that he would not recommend the approval of this proposal at this time.

Vote: Aye – None

Nay – All

The motion passed.

Ms. Shook asked the HPC if they had any direction to give Town Council on some potential locations for the proposed monument. Chair Plaag noted there had been discussion of expanding Town Hall into the Town-owned parking lot beside it, which could include green space in front of it. He said if that expansion was done, it might be a better location in part because it is directly across the street from where Council's Store originally was, and it is directly on the spot where it ended up. He said this might be a better historical location that the Town can plan for, and it gives the artist and her committee time to work on completing the narrative.

Vice-Chair Bond told Ms. Council that the discussion at this meeting was not a problem with her art piece. Ms. Council responded that the problem began in the beginning when there were discussions about putting the art piece in the center of Downtown Boone. Vice-Chair Bond pointed out that there is a future for this type of artwork, the details just need to be worked out to possibly make it happen. Chair Plaag noted that he echoed the words of Vice-Chair Bond.

STONEMAN'S RAID INTERPRETATIVE PANEL DRAFT PANEL TEXT AND DESIGN

Chair Plaag requested that the Stoneman's Raid Interpretative Panel Draft discussion be tabled to the next advisory meeting. He noted he received feedback from Member Watkins on reducing some of the proposed text, and he would like to discuss some minor changes to some of the things in the proposed text at that time. He said that he had not created the map of Boone in 1865 that was previously discussed by the HPC and Staff.

Chair Plaag stated that he had re-established contact with Mr. Drew Gruber with the Civil War Trails program, and they are interested to include the Town of Boone within their program. He added that Mr.

Gruber had identified a sponsor to pay for the fabrication of the panel, and they are looking for a sponsor to pay for the annual hosting of the monument.

REVISIONS OF R.L. CLAY (RIVERS) HOUSE LOCAL LANDMARK DESIGNATION REPORT

Chair Plaag said that he had spent a significant amount of time working on the R.L. Clay (Rivers) House Local Landmark Designation Report, and the updated and final revised version was in the meeting packet. He asked the HPC to review this report and be able to vote on it at the September advisory meeting. He noted that the Town Council may want to see the standards to accompany the report.

JONES HOUSE LOCAL LANDMARK DESIGNATION REPORT UPDATE

This report update was tabled to the next HPC meeting.

SCHEDULING SPECIAL HPC MEETING TO DISCUSS APPENDIX D REVISIONS AND SUBSTITUTE MATERIALS

Ms. Mitchell said the date based on the Doodle poll sent to all members was Wednesday, September 20, 2023, from 3:30 p.m. to 6:30 p.m. She reminded members that this meeting was for the Special HPC in-person meeting to discuss the Appendix D revisions and substitute materials. There was consensus for the special meeting on that date and time.

STAFF UPDATES

Chair Plaag requested to table the staff updates until the next HPC meeting.

Update on the Boone Cemetery Interpretative Panels Project

Ms. Mitchell told the HPC that Staff had submitted their recommendation for the next Town Council meeting, including an estimate she received on the Boone Cemetery Interpretative Panels. She informed the HPC that she could provide this update via email.

R.L. Clay (Rivers) House Local Landmark Standards

Chair Plaag said he would make it a priority to contact Student Member Ziegler and continue to work with Staff regarding the standards by next month. Ms. Mitchell told Chair Plaag that she and Ms. Shook had scheduled time to work on the standards and that they would contact Chair Plaag and Student Member Ziegler soon.

Statement of Conformity (SOC) Monthly Report for July

This monthly report was tabled to the next HPC meeting.

HPC MEMBER UPDATES

There were no updates discussed by HPC members.

SEPTEMBER ADVISORY SESSION MATERIAL

Discussion for the next advisory meeting agenda included the following items: Stoneman's Raid Interpretative Panels Text and Design, Revisions to the R.L. Clay (Rivers) House Local Landmark Designation Report and Design Standards, Jones House Local Landmark Designation Report, Update on the Boone Cemetery Panels Project, Statement of Conformity (SOC) Monthly Report, HPC Updates, and October Advisory Session Material.

OTHER DISCUSSION

Chair Plaag announced that he was running for Town Council, and he anticipates that in December of 2023, he will move off of the HPC as a commission member and onto Town Council.

ADJOURNMENT

Vice-Chair Bond made a motion, seconded by Student Member Ziegler, to adjourn the meeting at 5:14 p.m.

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

Eric Plaag, Chair

Marlene Crosby, Board Secretary