



Historic Preservation Commission

Regular Meeting

~ Agenda ~

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

Jane Shook
828-268-6960

Tuesday, October 6, 2020

3:00 PM

WebEx

This meeting will be held using WebEx, a video conferencing software. Live streaming video of the meeting can be viewed at <https://townofboone.viebit.com/?folder=ALL>.

Please contact the Town of Boone by phone at 828-268-6960 or by email at jane.shook@townofboone.net by 2 p.m. the day of the meeting if you wish to participate in the meeting using WebEx.

Individuals who require user assistance joining the WebEx event can call 828-268-6960 for support.

- I. Call to Order**
- II. Adoption of Agenda**
- III. Approval of Minutes**

August 11, 2020 Meeting Minutes

Chapel Hill, NC Cemetery Information

Hillsborough, NC Cemetery Regulations

September 8, 2020 Meeting Minutes

IV. Public Comment

V. Discussion of Draft B1 Downtown Core/Interface, Text and Maps

VI. Cemetery Regulations

VII. Town Streets

VIII. Updates

A. Turner House

B. Junaluska Marker

C. Town Website

IX. Lovill House

X. Proposed UDO Changes - Historic Preservation Commission

XI. Informal Discussion/Other Matters

XII. Adjournment

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
AUGUST 11, 2020
3:00 PM**

Historic Preservation Commission Members in Attendance:

Chairperson Eric Plaag, Vice-Chairperson Phoebe Pollitt, Teresa Pearman, Bettie Bond, Chuck Watkins, Rennie Brantz and Loretta Clawson

Town Staff in Attendance: Christy Turner – Senior Planner and Marlene Crosby-Board Secretary

Others Present: Allison Meade-Town Attorney and Lane Moody-Downtown Boone Coordinator

Call to Order

Chairperson Plaag called the meeting of the Boone Historic Preservation Commission, held via WebEx, a video conferencing software to order at 3:00 p.m.

Adoption of Agenda

Chairperson Plaag made a motion, seconded by Member Brantz to amend the agenda with the addition of the Greer-Henson House and Barn for informational purposes only.

Vote:

Aye – All

Nay – None

The motion passed.

Member Brantz made a motion, seconded by Member Pearman to adopt the agenda as amended.

Vote:

Aye – All

Nay – None

The motion passed.

Member Clawson joined the meeting at approximately 3:05 p.m.

Board Training

Ms. Allison Meade, Boone Town Attorney explained that the Town Council has asked her to give board training in two or more sessions during Town meetings. She reviewed the Town of Boone Board/Committee General Training Memo located on page three of the online meeting packet (permanently on file). She encouraged questions and interaction from the board members. She noted that both the Town Code Chapters 30 and 35 and the Unified

Communication: August 11, 2020 Meeting Minutes (Approval of Minutes)

Development Ordinance are on the Town website at www.townofboone.net under ordinances. She noted that Article Two of the UDO will be proposed for a possible amendment by Council in a preliminary fashion in August of 2020 and it is expected to go before the Planning Commission in September of 2020. She said the proposed change to Article Two is to tighten and shorten the language and make it clearer.

Ms. Meade explained that when the Historic Preservation Commission is ready to begin reviewing Certificates of Appropriateness, the HPC will be governed by Article 8 of the UDO because the COA process is a quasi-judicial process. She noted that the quasi-judicial process will require another training session by the Town Attorney.

Ms. Meade talked about the open meetings law. She talked about attendance at events. And, she explained that emails can be a potential problem. She further explained that there should not be an email string regarding an HPC meeting topic because it could effectively be a Town meeting. She suggested being careful to not email each other to discuss any topic. She also suggested going to Robert's Rules of Order for meeting type questions. She talked about public records and record keeping by the Town, she told the board members that any Town maintained records do not need to be kept by the board members. She explained that personal notes that are only used by a board member and have no other use are not considered a public record. She said if you send your personal notes regarding a meeting agenda item to someone else or to the Planning Staff, the information becomes a public record. She said if there are emails between the board members that are not copied to the Planning Staff on a meeting topic, these emails should be kept in a folder just in case there is a public records request on that topic. Chairperson Plaag asked Ms. Meade for the retention schedule for the potential personal emails. She said she would provide the HPC with the record retention information via email.

Ms. Meade reviewed the Limitations on the powers and authority of committees and committee members in the Town Code. She explained that the HPC should not speak as though they have authority unless they have been given explicit authorization by the HPC or the Council. Chairperson Plaag asked a question regarding 4. (E) as it relates to sub-committee. He explained that this has always been a gray area for the HPC because of the nature of documents the HPC prepares for the Commission or by working individually. He asked for direction on this topic, he asked if the HPC go to Council every time for approval. She said there are two questions. She said in the first question is it clear that the HPC is working within the authority granted by Council and she said if there is a question on the authority, the HPC should go to Council. She said the best way to look at this type of working group, would be to ask is it an official meeting. She asked about the HPC majority for a quorum and noted that the quorum might change in the upcoming proposed change to the amendments to Article Two. She said she feels there are official meeting issues and not a sub-committee meeting issue. She said if there are three in a meeting which it may be three members in the future with the potential changes then the meeting should be officially noticed. She said right now, if there is not a quorum, what the HPC is doing is fine. She also pointed out that official meetings require Town staff to post meeting agendas and type minutes and maintain the meeting records.

Ms. Meade talked about ethical issues in Town Code Chapter 30. She explained that board members need to be careful that you are being perceived of being treated differently or in a better way than others.

Ms. Meade talked about how federal law trumps state law and state law trumps local law. She said the HPC with its quasi-judicial and advisory board actions are subject to detailed State law requirements.

Ms. Meade left the virtual meeting at approximately 3:34 p.m.

Approval of Minutes

Member Clawson made a motion, seconded by Member Brantz to approve the July 14, 2020 minutes as amended.

Vote:

Aye - All

Nay - None

The motion passed.

Public Comment

There was no public comment at this meeting.

District Designation Report

Chairperson Plaag noted that he had emailed out the draft District Designation Report to the HPC on Sunday, July 12, 2020 (permanently on file). He pointed out that he noted in the email about one significant change regarding the dates of significance and he said he needs to revisit it with the HPC. He noted that he had been trying to contact Ms. Annie McDonald from the State Historic Preservation Office to discuss it with her before he made the proposed change and sent it out to the HPC. He said his concern was having the courthouse at the end of the boundary and it not be a contributing building and whether the SHPO would accept this change. He said he was able to contact Ms. McDonald on Monday, July 13, 2020. He said her strong recommendation was to not list the Courthouse as contributing to the history of the district. He said some of the reasons for not including the Courthouse was: the architecture does not fit any other buildings in the district, it is an outlier in terms of its time period and the precedent it would set in terms of materials in the district. Chairperson Plaag said if it is included, it ties the hands of the County in terms of their ability to make repairs to the existing materials of that building which are non-contributing with most of the materials in the district. Chairperson Plaag said that Ms. McDonald recommended listing the Courthouse as non-contributing and rolling the date back to 1964 as Chairperson Plaag originally had the date in the survey report. He said that Ms. McDonald recommended this because of the development around the Courthouse and trying to regulate the Courthouse building as a historic location. Chairperson Plaag said he also has to change the smaller designations near the Courthouse from CH to NC meaning non-contributing.

Member Watkins and Member Brantz pointed out some typographical errors and Chairperson Plaag made note of them. He said that he would make any non-significant changes that he sees while going through the draft document. Chairperson Plaag pointed out that any non-significant changes that he makes to the draft document to improve clarity do not need to be approved by the HPC.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chairperson Pollitt to send the draft District Designation Report to Council for their consideration and approval.

Vote:

Aye – all

Nay – none

The motion passed.

Discussion ensued on the joint meeting with the Council, Historic Preservation Commission and Community Appearance Commission and the State Historic Preservation Office. Chairperson Plaag said it is very important to have the joint meeting so they can strategize how to present the information to the property owners and tenants that are located within the district.

Chairperson Plaag said he would like to formerly request that the HPC request a meeting involving HPC, CAC, Council and Ms. Annie McDonald from SHPO and Ms. Kristi Brinkley from the Raleigh, North Carolina SHPO. Chairperson Plaag said that he felt this conversation should be started as soon as possible.

Motion and Vote:

Chairperson Plaag made a motion, seconded by Member Clawson to request approval from Council to have a joint-meeting that would include the Council, Historic Preservation Commission, Community Appearance Commission, Ms. Annie McDonald from the State Historic Preservation Office and Ms. Kristi Brinkley from the Raleigh, North Carolina Historic Preservation Office to work out the best approach to presenting the draft Designation District report to Downtown property owners and their tenants.

Vote:

Aye – all

Nay – none

The motion passed.

Ms. Lane Moody, Downtown Boone Coordinator told the HPC that she would like to help facilitate the presentation to the Downtown Boone property owners and their tenants.

In terms of the public presentations, Ms. Turner said the Planning Staff had discussed having the sessions at the Jones House and putting in one station for the Historic Preservation

Commission and one station for the Community Appearance Commission Downtown Design Guidelines as well as the survey report. She also said the Planning Staff suggested having all of the meetings in the Downtown area.

Junaluska Historical Marker

Ms. Turner began discussion on the Junaluska Historical Marker. She confirmed that Council had approved the location of the marker at the site closer to the Watauga County Library. Ms. Turner said that she would ask Mr. John Ward, Town Manager about the approval from the County to use this site. Ms. Turner asked Chairperson Plaag if the HPC was ready to order the historical marker. Chairperson Plaag said yes. Member Bond agreed with Chairperson Plaag on the ordering of the marker. Ms. Turner said that she would work on getting the historical marker ordered.

Discussion ensued on the timing for the installation of the Junaluska Historical Marker. Member Bond noted that she had recently spoken with a friend of hers from the Junaluska Community. Member Bond said she told her friend that the HPC was getting very close to erecting the Junaluska marker. Member Bond asked when would be an appropriate date in install the historical marker. Member Bond further asked if there was an event coming up on the Junaluska Heritage Association calendar where the historical marker could be installed at that time. Member Bond said when she was talking to her friend, she did not know at that time that Council has approved the site for the historical marker to be installed closest to the Watauga County Library. Member Bond said she asked her friend which of the sites which they might prefer for the historical marker to be installed. Member Bond said her friend said she would like to leave it to the experts to determine where the historical marker should be placed. Chairperson Plaag asked if the HPC wanted to make a motion to authorize Chairperson Plaag to contact the JHA members: Ms. Roberta Jackson, Dr. Kristen Baldwin-Deathridge and Dr. Sue Keefe to ask them for their input on a date for the installation of the historical marker.

Motion and Vote:

Member Bond made a motion, seconded by Member Brantz for the Historic Preservation Commission to authorize Chairperson Eric Plaag to contact the following members of the Junaluska Heritage Association, Ms. Roberta Jackson, Dr. Kristen Baldwin-Deathridge and Dr. Sue Keefe to ask for their input on the scheduling of the installation of the historical marker.

Vote:

Aye – All

Nay – None

The motion passed.

Bryan, Hayes, Greene Cemetery

Vice-Chairperson Pollitt explained that she had visited the cemetery and noted that it has been maintained very well. She said that she has done a lot of research on locating the deed for the cemetery both online and at the Watauga County Courthouse. She pointed out that she had forwarded to the HPC an email containing information on who is buried at the cemetery

(permanently attached). She asked Ms. Turner to explain the direction of Council for the cemetery. Ms. Turner said the Council had tasked the HPC to work with the Town Attorney to find out the ownership and more about the cemetery and to research proposed regulations for a cemetery. Chairperson Plaag said that the HPC needs to find out who has the ownership of the cemetery and the Town would know who to go to for a quick-claim type deed on it. Chairperson Plaag noted that while he was tracing the deed of the cemetery, he saw some deeds around the cemetery with the name of Mr. L.R. Greene and his descendants on them. Chairperson Plaag said he suspects that the cemetery property may have gotten lost within these deeds. Chairperson Plaag explained that now a combination of genealogy and deed research needs to be done and he has not had time to do this research. Chairperson Plaag said that Vice-Chairperson Pollitt has also hit some of the same dead ends that he had.

Vice-Chairperson Pollitt talked about the cemetery property possibly being a part of a process called adverse possession. She talked about also seeing the name Ms. Aleta Stafford in her research of the ownership of the deed. She asked if anyone knew this name and no one knew the name.

Discussion ensued on regulations for private cemeteries. Ms. Turner explained that in the meeting packet there is statutory information for their review on cemeteries from Blowing Rock Hickory, Chapel Hill and Hillsboro, North Carolina.

Chairperson Plaag suggested handing out the following tasks for the HPC members. The first task was for an HPC member to contact the Hamptons Funeral Service and Austin and Barnes Funeral Home to locate, if they have a burial record for Mr. William Baxter Bryan who died on May 19, 1996 and was born on September 30, 1926 or his brother who died in 1991 or a person named Ragan Bryan who died on March 10, 1994. The HPC member would need to ask for contact information or any permissions they may have to complete these burials at said cemetery or for a set of Trustees for the cemetery. Member Clawson offered to make the phone calls to the funeral homes.

Motion and Vote:

Chairperson Plaag made a motion, seconded by Member Brantz to authorize Member Clawson to make phone calls on behalf of the Historic Preservation Commission to the Hampton Funeral Service and Austin and Barnes Funeral Home to ask for burial information on William Baxter Bryan, Ragan Bryan and Mary Manarchy. The information would include asking for who might have given permissions for the burials at the Bryan, Hayes and Greene Cemetery and any other contact information including a possible set of Trustees for the cemetery.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Plaag suggested that the second task be for two or three people work on the Chapel Hill and Hillsboro, North Carolina ordinances and begin pulling from them a general set of proposed guidelines that the HPC can start working on for the Boone Cemetery and the Hayes, Bryan and Hayes cemeteries and other cemeteries that the Town controls. Member Brantz and Member Bond volunteered to work on the proposed general guidelines and report back at the next HPC meeting on Tuesday, September 8, 2020.

Turner House

Chairperson Plaag told the HPC that he is going to the Turner House on August 12, 2020 at 8:30 a.m. on behalf of the Watauga County Historical Society to photograph the interior and exterior of the Turner House. He noted that he has permission from the Watauga County Manager, Mr. Deron Geouque to take the photographs. Chairperson Plaag said the purpose for taking the photographs is so the Watauga County Historical Society would have a good photographic record of the details of the house, if for some reason we are not able to save the house. Chairperson Plaag set he will probably turn the Turner House photos into a collection on Digital Watauga and upload those images to the website over the next couple of months so the public has access to the photos.

Member Brantz asked Chairperson Plaag asked Ms. Turner the status on the negotiations with the County and Town concerning the Turner House and the Queen Street Parking lot. Ms. Turner said she would ask Mr. John Ward, Town Manager for an update on it.

Member Bond talked about seeing the newspaper a photo of the proposed parking deck on Queen Street. She said it felt like it should be located in the Charlotte, North Carolina area. She asked if the appearance of the parking garage could be made to look a little softer. Chairperson Plaag explained that he watched the presentation to Council on the parking deck and he recalled the consultant saying that the digital showing was an out of the box standard garage dropped in place. Chairperson Plaag said the consultant showed the parking deck from an architectural front perspective, meaning it is not just poured concrete decking from a preliminary drawing and not an architectural drawing. Chairperson Plaag noted there were some variables which were presented to help control cost for the Town and County. Chairperson Plaag stated there were three parking deck designs proposed and he thinks the Town and the County will need to meet to discuss which design they want and to discuss the financing of it.

Greer-Henson Farmhouse and Barn

Chairperson Plaag presented this topic for informational purposes only. He referred to an article in the High Country Press regarding the Greer-Henson Farmhouse and Barn property located at Deerfield Road and Hwy 321 S. He said in the newspaper article a request for bids for the ARHS Surplus Property Sealed Bid Auction for Henson Farmhouse and Barn was made. He said the article communicated that whoever wins the bid has to remove the farmhouse and barn by September 18, 2020. Chairperson Plaag explicitly asked the hospital representatives if they had any plans for this house during the discussions of the property being used for a staging

area for the proposed expansion of the hospital. He said the hospital representatives told him at the end of July 2020 that they had no plans for the farmhouse.

Chairperson Plaag read aloud an email that he had recently sent to Mr. John Ward, Town Manager regarding said property. The email talked about a deed from the Greer Boone, LLC to Appalachian Regional Healthcare System has a restrictive covenant in it requiring that at least one-acre of the land be dedicated as a park with only park related structures on it and with historic interpretation of the property required by signage. Is it possible that ARHS could be persuaded to leave the original farmhouse and maybe the barn at the front of the property as a park setting with a local history museum and possibly a Boone Welcome Center in it? The new house next to this house could be demolished and a driveway between the house and the barn could lead to whatever they decide to build behind and around the house. The house could lease the house for a minimal annual rent and be responsible for maintenance of the "park". Chairperson Plaag stated he would need to check with the executive board but he feel fairly confident that part of the Watauga County Historical Society would be assist with the interpretative work on the signage thus saving ARHS expenses in this area as obligated by the restrictive covenants of the deed. The only expense that would need to be covered is the printing and mounting of the signage which the Town could take on. It would be an excellent way for people coming to Boone to learn about the Town.

Chairperson Plaag said this is a great opportunity for Boone and he hopes it is not too late to explore this option outlined in the email with ARHS because of the bidding process. He said the covenants do not mention what will happen to the farm house and the barn.

Member Watkins supported Chairperson Plaag's idea outlined in the email to Mr. Ward.

Chairperson Plaag talked about the members of Council being able to address the topic if they were so inclined because the HPC is not able to take action to recommend to Council the information on this topic without the 48 hour posting notice. Chairperson Plaag said that he could forward to Member Brantz and Member Clawson his email exchange with Mr. Ward so they would have the information and they could discuss it at the next Council meeting.

Member Bond asked Member Watkins about some ideas that he knew about for the said property. Member Watkins said there was one idea for a Farmers Market to be held at said location but there was no financial support at the time.

Chairperson Plaag noted that the farmhouse dates back to 1894 and the barn dates back to the 1930's. He said the barn has some integrity and severe maintenance issues. He said in his view the house is the prize so by keeping it and building the proposed medical park around it would make a huge public relations win for the hospital. He said it would also be an opportunity for the Town to address something that they have been asking for since the day he got to Boone which is some kind of museum or welcome center and Chairperson Plaag said that "you couldn't ask for a better location."

Chairperson Plaag said that at the Planning Commission meeting he had asked the hospital representatives about using the house as a hospice house but they are not licensed for it. Member Bond said that she felt that not the house or the barn need to be moved but they need to be repurposed. She suggested having a Ronald McDonald house at the said location.

Informal Discussion/Other Matters

Chairperson Plaag suggested the following topics for the next meeting agenda: Downtown Survey Report, Downtown Designation Report, Downtown Design Guidelines, Junaluska Historical Marker, Bryan, Hayes, Greene Cemetery and the Turner House.

There were no other matters discussed at this meeting.

Adjournment

Member Bond made a motion, seconded by Member Brantz to adjourn the meeting at 4:58 p.m.

Vote:

Aye – All

Nay – None

The motion passed.

Eric Plaag, Chairperson

Marlene Crosby, Board Secretary

Marlene Crosby - update on Hayes-Bryan-Greene cemetery

From: Phoebe Pollitt <[phoebe.pollitt@peoplelegacy.com](#)>
To: Eric Plaag <[eric@peoplelegacy.com](#)>
Date: 7/17/2020 12:22 PM
Subject: update on Hayes-Bryan-Greene cemetery

My son and I went to the cemetery this morning. It is very well maintained with cut grass and recent flags. The graves go from people who lived and died in the 1800s to 2 relatively recent deaths, 1994 and 1996.

A woman named Karen Toellner (anyone know her?) did a deep dive into the folks who are buried there in 2010. Here is a link to her work on Find-A-Grave:

[Memorials in Hayes-Bryan Cemetery - Find A Grave](#)



Memorials in Hayes-Bryan Cemetery - Find A Grave

The World's largest gravesite collection. Contribute, create and discover gravesites from all over the world. Me...

here is another site that has info about the folks buried there

From peoplelegacy.com:

[BARTLETT RANSOM BRYAN](#)

(1884-1941)



[DENVER RAGAN BRYAN](#)

(1922-1960)



[GEORGE A BRYAN](#)

(1874-1927)



[JAMES HENRY BRYAN](#)

(1869-1946)

Communication: August 11, 2020 Meeting Minutes (Approval of Minutes)



MARY MANARKIE "ARKIE" RAGAN BRYAN
(1899-1994)



SARAH "SALLIE" HAYES BRYAN
(1844-1919)



WILLIAM LEWIS BRYAN
(1837-1928)



WILLIAM BAXTER BRYAN
(1926-1996)



WILLIAM LEWIS BRYAN, JR
(1888-1891)



CORA LEE BRYAN COUNCILL
(1871-1950)



LOUIS F COUNCILL
(1892-1893)



RICHARD LENOIR COUNCILL, JR
(1893-1893)



RICHARD LENOIR COUNCILL
(1864-1895)



JUDGE LEONIDAS L GREENE
(... - 1898)



MARTHA J "MATTIE" HORTON GREENE
(1853-1930)



WILMETTA GREENE
(1889-1951)



RANSOM HAYES
(1805-1868)



SARAH "SALLIE" GREENE HAYES
(1808-1862)

The ONLY plat of Judge Green/J.L. Green I could find at the courthouse was in Plat Book 1 page 96, recorded in 1941 which is of lots to the east of the cemetery - around Park and Gragg Streets. No Plats of the cemetery come up under "Greene", "Bryan" or Hayes". I am slowly trying to track all the deeds ... more later

Phoebe

Communication: August 11, 2020 Meeting Minutes (Approval of Minutes)

Chapter 6 - CEMETERIES¹

Footnotes:

--- (1) ---

State Law reference— Municipal authority to establish and operate cemeteries, G.S. § 160A-341; regulation of city cemeteries, G.S. § 160A-348.

ARTICLE I. - IN GENERAL

DIVISION 1. - GENERALLY

Sec. 6-1. - Dead bodies to be buried in cemeteries.

No person shall bury or cause to be buried, any dead body in any other place within the town limits than in the public cemeteries.

(Comp. 1961, p. 228, § 1)

Sec. 6-2. - Multiple burials in graves; required depth of graves; opening and closing graves.

- (a) Multiple burials in a single grave shall be limited to one of the following: 1) the interment of two (2) burial vaults; or 2) the interment of one burial vault and one (1) cremation urn; or 3) the interment of no more than four (4) cremation urns.
- (b) No grave shall be opened to a depth of less than five (5) feet to the bottom thereof. All burial vaults and cremation urns shall be at least eighteen (18) inches below the ground level. Graves shall be opened and closed only under the direction of the funeral director in charge of the interment, subject to supervision by the town manager, and at no cost to the town.

(Comp. 1961, p. 229, § 12; Ord. No. 2003-03-24/0-3, § 1)

Sec. 6-2.1. - Graveliners and vaults.

Grave liners or vaults shall be required for all burials except for cremations, in the town cemeteries. When personal and/or religious reasons would preclude the use of grave liners or vaults, an interment fee shall be paid to the town.

Grave liners or vaults shall be constructed of concrete or a material of equivalent strength and durability approved by the town.

(Ord. No. 90-3-26/O-2, § 1)

Editor's note— Ord. No. 90-3-26/O-2, § 1, adopted March 26, 1990, amended the Code by adding provisions designated as § 6-2(a). In the interest of facilitating classification and ease of usage of the Code, said provisions have been redesignated as 6-2.1 at the discretion of the editor.

Sec. 6-3. - Preservation of peace and good order; firearms; noise; profanity; exposure.

No person shall in any way disturb any funeral service in any cemetery or use any cemetery as a playground, loafing or parking place, make loud noises or disturbances of any kind or discharge any firearms, except in connection with military funerals or Memorial Day services, use loud, profane or indecent language, make any indecent exposure of the person or commit any other indecent act in any cemetery. Any person who disturbs the quiet and good order of any cemetery by unnecessary noise or other improper conduct may be removed and upon refusing to leave when notified to do so because of any disturbance, improper conduct or other violation of ordinances or regulations relating to any cemetery, shall be guilty of a misdemeanor.

Except in connection with military funerals and Memorial Day exercises, it shall be unlawful except by authorized officers to carry any firearms in any part of any cemetery.

(Comp. 1961, p. 229, § 13)

Cross reference— Miscellaneous provisions and offenses, Ch. 11.

Sec. 6-4. - Traffic regulation; animals.

No person shall drive any vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic. Horseback riding and the use of bicycles or motorcycles is prohibited. No person shall drive or lead any horse or horse-driven vehicle in any cemetery faster than a walk or drive any motor vehicle at a rate of speed exceeding ten (10) miles per hour. No commercial vehicle shall be driven in any cemetery except in the conduct of business connected with the proper use of the cemetery. No person shall take any dog or other animal into any cemetery or allow any animal to run at large therein.

(Comp. 1961, p. 229, § 14)

Cross reference— Animals and fowl, Ch. 4; traffic, Ch. 21.

Sec. 6-5. - Entry, departure; hours of operation.

It shall be unlawful for any person to enter or leave any cemetery except at the proper places provided for entrance and exit. No person shall enter any cemetery except during the hours in which it is open to the public as herein provided, except by permission from the town manager. Between the first day of April and the first day of October of every year, each cemetery shall remain open to the public from seven o'clock a.m. to seven o'clock p.m.; at other times, each cemetery shall remain open to the public from seven-thirty o'clock a.m. to five o'clock p.m., provided that any deviation from the above schedule may be made by the town manager.

(Comp. 1961, p. 229, § 15)

Sec. 6-6. - Disturbing, defacing grave, grave marker, flowers, shrubs, property; removal of flowers.

It shall be unlawful for any person, in any manner, to disturb any grave, deface or remove any grave marker or to damage any flowers, shrubs, trees, or other property in any cemetery. The town manager may authorize removal from the cemetery, of any floral designs, flowers, weeds, plants or herbage of any kind when, in his judgment, they become unsightly or if they fail to conform to the standards generally maintained in any cemetery.

(Comp. 1961, p. 229, § 16)

Sec. 6-7. - Use of artificial flowers.

Artificial flowers used in floral decorations may be used in the cemetery but a limit of two (2) weeks is hereby established as a reasonable period for use of such decorations. After two (2) weeks, such arrangements will be removed and disposed of by the cemetery attendants.

(Ord. of 2-12-68, § 1)

DIVISION 2. - CEMETERIES ADVISORY BOARD

Sec. 6-8. - Created; named.

A cemeteries advisory board is hereby created for the Town of Chapel Hill for the purpose of providing citizen input to the town council on policies for the operation and maintenance of the town's cemeteries.

(Ord. No. 2008-06-25/O-6, § 1)

Sec. 6-9. - Membership, terms.

The cemeteries advisory board shall consist of five (5) members appointed by town council. In addition to council-appointed members, the historic district commission and the Preservation Society of Chapel Hill shall designate one of its current members to represent them on the cemeteries advisory board as non-voting representatives. The terms of office shall be three (3) years, or until their successors are appointed and qualified, except that the initial terms of members first appointed shall be as follows: two (2) members shall be appointed for a period of one (1) year, two (2) members shall be appointed for a period of two (2) years, and one (1) member shall be appointed for a period of three (3) years. Members may be reappointed to succeed themselves for a second consecutive term. The terms of all members shall expire on the thirtieth day of June following the end of the final year of their terms.

(Ord. No. 2008-06-25/O-6, § 1)

Sec. 6-10. - Appointment, vacancies.

The members shall be appointed and vacancies filled as prescribed in Section 11.D-2 of the Council's Procedures Manual.

(Ord. No. 2008-06-25/O-6, § 1)

Sec. 6-11. - Meetings, chairperson.

The cemeteries advisory board shall hold meetings quarterly at such time and places as it shall determine. It shall annually elect one (1) member to serve as chairperson and to preside over its meetings. All meetings of the board shall be open to the public in accord with the Open Meetings Law of North Carolina, and reasonable notice of the time and place thereof shall be given to the public in accord with Chapter 143, Article 33C of the N.C. General Statutes. The board shall keep a record of its meetings; including attendance of its members; its resolutions, findings, recommendations and actions. A quorum of the board, necessary to take any official action, shall consist of half ($\frac{1}{2}$) of the total membership plus one (1). The concurring vote of a simple majority of those members present shall be necessary to take any official action.

(Ord. No. 2008-06-25/O-6, § 1)

Secs. 6-12—6-17. - Reserved.

ARTICLE II. - CHAPEL HILL MEMORIAL CEMETERY

Sec. 6-18. - Established; named.

The town shall open, operate and maintain a cemetery on the property purchased by the town from Dr. Foy Robertson, and others and located south of the Chapel Hill-Durham Highway at a point east of the Town of Chapel Hill.

The name of the cemetery shall be Chapel Hill Memorial Cemetery.

(Comp. 1961, p. 229, § 2)

Sec. 6-19. - Official plan.

The master map of the area effected by the Chapel Hill Memorial Cemetery, prepared by Richard W. Boggs, landscape architect, dated 1980, a copy of which is on file in the office of the town manager and identified by the official signatures of the mayor, town clerk and town manager, with the official seal of the municipality attached, which map is hereby incorporated herein as a part of this article, is hereby adopted as the official map or plan for the development of the entire cemetery area and the provisions of said master map shall be adhered to in the development of the cemetery.

(Comp. 1962, p. 229, § 3; Ord. No. O-80-68, § 1, 10-13-80)

Sec. 6-20. - Reserved.

Editor's note— Ord. No. O-80-68, § 1, enacted Oct. 13, 1980, provided for the deletion of § 6-20, relative to detail maps.

Sec. 6-21. - Reserved.

Editor's note— Ord. of May 10, 1971, repealed former § 6-21 relative to the reservation of certain sections in Chapel Hill Memorial Cemetery for particular races. Said section was derived from Comp. 1961, p. 229, § 5 and Comp. 1961, p. 232c, § 2.

Sec. 6-22. - No conveyance of title of grave space.

Fee simple title to the property included in the cemetery governed by this article shall remain vested in the Town of Chapel Hill. There shall be no conveyance of title to any grave space, but the right or privilege of interment shall be sold as herein provided and such right or privilege shall be evidenced by a certificate issued in the name of the municipality by the town manager.

(Comp. 1961, p. 229, § 6)

Sec. 6-23. - Fees.

Fees shall be charged for the purchase of grave and cremation spaces in town cemeteries. The fees shall be based on the type of space purchased and whether or not the purchaser resides or owns property within the corporate limits of the town. The fee for cemetery space shall be determined as of the time of purchase; and subsequent extension of the corporate limits or subsequent change in the residence or property ownership status of a purchaser shall not cause an increase or decrease in the fee paid for cemetery space. The fee for each cemetery shall be paid to the town in cash before interment. An additional fee shall be charged for interments which do not include use of a grave liner or burial vault approved by the town. The fees hereinabove set forth do not include the costs of opening and closing of spaces. The cemetery fees shall be according to the current fee schedule resolution adopted by the town council.

(Comp. 1961, p. 229, § 7; Ord. of 3-26-63, § 1; Ord. No. O-78-41, § 1, 6-12-78; Ord. No. 90-3-26/O-2)

Sec. 6-24. - Transfer of purchased rights.

The purchaser of interment or burial rights or privileges may not transfer the same. The town will refund, without interest, any sum paid for interment privilege if requested to do so in writing by the purchaser thereof prior to the opening of a grave in the grave space purchased and upon surrender by the purchaser of the interment or burial privilege certificate issued for such grave space. Upon the death of the holder of a burial or interment privilege certificate, his or her heirs, legatees or devisees, shall succeed to his rights in said certificates. The owner of a burial or interment privilege certificate may permit interment in the grave space or spaces therein described of any person designated in writing by the certificate owner, provided no compensation for such interment is received by the certificate owner and provided the interment is made in compliance with the provisions of the master map or plan and the detail map hereinbefore referred to.

(Comp. 1961, p. 229, § 8; Ord. of 3-26-63)

Sec. 6-25. - List of purchasers, grave spaces to be kept.

An alphabetical list of purchasers of interment privilege certificates and a section-numerical list of grave spaces sold shall be kept on file in the town hall by the town manager or such other municipal officer as the council may designate.

(Comp. 1961, p. 229, § 9)

Sec. 6-26. - Interment, opening grave; permit required, application.

No grave shall be opened and no interment shall be made without a written permit issued by the town manager, or other municipal officer as designated by the council, and such permit shall be secured at least eight (8) hours prior to the opening of the grave. Application for permit to open a grave must be made in writing by the owner of the burial space certificate if living or by a relative of a deceased owner for interment of a deceased owner. Said application shall state the name, age, sex, race and date and place of death of the person to be interred.

(Comp. 1961, p. 229, § 10)

Sec. 6-27. - Markers, shrubbery and landscaping generally.

No planting of trees, shrubbery or flowers shall be permitted in the cemetery except by or under the direction of the town manager and in accordance with the master plan map. No walls, trees, shrubbery or any other obstruction shall be permitted in the cemetery except in areas designated for such purposes on the master plan. All graves shall be level with the surrounding area. No mounds shall be allowed.

All markers in the cemetery shall be bronze or stone. A family marker shall be permitted on two (2) or more adjacent graves, located side by side, and shall be placed along the base line of the grave spaces and centered between the spaces. Single and cremation markers shall be placed along the base line of the grave space and centered on the axis of the space.

Aboveground monuments shall have four-inch concrete aprons which shall be flush with the ground in order to facilitate monument protection, stability and maintenance. No monument shall exceed four (4) feet in height or ten (10) feet in width. All foot markers shall be laid flush with the ground. A maximum of one (1) upright monument shall be permitted per each grave.

The persons placing the markers shall request the town to locate the grave corners prior to placing the monument. After installation, a final inspection of the marker shall be made by the town. All installations of markers shall comply with dimensions and placement details approved by the town manager.

Anyone placing or causing to be placed a grave marker so that it is not in conformity with this section will correct it. If the marker is not brought into conformity as requested, the town shall make the correction and bill the person who placed or caused to be placed the marker.

(Comp. 1961, p. 232a; Ord. of 4-9-62, § 1; Ord. of 3-26-63, § 1; Ord. of 11-25-63; Ord. No. O-73-23, §§ 1, 2, 6-25-73; Ord. No. O-80-20, § 1, 3-10-80; Ord. No. O-80-68, § 1, 10-13-80; Ord. No. 94-7-5/O-5, § 1)

ARTICLE III. - WEST CHAPEL HILL CEMETERY

Sec. 6-28. - Established; named.

The town shall maintain the existing cemetery located on property adjacent to the intersection of Village Drive and Jay Street.

The name of the cemetery shall be the West Chapel Hill Cemetery.

(Ord. No. O-80-68, § 1, 10-13-80)

Sec. 6-29. - Official plan.

The master map of the area effected by the West Chapel Hill Cemetery, prepared by Richard W. Boggs, landscape architect, dated 1980, a copy of which is on file in the office of the town manager and identified by the official signatures of the mayor, town clerk and the town manager, with the official seal of the municipality attached, which map is hereby incorporated herein as a part of this article, is hereby adopted as the official map or plan for the development of the entire cemetery area and the provisions of said master map shall be adhered to in the development of the cemetery.

(Ord. No. O-80-68, § 1, 10-13-80)

Chapter 13 - CEMETERIES^[1]

Footnotes:

--- (1) ---

State Law reference— Municipal authority to establish and operate cemeteries, G.S. 160A-341; regulation of city cemeteries, G.S. 160A-348.

ARTICLE I. - DEFINITIONS; APPLICATION

Sec. 13-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Administrator means the person designated by the Board to perform the functions and exercise the responsibilities assigned by this chapter to the administrator.

Lot means a plot of ground within the town cemetery consisting of two or more burial spaces, as shown on the official cemetery map.

Marker means a plaque installed at ground level at the site of a grave to indicate the name, date of birth, and date of death of the person buried there.

Mausoleum means a structure or building substantially exposed aboveground intended to be used for the entombment of remains of a deceased person.

Monument means a memorial stone or other structure erected at a gravesite in remembrance of the deceased.

(Prior Code, § 13-1)

Sec. 13-2. - Application of provisions.

The following sections apply to all cemeteries within the town: sections [13-3](#), [13-4](#), [13-5](#) and [13-6](#). The remaining sections of this chapter apply only to cemeteries owned or operated by the town.

(Prior Code, § 13-2)

ARTICLE II. - GENERAL REGULATIONS

Sec. 13-3. - Burial only in cemeteries.

No person may bury or cause to be buried the body of any deceased person within the town limits in any place other than a church cemetery or a cemetery operated by a governmental entity or a private cemetery licensed or specifically exempted from licensing according to the North Carolina Cemetery Act, [article 9](#) of G.S. chapter 65 (G.S. 65-46—65-73).

(Prior Code, § 13-3)

Sec. 13-4. - Disruptive activity prohibited.

- (a) No person may drive any motor vehicle of any kind in any cemetery except upon the main roads and avenues provided therein for vehicular traffic. Excluded from this prohibition are any types of equipment necessary for grave preparation or monument setting.
- (b) No person may drive any motor vehicle or park any motor vehicle in any cemetery unless in attendance at burial services or otherwise engaged in activities consistent with the use of a cemetery as a cemetery.
- (c) No person may take any dog, except when on a leash, horse, or other animal into any cemetery or allow any animal to run at large therein.
- (d) No person may intentionally disrupt any funeral services or disturb the quiet and good order of any cemetery by extremely loud or boisterous conduct. Except in the case of military funerals and veterans or military commemorative exercises, no person may carry or discharge firearms in any cemetery.
- (e) No person may post or attach any bills, posters, placards, pictures or other form of political or commercial

advertising within the cemetery or on the inside or outside of any wall or fence enclosing any cemetery.

(Prior Code, § 13-4; Ord. of 5-9-1994)

Sec. 13-5. - Desecration of public and private cemeteries.

- (a) As provided in G.S. 14-150.1, if any person shall willfully commit any of the acts set forth in the following subsections, he shall be guilty of a misdemeanor and shall be fined not more than \$100.00 or imprisoned for not more than 30 days, or both, at the discretion of the court.
 - (1) Throwing, placing, or putting any refuse, garbage, trash, or articles of similar nature in or on a public or private cemetery where human bodies are interred.
 - (2) Destroying, removing, breaking, damaging, overturning, or polluting any flower, plant, shrub, or ornament located in any public or private cemetery where human bodies are interred without the expressed consent of the person in charge of said cemetery.
- (b) Provided nothing contained in this section shall preclude operators of such cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the care of such cemeteries.

(Prior Code, § 13-5)

Sec. 13-6. - Removing or defacing monuments and tombstones.

As provided in G.S. 14-140, if any person shall, unlawfully and on purpose, remove from its place any monument of marble, stone, brass, wood, or other material, erected for the purpose of designating the spot where any dead body is interred, or for the purpose of preserving and perpetuating the memory, name, fame, birth, age or death of any person, whether situated in or out of the common burying ground, or shall unlawfully and on purpose break or deface such monument, or alter the letters, marks or inscription thereof, he shall be guilty of a misdemeanor. Provided that nothing contained in this section shall preclude operators of public or private cemeteries from exercising all the powers reserved to them in their respective rules and regulations relating to the use and care of such cemeteries.

(Prior Code, § 13-6)

Sec. 13-7. - Hours of operation.

- (a) The town cemetery shall remain open to the public throughout the year from sunrise until sunset.
- (b) No person may enter the town cemetery at any time other than the hours of operation established by subsection (a) of this section.

(Prior Code, § 13-7)

Sec. 13-8. - Trees; plantings; landscaping.

- (a) No person may plant, prune, or remove any tree, shrub, flower, grass or other plant of any kind located within the cemetery.
- (b) No person may place on or around any gravesite a fence, border, picture, toy, handmade ornament, or other self-described memoriam between March 1 and the October 31 of each year.
- (c) The public works director or his designee may enter any lot and remove any tree, shrub, or other plant that hinders the maintenance of any part of the cemetery. This also applies to the items referred to in subsection (b) of this section.
- (d) The public works director or his designee may remove from the cemetery all floral designs, flowers, weeds, or plants of any kind from the cemetery as soon as they deteriorate or otherwise become unsightly.

(Prior Code, § 13-8; Ord. of 11-17-1997; Ord. of 6-11-2001)

Secs. 13-9, 13-10. - Reserved.

ARTICLE III. - DESIGNATION AND SALE OF CEMETERY LOTS AND SPACES

Sec. 13-11. - Cemetery map required.

- (a) There shall be maintained by the town an official cemetery map which shall depict, as accurately as possible, the boundaries of the town cemetery and the location and dimension of all lots and spaces within the cemetery.
- (b) Burial rights in all lots and spaces shall be sold in reference to the official cemetery map.

(Prior Code, § 13-11; Ord. of 1-12-2004)

Sec. 13-12. - Purchase of burial rights.

- (a) The town shall sell burial rights in cemetery lots and spaces in accordance with the provisions of this chapter and the schedule of fees set forth in the Miscellaneous Fees and Charges Schedule maintained in the office of the town clerk.
- (b) Differential fees shall be charged according to whether the person intended to be buried in the space with respect to which a burial right is purchased is a town resident or a town tax paying nonresident at the time such right is purchased. The same fees shall apply whether the burial plot shall be used for interment or cremation.
- (c) A Certificate of Burial Right shall be issued to the person who purchases a burial right. The certificate shall identify the purchaser and the specific lots or spaces to which the certificate applies. There shall be no conveyance of title to any grave space, but the right or privilege of interment shall be sold as herein provided and such right or privilege shall be evidenced by the Certificate of Burial Right.
- (d) For the purpose of selecting a specific lot or space, the purchaser of a burial right may be required to inspect the lot or space at the cemetery accompanied by the public works supervisor, or other designated representative of the town.

(Prior Code, § 13-12; Ord. of 10-10-1994; Ord. of 6-11-2001; Ord. of 1-12-2004)

Sec. 13-13. - Rights of owner of Certificate of Burial Right.

- (a) The Certificate of Burial Right entitles the owner thereof (i.e., the purchaser) to use the designated spaces as a place of burial for any person they choose, provided that [section 13-14\(c\)](#) is not violated, subject to the terms and conditions of this article and subject to the town's authority to operate, regulate, control, and abandon cemeteries.
- (b) Upon the death of the owner of a Certificate of Burial Right, all rights evidenced by such certificate shall pass to the owner's heirs, legatees, or devisees in the same manner as other interests in personal property. In addition, the town will refund, without interest, any sums paid for spaces that the owner of a Certificate of Burial Right no longer wishes to reserve, upon surrender of the Certificate of Burial Right covering those spaces. In order to receive the refund, the owner of a Certificate of Burial Right must provide the Certificate for surrender. (Deleted text to charge additional fees for owners of Certificate of Burial Rights to change the designation of persons entitled to be buried in spaces covered by the certificate.)

(Prior Code, § 13-13)

Sec. 13-14. - Speculation in burial rights prohibited.

- (a) No person may purchase or otherwise acquire any burial right for the purpose of sale or exchange.
- (b) No person may sell or exchange any burial right for a profit or gain.
- (c) No town resident or town tax paying nonresident may purchase or otherwise acquire any burial rights at an in-town purchase rate for the intended burial of an out-of-town (non-town taxpaying) resident.

(Prior Code, § 13-14; Ord. of 5-9-1994)

Secs. 13-15, 13-16. - Reserved.**ARTICLE IV. - MAUSOLEUMS, MONUMENTS, AND MARKERS****Sec. 13-17. - Mausoleums (Reserved).****Sec. 13-18. - Monuments and markers.**

- (a) No monument or marker shall be placed on any site except under the supervision of and according to the instructions of the public works director, or other designated representative of the town.
- (b) Grave space markers shall be composed of either a marble or granite base and shall be a maximum size of 52 inches by 18 inches (double) and 28 inches by 16 inches (single). No marker composed of a brick or concrete base of border shall be permitted. All markers in zones 9, 10, 11 and 12 must be flat markers level with the surrounding ground.
- (c) Monuments or markers which do not otherwise satisfy the requirements of this section may be allowed upon approval by the Board of Commissioners if the requested monument or marker will not impair the use of adjoining grave spaces and will not require a substantial increase in future maintenance and repair needs.

(Prior Code, § 13-18; Ord. of 6-11-2001; Ord. of 1-12-2004)

Sec. 13-19. - Installation, repair or removal of monuments.

- (a) Should any monument or marker in the town's cemetery at any time become unsafe, unsightly, or

repair or resetting, the cemetery administrator shall notify the owner of the relevant Certificate of Burial Rights of such condition and shall request such person to make any needed repairs under the administrator's supervision.

- (b) Nothing in this section shall obligate the town to place, replace, or repair any monument or marker in the town's cemeteries.
- (c) Exceptions handled on a case-by-case basis.

(Prior Code, § 13-19; Ord. of 5-9-1994)

Sec. 13-20. - Reserved.

ARTICLE V. - BURIALS

Sec. 13-21. - Burial procedure.

- (a) No grave may be opened and no burial may take place in a town cemetery except by a licensed funeral director or his employees under the supervision of the public works supervisor or other designated representative of the town. The town shall be notified at least ten hours in advance of any funeral for which a grave shall be opened. Town staff will not be available to provide this service on weekends.
- (b) No grave may be opened and no burial may take place in a town cemetery until a grave space for the burial has been marked by a town representative. Marking of graves prior to opening shall be accomplished according to the specifications and in the presence of the public works supervisor, or other designated town representative. Town staff will not be available to provide this service on weekends.
- (c) The licensed funeral director responsible for any burial in a town cemetery shall be responsible for ensuring that grave spaces opened in connection with any funeral conducted by him or her are restored to the reasonable satisfaction of the public works director or other administrator designated by the town manager. If, within six months from the date of the funeral, a grave space sinks below the level of the surrounding ground, becomes eroded, or has otherwise become unsightly due to the lack of proper restoration or stabilization, the town shall so notify the responsible funeral director who shall ensure that appropriate corrective action is taken within ten days following such notification.
 - (1) If the funeral director fails to correct the problem within the period specified above following notification from the town, the town manager shall notify the funeral director in writing that the funeral director's privilege of conducting burials within any town cemetery is suspended until the defective condition is remedied.
 - (2) No funeral director may conduct any burial within any town cemetery after receiving the notice specified in subsection (c)(1) of this section, until the town manager has notified the funeral director in writing that the defective condition has been remedied and the suspension is lifted.
 - (3) Any suspension imposed under this section may be appealed to the Board of Commissioners. An appeal is initiated by filing a written notice of appeal with the town manager. An appeal stays the suspension pending the outcome of the appeal.
- (d) No grave shall be opened to a depth of less than five feet to the bottom thereof except in the cases of cremations.
- (e) All graves shall be level with the surrounding areas and no mounds shall be allowed.
- (f) The usage of each burial space shall be limited to one of the following:
 - (1) The interment of one human body;
 - (2) The interment of one human body and one cremation urn; or
 - (3) The interment of no more than four cremation urns.

(Prior Code, § 13-21; Ord. of 7-11-1994; Ord. of 6-11-2001; Ord. of 1-12-2004)

Sec. 13-22. - Records of persons buried required.

The town shall keep as complete and accurate records as possible of the name and burial plot of every person buried in the town cemetery.

(Prior Code, § 13-22; Ord. of 1-12-2004)

Sec. 13-23. - Disinterment procedure.

- (a) No disinterment may take place in a town cemetery except by a licensed funeral director or his employees pursuant to a valid and unrevoked permit for disinterment/reinterment issued by the Orange County Health Department under the supervision of the public works Supervisor, or other designated representative of the town. The town shall be notified at least ten hours in advance of any disinterment.
- (b) Marking of graves prior to opening for disinterment shall be accomplished according to the specifications and in

the presence of the public works supervisor, or other designated town representative. Town staff will not be available to provide this service on weekends.

- (c) All disinterred graves shall be restored to a condition level with surrounding areas.

(Prior Code, § 13-23; Ord. of 6-11-2001; Ord. of 1-12-2004)

Secs. 13-24, 13-25. - Reserved.

ARTICLE VI. - PENALTIES AND REMEDIES

Sec. 13-26. - Misdemeanor, civil action and enforcement provisions.

- (a) A violation of any of the following provisions shall constitute a misdemeanor, punishable by a fine of \$100.00: sections [13-3](#), [13-4](#) (except [section 13-4\(a\)](#) and (b)), [13-7](#), [13-8](#), [13-14](#), [13-21](#) and [13-23](#).
- (b) A violation of [section 13-4\(a\)](#) and (b) shall constitute a misdemeanor, punishable by a fine of \$50.00.
- (c) Violations of any of the sections listed in subsections (a) and (b) of this section shall also subject the offender to a civil penalty of \$25.00. If a person fails to pay this penalty within ten days after being cited for a violation, the town may seek to recover the penalty by filing a civil action in the nature of debt.
- (d) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (e) The town may seek to enforce this chapter by using any one or any combination of the foregoing remedies.

(Prior Code, § 13-26; Ord. of 5-9-1994; Ord. of 6-11-2001)

[Sec. 12-24. - Penalties and remedies.](#)

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
SEPTEMBER 08, 2020
3:00 PM**

Historic Preservation Commission Members in Attendance:

Chairperson Eric Plaag, Vice-Chairperson Phoebe Pollitt, Teresa Pearman, Bettie Bond, Rennie Brantz and Loretta Clawson

Town Staff in Attendance: Jane Shook-Director of Planning and Inspections, Christy Turner – Senior Planner, Brian Johnson-Urban Design Specialist and Marlene Crosby-Board Secretary

Others Present:

Call to Order

Chairperson Plaag called the meeting of the Boone Historic Preservation Commission, held via WebEx, a video conferencing software to order on Tuesday, September 8, 2020 at 3:00 p.m.

Adoption of Agenda

Chairperson Plaag requested to amend the agenda to move agenda item fifteen the Historic District Action Guide to between number seven and eight on the agenda.

Member Brantz made a motion, seconded by Member Clawson to adopt the agenda as amended.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Plaag welcomed Ms. Sophie Williams who was invited by Vice-Chairperson Pollitt to observe the meeting to see, if she would like to apply to become a member of the Historic Preservation Commission. Chairperson Plaag told Ms. Williams that he or the Planning Staff would be happy to answer any questions she might have about the HPC.

Ms. Jane Shook, Director of Planning and Inspections reminded the HPC that they currently have a seven-member board counting the two Council Liaisons. She explained that there is a proposed text change going to Council at the September 2020 public hearing where the Council Liaisons may be removed as voting members. She said they would just be Council Liaisons and no longer members of the Commission as the HPC moves forward to the judicial process. She further explained that under state law only five members are required for the HPC. She said the HPC currently has five members. She pointed out that Member Pearman has served the

two consecutive terms currently allowed and can continue to serve until another member is appointed. Chairperson Plaag further explained that Member Pearman's seat on the Commission is open and can be filled by another member that is appointed by Council. Chairperson Plaag thanked Member Pearman for her service on the HPC over the past six years which included her service as vice-chairperson for a period of time on the Commission. Ms. Shook pointed out that at this time no one else has been appointed and she is welcome to continue to serve for now. Ms. Shook also pointed out that there are vacancies on other Town boards, if she had a desire to pursue one of those positions.

Approval of Minutes

Chairperson Plaag explained that he had not reviewed the August 11, 2020 meeting minutes. He requested that the approval of minutes be tabled to the next meeting.

Member Brantz made a motion, seconded by Member Pearman to table the approval of the August 11, 2020 meeting minutes to the next meeting.

Vote:

Aye - All

Nay - None

The motion passed.

Public Comment

There was no public comment at this meeting.

Burrell Monument

Chairperson Plaag gave some history on this topic noting that the Council had directed the HPC to work with Ms. Mary Moretz and research the possibility of a marker or some other means of recognizing Burrell. He said the HPC created a statement in July of 2020 that stated the HPC did not think that there was enough historical evidence to justify a historical marker in Burrell's name. He said the HPC decided to let Council know at their meeting last month that they did not feel comfortable moving forward with a marker designation based on their research of Burrell.

Chairperson Plaag explained the two things that the Council assigned to the HPC. The first thing was for the HPC to identify black and indigenous people of color candidates from Boone's history who might be deserving of a marker or some similar honorary designation. He said the Council would like to hear from the HPC about for both a process and how such people would be identified. The second thing was to come up with a list of street names in Boone and research the history of why the streets are named the way they are.

Chairperson Plaag recommended that the HPC should look at the Junaluska Community as well as others, as part of the process of identifying black and indigenous people of color candidates from Boone's history. Member Brantz agreed with Chairperson Plaag's recommendation. Chairperson Plaag said once the Council has agreed to a process, it may be possible to open up

publicly an invitation process. He said the process would include the HPC is actively considering a potential historic marker or other honorary designation for black or indigenous people of color that had an important impact on Boone's history. He said the process would also include inviting them to make suggestions for who the HPC should consider as part of that process which would include the Town's public comment process. Ms. Shook explained that the Staff could help the HPC with information about the public comment process. She also noted that it depends on if there are in-person meetings at that time and the Staff would make it as easy as possible for the public to participate. She said an email process is a possibility for the public to submit their information for the Staff and HPC to review. She noted that the Town website is another way to receive public input in a form-filled type of response.

Chairperson Plaag suggested for the next meeting that the HPC make a list of ways to begin the process for identifying black and indigenous people of color candidates. He said the HPC could discuss the list at the next meeting.

Chairperson Plaag said in the most recent copy of the High Country magazine, there is an article on Burrell and Ms. Mary Moretz's ancestors. He noted that the magazine article relates to the topic of identifying black and indigenous people of color and a worthwhile read as it relates to said topic.

Councill Store Local Marker

Chairperson Plaag said the Council had approved the HPC to work on the Councill Store Local Marker for their marker project. He explained that there were some possible concerns from Council as to the location of the said marker. Chairperson Plaag explained that he felt the HPC had addressed the Council's concerns.

Discussion ensued on the proposed Councill Store Local Marker location. Chairperson Plaag began discussion on the possible locations for the marker. He said that it was previously suggested to put the marker next to Boone Town Hall on the other side of the Town parking lot driveway from the Veteran's Memorial. He said currently there is some public art located there along with a tree and some type of sign. He said that Mr. Ward showed concern for this location because there is a long-term plan to take the entire space and to expand Town Hall. He said there would be a fairly large pocket park in front of it. He said Mr. Ward thought it was alright for the said marker to be located there but temporarily moved during the construction process and then brought back to said location. Chairperson Plaag offered to work on the initial draft for said marker because he has already completed a considerable amount of research on it.

Member Bond talked about the Boone's 150th birthday being in January of 2022 and possibly tying in the inclusion of the Councill Store Marker around the same time. Chairperson Plaag agreed with Member Bond but he explained that he would like to prioritize the Watauga County Jail Landmark Designation before the Councill Store marker. Chairperson Plaag explained that he has already done a considerable amount of work on the Watauga Jail Landmark Designation and he would like to complete it first. Member Bond agreed as long as

the Council Store marker can be completed in the same year as the Town of Boone's birthday year of 2022.

Vice-Chairperson Pollitt joined the meeting at approximately 6:05 p.m.

Downtown Survey Report, District Designation Report and Downtown Design Guidelines

Chairperson Plaag drew to the attention of the Planning Staff that he would like to recommend that the Council review the Downtown Survey Report and Ms. Shook explained that it was her understanding that the Council was waiting until after the joint meeting On September 30, 2020 with the Council, Community Appearance Commission, Historic Preservation Commission and the State Historic Preservation Office before they took action on the proposed adoption of the Downtown Survey Report. He talked about the recommendation for the adoption of the Downtown Survey Report being placed on the Council's October 2020 meeting agenda. He further explained that the three documents are separate reports and often are looked as the same document. Ms. Shook explained that she would try to get this topic on the Council's agenda for October 2020. Chairperson Plaag pointed out that the map that supports the Downtown Survey Report is not included at this time. He explained that the map has to be sent to SHPO as part of the survey report materials. Ms. Shook asked Chairperson Plaag if the Planning Staff already has the final survey map. Chairperson Plaag said yes it was submitted in July of 2020 and included in the survey report. Chairperson Plaag added that the map that shows all of the surveyed parcels is not in the survey report. Chairperson Plaag said he could present the survey report and final map to Council at their October 2020 meeting.

Chairperson Plaag talked about the Downtown District Designation Report. He said it is currently in draft form.

Historic District Action Guide

Chairperson Plaag gave an overview PowerPoint presentation (permanently attached) on "Strategies for Establishing Historic Districts" as presented at the meeting via a PowerPoint presentation based on the book entitled, "Historic District Action Guide" written by Mr. William E. Schmickle.

Chairperson Plaag pointed out that there was an initial public information session in 2015 regarding the Downtown District that went very well. He said there was about 50 people that attended the session.

Chairperson Plaag explained that the Town already has Downtown B1 zoning district standards within the Unified Development Ordinance that reflect the Secretary of the Interior Standards which are fairly broad. He said the property owners and tenants in Downtown Boone are already living under a zoning district that essentially has a set of design standards that are somewhat similar though not quite as detailed as what they will ultimately see if the district standard design guidelines are approved. He said the Council approved the HPC to explore the possibility of a Downtown District. He said the HPC made a unanimous recommendation to support a proposed Downtown District.

Chairperson Plaag stated that it is important for the Town attorney to review the draft Downtown Designation Report before it goes out for public comment. He said that he does not anticipate any issues with the draft report. He noted that in some ways the draft designation report mirrors the draft survey report.

Chairperson Plaag explained that the SHPO review process usually has a 60-day turn around. He said the SHPO review would typically not happen until after the public comment session has occurred and any proposed changes have been made, if necessary. Then the draft designation report would be sent to SHPO for their review of it. He said there would then be a second public information session about the proposed district after SHPO review, if they approve it. He said this process involves the Planning Commission and Council and the Planning Commission makes recommendations to Council who would then at their next meeting vote on the proposed district designation which is the formal designation of the district. He said he has tried over the years that the HPC has been working on the draft district designation to emphasize that it is really important to distinguish your review of the design guidelines from the designation process. He said they are two separate processes.

Chairperson Plaag reviewed the pitfalls and cautions. Chairperson Plaag said that you cannot adopt the design guidelines first. He explained that there are two separate votes, one for the design guidelines and one for the district. He said you cannot debate the guidelines until a district is designated. He said the design guidelines are negotiable once you have the designation. He suggested that the HPC focus on getting the proposed district designation.

Discussion ensued on the property owners possibly wanting to know what the district designation means for them. Ms. Shook said wouldn't the property owners want to know what the district designation means for them. Chairperson Plaag said that he thinks the property owners should be told that changes within the district whether it be new construction or renovation to existing construction is required to be reviewed by the HPC. Then, once the district designation takes place, the Town will work on a set of guidelines that reflect the fabric of the Downtown to ensure that properties continue to maintain the character of that district whether they be new or existing properties. Chairperson Plaag said that topics like minor and major decisions being made by Staff or by the HPC. Chairperson Plaag said there are ways that can explain how simply the process is without causing the property owners to question the process as it relates to their properties. Chairperson Plaag said the best way to answer questions from property owners is to say is the prevailing general guidelines are the Secretary of Interior Standards for rehabilitation which are incorporated into the basic Unified Development Ordinance guidelines for the B1 district. Chairperson Plaag also added that the property owners are already living under this general set of guidelines that informs what the specific set of guidelines will be. Chairperson Plaag said there is not a dramatic change that will be taking place as a result of the designation and there is already a fairly comprehensive set of guidelines under the UDO. Ms. Shook said at the same time don't we already have draft design guidelines specific for the proposed district. Chairperson Plaag suggested saying to the property owners that we have also been working on a draft set of design guidelines that are subject for

review by the town attorney and subject to public comment through both a formal and informal hearing process set for a future date. And there is no aspect of them binding on the Town or on the property owners. And the goal is to seek the designation of the district.

Chairperson Plaag talked about the four different groups that take part in a public information session which are the makers, breakers, takers and shapers. Chairperson Plaag first described the makers which are the HPC, Town Council, Town Manager, Town Staff and any other people that are supporters like the Watauga Historical Society. The second group is breakers which are people that will try to find a way to stop what is being proposed. The third group is takers are often people in the district that are tenants or property owners who are waiting to be convinced of what the best course is on the decision. They are called takers because they will take what comes. For example if there is community support for the adoption or opposition of a district, they are alright with either one. The fourth group is the shapers who are already in the district and have some experience with what it means to be part of a district who you can call on to speak for you. Chairperson Plaag talked about Mr. John Cooper, owner of Mast General Store and noted that it might be worthwhile to talk to Mr. Cooper and ask him about his experience with having properties that are within historic districts in the many cities in which your stores are in and what have you found to be beneficial about it. Chairperson Plaag also talked about asking Mr. Cooper if he would be willing to attend a public information session and speak to certain aspects of it. Chairperson Plaag said by asking Mr. Cooper to speak, it helps the other business owners in the district to see the benefits of it.

Discussion ensued on the strategies for Informing the Public. Chairperson Plaag explained that it is important to remember that when you are giving a presentation you are controlling the narrative. You are providing information and making a case for designation. He said your goal is not to be validated because it is not useful in the presentation. He said to the extent that is possible the public event should be held in a neutral venue. He said if it possible to have the event in a tradition setting, he would suggest having the event at the Appalachian Theatre or the Watauga County Library. He said the property owner notifications should be sent via the United States Postal Service and not hand delivered. He said the notice should be a simple invitation telling what the public event is about and include a link containing the information of the draft designation report. He added that in terms of the reasons for the district or the benefits for the district should be saved for the public information session. He said this allows you to control the narrative of what is being presented.

Chairperson Plaag said that the following people should be at the public information session: Town Manager, a lead presenter, as many as possible of the Town Council Members, Planning Commission Members, SHPO Staff, Town Planning Staff and district property owners who support the designation. He also stated that the shapers should be invited to testify of the benefits or advantages for property owners to have a district designation and the shapers should be prepared ahead of time on what to talk about.

Chairperson Plaag talked about the things to do during the public information session. He said the proceedings should be recorded. He said if it is a virtual meeting, there needs to be a

virtual sign-up sheet to keep a record of who participated. He said a FAQ sheet should be made available online a couple of days ahead of the session, if it is going to be a virtual session. He said the FAQ sheet should be prepared as a handout for when people walk in the door, if it not a virtual session. He said the presentations should be kept to about 20 minutes. He explained how to handle the questions during the Question and Answer part of the session. He said part of the strategy is knowing how to answer questions in the moment but not tipping your hand at what your answers are. He said before you answer a question, make sure you understand the question and to recognize the difference between motivations of takers and breakers by listening for the tone noted in the question.

Ms. Shook explained that the Town has purchased two copies of the book, "Historic District Action Guide). She explained that she thought this book has a lot of great information and she suggested that she and Ms. Turner and Ms. Allison Meade, Town Attorney read the book.

Discussion ensued on having remote or in-person meetings. Ms. Shook said she did not know how long the HPC would be meeting remotely. She said depending how fast the Staff moves after the joint meeting, we may have to rethink how we do the public input sessions. She asked the HPC to be thinking about alternate ways to get the information out to the public. She said the Planning Staff has discussed doing recordings as an option to include in online presentations for the public to view. She said there would still be some type of public information session whether it be virtual or in person. Chairperson Plaag talked about a process he is using with another meeting that includes broadcasting a zoom meeting to Facebook which will include a moderator who will tell him what the questions are being added through Facebook and he is able to answer those questions.

Chairperson Plaag said that the Council approved the joint meeting to be held with the Council, Community Appearance Commission, Historic Preservation Commission and various members of the State Historic Preservation Office and Town Staff. He told the HPC that they should have received a "doodle poll" suggesting possible dates for the joint meeting. Member Pearman said that she did not receive the "doodle poll". Ms. Turner explained that the majority has been for September 30, 2020 at 6 p.m.

Chairperson Plaag explained that the HPC has been asked to review the CAC Design Guidelines before the September 30, 2020 meeting and to look for contradictions between the Historic Guidelines and the CAC Design Guidelines for the Downtown core. He asked the Planning Staff to send out again the CAC guidelines to the HPC. He asked that printed copies be made for Member Clawson, Member Brantz, Member Pearman and Member Bond.

Ms. Shook explained that Mr. Brian Johnson, Urban Design Specialist who is the Planning Staff to the CAC is in attendance at this meeting to briefly review and answer questions on the final draft of the CAC guidelines.

Mr. Johnson began a brief overview of the draft Downtown Design Guidelines. Mr. Johnson noted that the CAC included in the design guidelines two downtown districts called the B1

Downtown Core and the B1 Downtown Interface. He said the CAC tried to keep the B1 Downtown Core consistent with the HPC's historic guidelines. He also explained that the B1 Downtown Interface was the CAC's idea of having a gateway in the historic core area or basically having a transition between the B1 Downtown Core and adjacent zoning districts. He said the design guidelines include the rhythm, proportion and massing of the buildings. Ms. Shook noted that the CAC has been working on the creation of two zoning districts that include the use and intensity standards in addition to the design of them. Ms. Shook said that Council has preliminarily approved that the UDO would be re-written at the same time. Ms. Shook explained that the Planning Staff created an Article 18 in the UDO for the B1 zoning district. Ms. Shook said the Planning Staff will further modify the UDO by giving each zoning district its own article.

Mr. Johnson said that the articles for each zoning district will include the use and dimensions and materials of buildings. He said there will be sections for prohibited materials, landscaping, retaining walls and utilities. He said that there will be about 254 properties that will need to be rezoned.

Mr. Johnson said the CAC was more concerned with the massing of buildings than other things that they reviewed. He said the CAC spent additional time discussing the massing of buildings and made some revisions. He said the CAC was concerned with the larger properties where multiple properties might be brought into one property. He encouraged everyone to look at the massing of the building, when they receive the draft design guidelines. He said the design guidelines are broken out into new construction and renovations. He said the CAC at their last meeting did review proposed maps for both the B1 Downtown Core and B1 Downtown Interface. He added that there was discussion on a couple of the properties on the maps that can be reviewed more closely once the draft design guidelines are reviewed.

Chairperson Plaag asked the HPC to review the draft CAC Design Guidelines and to identify any areas of conflict with the HPC Historic Design Guidelines.

Watauga County Jail Landmark

Chairperson Plaag said that Council approved the HPC to proceed with preparing a landmark designation report on the jail. He said that he could begin working on it because he already has information on it. He noted that it takes some time to prepare but he can probably have a draft for the HPC to review in the early spring.

150th Downtown Boone Celebration

Chairperson Plaag said that Council approved a series of events that would include the Boone celebration. He said these events would occur over the full year of 2022. He said he felt there was a general consensus from Council that this celebration would align with programs that take place including the first Friday events. He said the approval included exploring other ways to have the celebration in the most flexible way since the pandemic could still be going on at that

time. He said the directive that was voted on by Council was for Town Staff coordinate with the various Commission on recommendations and planning for what these events might look like.

Junaluska Historical Marker

Ms. Turner updated the HPC with the status of the ordering of the marker. She said she has contacted the company but has not yet heard back from them. She said she would let the HPC know the status at the next meeting. Chairperson Plaag asked Ms. Turner if the Town had heard back from Watauga County on the location of the marker. Ms. Turner said that she is still working on it. Chairperson Plaag said that if the County does not approve the location of the marker, the HPC will need to discuss another location for it.

Bryan, Hayes, Greene Cemetery

Chairperson Plaag asked Member Clawson to report what she found out regarding the owner of the cemetery. Member Clawson said she called the funeral homes to no avail. Member Clawson said she called Mr. Gordon Noble to see what information he had on the ownership of the cemetery to no avail after checking at the court house. Chairperson Plaag said that he needs to go to the courthouse to research Judge Greene's parcels, so he will research the cemetery as well. Chairperson Plaag said if the Town is going to take over the cemetery, the Town might need to advertise about the graveyard parcel saying the Town would like to take responsibility for it and if you have claim to this parcel, please come forward.

Discussion of Boone cemetery regulations. Member Bond talked about forming an advisory board. She suggested asking Mr. John Ward, Town Manager about the board. Member Bond talked about the burial rights. Member Bond suggested talking to the Town Attorney about the burial rights to see if the HPC should discuss. Member Bond also talked about the burial procedures and including someone from a funeral home on the advisory board, if the Council wants an advisory board. Ms. Turner said the Council directed the HPC to work with the Town Attorney on the regulations. Mr. Turner said she could take Member Bond's questions to the Town Attorney for her review. Member Bond suggested adding the cemetery regulations to the next meeting agenda to see what the Town Attorney has said. Member Bond also suggested contacting a funeral home regarding their protocol for cemeteries.

Chairperson Plaag presented the rules and regulations for the Boone cemetery that was approved by Council in March of 2016 under the consent agenda. Chairperson Plaag asked if the regulations that the HPC has been asked to prepare are for any cemetery that the Town might take over, if this document be prepared to meet the specific needs of the individuals of cemeteries that the Town may take over. Member Bond said she would like to see the directive regarding the cemetery regulations presented as simple as possible.

Chairperson Plaag talked about the low amount for fees. He asked Ms. Turner to ask the Town Attorney if the fee amounts are bound by state statute or does the Town have the ability to set its own class of misdemeanor and fines. Member Bond asked Ms. Turner for some guidance on what should be included in the draft cemetery regulations. Ms. Turner said she would ask the

Town Attorney on these items. Chairperson Plaag suggested talking about the draft cemetery regulations at the next meeting.

Discussion ensued on rescheduling the next HPC meeting. Member Bond noted that she will not be present at the next HPC meeting scheduled for October 13, 2020 at 3 p.m. It was the consensus of the HPC to move the meeting to October 6, 2020 at 3 p.m.

Turner House

Chairperson Plaag said he was able to photograph the interior and exterior of the house. He said that he was not aware of the status of the negotiations between the Town and the County. He asked Ms. Turner if she had an update on it. Ms. Turner said it is still being negotiated.

Historic Preservation Commission Material inclusions on Town of Boone's Website

Chairperson Plaag said that Council directed the Planning Staff to explore ways of creating a Historic Preservation Commission webpage on the Town website. He said Ms. Shook volunteered a space on the Planning and Inspections webpage. Ms. Shook said that she would like to have a good idea of what the HPC wants on the webpage and how the HPC wants it set up. He said he would email Ms. Shook information on the webpage. He said he would update the HPC what was discussed regarding the webpage.

Historic Meanings of Downtown Streets

Chairperson Plaag said that Council has approved the HPC to begin the process of researching the Downtown streets and why they have the names that they do. He opened the floor for volunteers to begin this process of identifying the streets. He said he thought it was fair to extend not only the five or ten principals streets in the immediate Downtown area but the areas right around the Downtown which would include the Cherry Drive neighborhood, Orchard street, Grand Boulevard area, Junaluska neighborhood and Bear Trail. He said that Council may ask the HPC to expand on it. Member Bond asked for the Planning Staff to provide a list or map of the streets so each HPC member can choose a street to do research on. Ms. Shook said she already has a list of streets that she can send out to the HPC members.

Informal Discussion/Other Matters

Chairperson Plaag said that he was able to photograph the interior and exterior of the Edmisten house. He noted that the interior was not a grand show place but full of junk and there has been trouble with rats and groundhogs inside the house.

Chairperson Plaag suggested the following topics for the next meeting agenda: Cemetery Regulations, Downtown Streets, and Town website, Turner House, Junaluska Historic Marker and Survey/Designation Process.

Member Bond informed the HPC that on Wednesday, September 9, 2020 the Watauga Historical Society will have a program on Steve Suddreth and his new book about Blowing Rock. You may view this program on the Digital Watauga Facebook page.

Adjournment

Member Bond made a motion, seconded by Member Brantz to adjourn the meeting at 5:22 p.m.

Vote:

Aye – All

Nay – None

The motion passed.

Eric Plaag, Chairperson

Marlene Crosby, Board Secretary

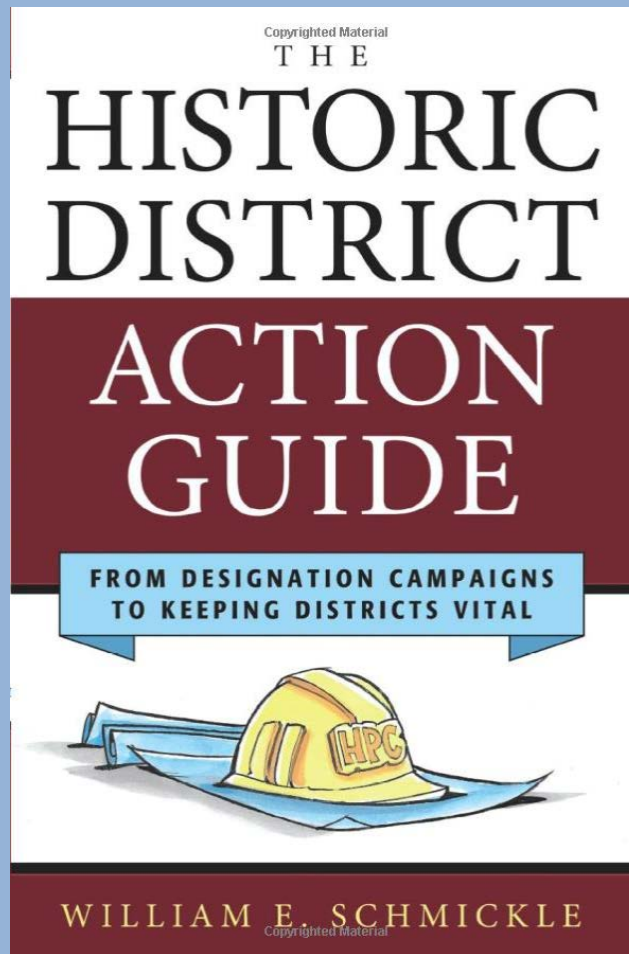
Communication: September 8, 2020 Meeting Minutes (Approval of Minutes)



Strategies for Establishing Historic Districts



Dr. Eric Plaag





Much of the Heavy Lifting Is Already Completed and Publicized

- 2015 public information session before survey generated public support.
- Existing UDO regulations for downtown mirror Secretary of the Interior's Standards.
- Detailed survey report is complete.
- Town Council and HPC already support initiative.
- Draft designation report is already complete.
- Draft guidelines are already complete.

What Remains

- Town attorney review of designation report
- SHPO review of designation report
- Second public information session about proposed district
- Public Hearing About District Designation; involves Planning Commission and Town Council
- Formal designation of district
- Separate process for review and adoption of design guidelines



Pitfalls and Cautions

- Do not mingle the district designation process with the establishment of design guidelines. They are distinct processes.
- Be prepared and know your stuff.
- Makers, breakers, takers, & shapers
- Don't pick fights. Don't join fights. Don't try to end them.
- Never think of or present preservation as a hammer. Ever. Emphasize possibilities and benefits for everyone. Always think of "Preservation Plus" as your focus.

Second Public Information Session



Photo by Palmer Blair
Palmer Blair Collection, Digital Watauga

Strategies for Informing the Public

- It's an information session, not a validation session. Be prepared to make your case for designation.
- Select a neutral venue.
- Notify all property owners AND tenants well in advance, and send via USPS.
- Keep your notice simple. Save your best evidence for the session itself.
- Provide a link to the draft designation report so that participants are informed.



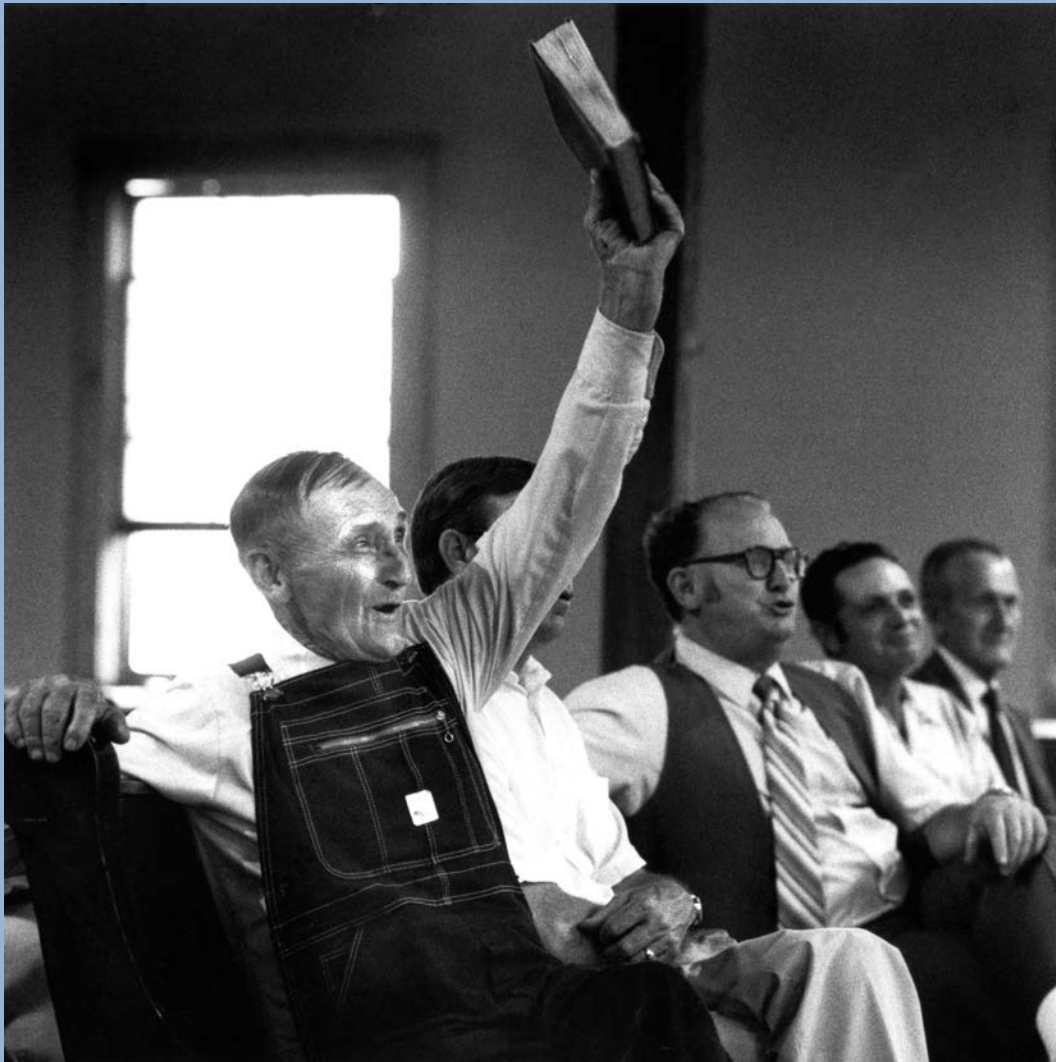
Who Should Be There?

- Town Manager
- Lead presenter
- HPC members
- Town Council members
- Planning Commission members
- Invited SHPO Staff (Annie?)
- Town Planning staff
- District property owners who support designation

During the Information Session

- Record the proceedings
- Sign-up sheet for owners and tenants
- Focus on advantages for property owners and tenants; call on your shapers to testify
- Frame the conversation as using “preservation of the past to help build for the future”
- Emphasize the flexibility of new construction, renovation, and adaptive reuse that honors and preserves downtown’s history and architecture
- Prepare and provide an FAQ sheet covering likely questions ahead of time
- Keep it brief—20 minutes tops to allow for plenty of questions

Handling the Q & A



Paul Armfield Coffey Collection, Digital Watauga

Tough Questions

- Your FAQ sheet is a cheat sheet. Answer briefly, but refer people to it for questions contained there.
- Know your limits, and defer to SHPO staff when you need to.
- What is the question, and why/how is it being asked?
- Recognize the different motivations of takers vs. breakers—substance vs. rhetoric—and the influence of answers on takers.
- Most common line of attack is to question need for preservation, followed by a defense of property rights.

Common Substantive Questions

- What are the benefits of designation?
- What is historically significant about downtown?
- What is a zoning overlay?
- What is the difference between a contributing and non-contributing property?
- How does designation affect values and taxes?
- What projects need approval?
- What are design guidelines and how applied?
- How does the COA process work?
- What about new construction?
- Are interiors subject to review?
- What about demolition?

Examples Attacking Preservation

- Why don't you trust us with our property?
- Why didn't you ask us first?
- If you trust us, then why do we need more rules and regulations?
- Isn't this why we have zoning laws?
- You can't stop change.
- Design is subjective. Who can say what good taste is?
- Preservation is expensive.
- This will raise my property taxes, right?
- There's nothing historic about most of these buildings.

Examples Arguing for Property Rights

- You're violating my personal property rights.
- You can't tell me what to do with my property.
- This is an invasion of privacy.
- We shouldn't trade our rights for more regulations.
- The survey and designation reports are biased.
- You can't trust the Town and HPC with this kind of power.