

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
FEBRUARY 1, 2022, 6:00 p.m.**

Historic Preservation Commission Members in Attendance:

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

Student Member: Izabela Willis

Council Liaisons: Virginia Roseman

Town Staff in Attendance:

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

Other: Allison Meade-Town Attorney

Call to Order

Chair Eric Plaag called the meeting of the Boone Historic Preservation Commission, held via WebEx, a video conferencing software, to order on Tuesday, February 1, 2022, at 6:00 p.m.

Adoption of Agenda

Member Brantz made a motion, seconded by Member Bond, to adopt the agenda as presented.

Vote: Aye – All

Nay – None

The motion passed.

Chair Plaag introduced himself and asked the other commission members to state their names for the record. He noted that these commission members are the voting members of the Commission. He pointed out that Ms. Virginia Roseman is a Council Liaison on the Commission. She would not be present during the actual hearings for the quasi-judicial phase of this meeting. He added that Council Liaison Roseman does report to Council on other non-quasi-judicial matters that the Commission is considering.

Chair Plaag explained that the Town staff members provide staff support for the Historic Preservation Commission. They prepare the cases for each meeting. He called the names of the following staff for the HPC. Ms. Jane Shook, Director of Planning and Inspections, Ms. Christy Turner, Senior Planner, Ms. Jessica Mitchell, Long Range, and Special Projects Planner, Ms. Allison Meade, Town Attorney, and Marlene Crosby, Commission Secretary.

Chair Plaag explained that the HPC is a Town Commission that serves two purposes. He said the first purpose is advisory that provides input to the Council on various matters related to preservation, designation, and recognition of historic resources within the Town of Boone. He said the other purpose is to hear applicant requests for Certificate of Appropriateness on alternations, demolitions, new construction, and other work designated within local historic districts or involving properties that have been designated as local historic landmarks.

Chair Plaag pointed out that typically the HPC would handle the quasi-judicial matters on the agenda first, in the interest of preserving staff time and the time of applicants, their representatives, and any witnesses.

Public Comment

Chair Plaag explained that public comment might be about any item on the agenda or any other item of interest to a public member. He said if you are a witness, applicant, or other interested parties to one of the quasi-judicial cases in this meeting, he asked them to hold their comment until that particular case is heard.

Chair Plaag opened the floor for public comment. Ms. Kelsey Summers, Executive Director of the Hope Center located in Downtown Boone, stated that she would like to comment on the Venture Wine and Chocolate case. Ms. Summers said that she had known the applicant, Mr. Josiah Davis, from his work at the Local Lion. She said she thought the community could use his expertise in the Downtown Historic District.

Chair Plaag asked if anyone else in the meeting wanted to make a public comment. He asked Ms. Shook if she had received any requests to speak at this meeting. Ms. Shook said she had received three requests. She said that she had Ms. Summers on a list to speak under two other cases. Additionally, she said she had two different names on the list to speak at cases and not under general comment. Their names were Ms. Callie Gunzenhauser and Ms. Nancy Gray.

Ms. Meade asked Chair Plaag to explain to Ms. Summers the difference between a public comment and being an actual witness for a case. Chair Plaag told Ms. Summers that the public comment that she made for the Venture Wine and Chocolate case was an unsworn statement, and it could not be considered for this case. He also told her that if she wanted to give evidence supporting said case, she would have to wait until that case was called. Then, she would be permitted to appear as a witness and be sworn in, and provide relevant testimony to whether the application should be approved. He further explained that this would go for anybody else who was in support or against an application.

Chair Plaag asked if anyone else wanted to speak under public comment, and there were no other comments, and he closed the floor to public comment.

Chair Plaag moved to the evidentiary hearings portion of the meeting agenda. In a quasi-judicial proceeding, he said the HPC is not setting policy, nor is the HPC soliciting public opinion on the desirability of a particular application.

Chair Plaag explained that the Historic Preservation Commission had received a publicly posted meeting packet prior to this meeting containing the applications and relevant materials for each case. He said the Commissioners are expected to review the materials prior to the meeting. The HPC hears and considers the evidence presented by the applicant, town staff, witnesses, and applicable interested parties to the matter at hand.

Chair Plaag said that after hearing the evidence, the HPC then applies the guidelines set forth in the standards applicable to the landmark or district associated with property subject to the application.

Chair Plaag explained that to make findings of fact about a case, the HPC is obligated under North Carolina law to make its decision based upon competent material and substantial evidence. The HPC uses their judgment and discretion to apply the standards for the landmark or district to the proposed work based on the evidence presented for the case. He explained that under North Carolina law, Commissioners participating in and voting on the case shall not have a fixed opinion for the case not susceptible to change, shall not have a conflict of interest, and shall not have engaged in undisclosed ex parte communications regarding the application. If substitute situations do apply to a Commissioner on a given case, the Commissioner is obligated to disclose such issues and ask the rest of the Commission to consider the appropriateness of the Commissioner's recusal from that particular case. The Commission's policy is that any recused Commissioner will mute themselves and turn off their camera, or step out of camera view for the duration of that particular case. Additionally, recused Commissioners will be

called back to the meeting following the conclusion of the case at hand. While this meeting is open to the public, participation in a given case is limited to interested parties who wish to provide sworn testimony regarding the case. Under North Carolina law, when the Chair recognizes participants to provide testimony, they will be asked to swear or affirm their testimony. If someone is a witness, they are asked to please indicate their preference when called upon. When giving testimony, individuals are asked to focus on the facts and how they relate to the relevant historic district or landmark standards, not personal preference or opinion. The Chair reserves the right to terminate testimony that is either unduly repetitious or irrelevant and immaterial to the case at hand. Interested parties may appeal a decision to either grant or deny a Certificate of Appropriateness by submitting that appeal to the Board of Adjustment within 30 calendar days from receipt of notice of the Commission's decision.

Chair Plaag said he would now swear or affirm staff members regarding their testimony for the hearings to follow. Ms. Shook, Ms. Turner, and Ms. Mitchell were sworn in.

CASE Z05382-121421 Welcome to the High Country Mural

On behalf of Watauga County Arts Council, Amber Bateman has applied for a Certificate of Appropriateness for Major Work to install a work of art on the side of the building at 182 Howard Street (located within the Downtown Boone Local Historic District). The subject property is outlined on the map in the staff report.

Chair Plaag opened the hearing and asked that the record reflect that Ms. Bateman emailed Ms. Turner requesting that this case be removed from this agenda and continued at the March 2022 HPC meeting. She noted the reason as being that the participating parties have not decided how to proceed based on the December 2021 HPC Consultation.

Chair Plaag explained that when he received this email, he was initially given the option of either granting the applicant's request to continue the case until later within his power as the Chair, or to essentially poll the Commissioners on whether they wanted to continue that case. He said his understanding in discussing this topic with Ms. Shook is polling the commission members would require that the applicant have their Counsel there to present that vote for the Commission on the continuation. He said the action by the Chair alone does not require that the applicant's Counsel be present during the voting. Ms. Shook clarified that with the Board of Adjustment, the Chair would typically grant the first request for a continuance without a full vote of the board. She said that if the Chair were to continue the request, the applicant would want to be there, or they could have their Counsel representing them at that time. Chair Plaag said since it is a power granted to the Commission, in the interest of not inconveniencing the applicant or causing additional expense on the applicant, he said that for the first request for a continuance, he would choose the option of using his power as Chair to allow the continuance to be determined at a future date.

Chair Plaag asked if there were any questions or discussion on this case or any objections to continuing this case. There were no other comments, and he closed the public hearing for this case.

CASE Z05383-121521 Collette-Woodruff PC

Jenny Collette, on behalf of Collette-Woodruff, PC, has filed an application for a Certificate of Appropriateness for Major Work requesting to install a sign at 191 Howard Street (located within the Downtown Boone Local Historic District). The subject property is outlined on the map in the staff report.

Chair Plaag opened the hearing on this case. He asked the Commissioners if they had a fixed opinion about this case that is not susceptible to change; if so, please raise your hand and address the Chair. He asked the Commissioners if they had a conflict of interest regarding this case, including any financial interest in the case's

outcome. He asked the Commissioners if they were of any close familial relationship with any person affected by the outcome of this case; if so, he asked them to raise their hand and address the Chair. He heard no affirmative reply to any of these questions. He asked the Commissioners if any of them had been engaged in any undisclosed ex parte communication regarding this case. Chair Plaag noted for the record that the applicant did come before the Commissioners for a consultation at the last HPC meeting; he said this is permitted by Town procedures. He said this was the only communication that he was aware of between the applicant and members of the Commission. He asked again to the Commissioners if they had any ex parte communication; if so he asked them to raise their hand and address the Chair. He heard no affirmative reply to any of these questions.

Chair Plaag called on the applicant, Ms. Jenny Collette; she was sworn in to testify on this case. He asked her if she wished to express any objections to any materials provided to the Commissioners in advance of the hearing. He noted that these materials would have been located in the published meeting packet. Mr. Nathan Miller, Attorney for the applicant, Ms. Collette, said that he had just received the meeting packet and he had not read any of the material in it. Ms. Meade asked Mr. Miller if he would like a continuance of this case. Mr. Miller said no. She told Mr. Miller to take all the time he needed to review the case in the meeting packet. Ms. Meade explained that the meeting packet was published about seven days prior to this meeting. Chair Plaag clarified with Ms. Meade is it customary for the packet to be served upon an applicant's Counsel. Ms. Meade responded that the general understanding is that a publication is considered to be served to all parties.

Chair Plaag told Mr. Miller that his client is obligated to make the argument that the proposed work meets the standards for the district. Mr. Miller asked where the burden is shifted to the applicant to overturn the decision. Chair Plaag explained that the staff prepares a report to outline and provide input on what standards are likely to apply and whether they believe that those standards are met in some instances. He explained that ultimately, the determining body, in this case, is the HPC and not the staff. Ms. Meade further explained that the applicant has the burden of producing the evidence to support the application is competent, and has substantial material evidence to support the request. Chair Plaag asked Mr. Miller if his question is proof beyond a reasonable doubt versus a demonstration by a preponderance of the evidence. Chair Plaag said his understanding from the North Carolina School of Government is that neither standard applies, not either of those usual judicial standards that instead it's a demonstration by weight of evidence that the proposed work meets the standards. He further explained that sometimes the Commission can attach conditions to approval if it believes that those additional conditions are necessary to ensure that the proposal meets the standards.

Chair Plaag asked Mr. Miller if they had any objections to the materials provided in the meeting packet. Mr. Miller said no.

Chair Plaag asked Mr. Miller if he would like to make an opening statement. Mr. Miller began the opening statement with regards to Unified Development Ordinance Section Eight, Signage of Appendix D; he said he believes the standards for this historic district meet the standards in UDO Sections 8.1, 8.3, 8.4, 8.5, 8.6, 8.8, and 8.9.

Discussion ensued on attaching the sign to the building. Mr. Miller stated that before his involvement with the case, there was some discussion regarding screwing the sign into some masonry work that may or may not be historic. Mr. Miller said he is intrigued to hear as to what defines historic after reading through about 160 pages and has not found a definition for it. Mr. Miller noted that regardless, his applicant would not be drilling into anything historical or otherwise.

Chair Plaag asked the staff to provide an opening statement. Ms. Turner explained that Ms. Collette had requested a COA for a projecting sign to be installed on the front of the building located at 191 Howard Street. She said that

pursuant to the Town of Boone, UDO, Appendix D, Downtown Boone Local Historic District, specifically the Section on Commission Procedures states that all other work not considered as either ordinary or routine maintenance or Minor Work is Major Work which requires both a COA application and HPC Approval. A permanent sign is not ordinary or routine maintenance or listed as a Minor Work. She stated that the sign is proposed to be 2' in height and 4' in width, and it is a custom carved HDU (fire retardant) sign made to simulate a wood sign. The sign cannot be made of wood as the sign would be placed in the primary fire district. The sign can be painted and be attached with a custom welded bracket and be more than 8' above grade. Ms. Turner noted that this is the end of the staff's opening statement.

Chair Plaag reminded the Commissioners that they have the right when recognized by the Commission Chair to question any witness or party appearing before the Commission. Commissioners may do so at any time after the witness is sworn in, whether during the presentation by a party, after the presentation by a party, during the examination, or cross-examination of a witness called by a party who is appearing as an interested member of the public, or even after the witness has stopped speaking until the hearing is closed. He said a Commissioner might inquire into a matter that may assist them in deciding whether or not the matter was previously addressed by the witness in the witness's testimony.

Chair Plaag pointed out in the meeting packet, Staff indicated that a wood sign is not permitted in the district. He said it is because of an overlaying Fire District requirement. Ms. Turner explained that the building is located in the primary fire district, and the North Carolina Building Code prohibits wood signs in this district. Chair Plaag asked Ms. Turner to clarify what HDU stands for the Commissioners. She deferred the question to Ms. Laura Shoemaker from Appalachian Sign Company. Chair Plaag asked Ms. Shoemaker to answer this question later in the meeting.

Chair Plaag noted that a witness is present to testify about how the addition was built in possibly the 1990's. He said the witness could also testify what could be drilled into it to support the proposed sign.

Chair Plaag called the next witness, Mr. Jim McMillian. After Mr. McMillian was sworn in, Chair Plaag told Mr. Miller that he could proceed with his questions for the witness. Mr. Miller asked Mr. McMillian where he resided, he said at 790 Adams Road in Vilas, North Carolina. Mr. Miller asked him what his profession was, and Mr. McMillian said that he was self-employed and had done work for some contractors. Mr. Miller asked Mr. McMillian if he had ever done work at 191 Howard Street. Mr. McMillian said yes over the last 20 years, and that he had done some small repairs and maintenance at that address. Mr. Miller asked Mr. McMillian what type of repairs he did on the building. Mr. McMillian said that he fixed leaks and had done some drainage work in the back of the building. Mr. McMillian said that he had prepped and reconstructed the stucco on the front façade of the building, and he had done it twice in the last 12 years. Mr. Miller asked Mr. McMillian if he knew the owner of the building during that time that he had been working on it. Mr. McMillian said he had known the owner, and she has owned the building the whole time he has been working on it. Mr. Miller asked Mr. McMillian, if he had seen the picture of where the proposed sign would be attached to the building with an aluminum bracket. Mr. McMillian said yes. Mr. Miller asked Mr. McMillian what would be behind the stucco. Mr. McMillian said it is a wood structure with wood framing with plywood on tar paper, lath on metal lath, and then stucco. Mr. Miller asked if the proposed sign could be installed without going into any masonry blocks. Mr. McMillian said correct. Mr. Miller confirmed the stucco was put on within the last 12 years. Mr. McMillian said yes, and the entire front is stuccoed. Mr. Miller asked about when you stucco a building, what is immediately behind the stucco. Mr. McMillian said it depends on the substructure, if it is block, and if it is new construction directly behind the block; he continued discussing other materials in the process. Mr. McMillian said there was wire lath attached to the whole front of the building, and the wire is directly on the stucco on this building. Mr. Miller asked if this is why there is a wood façade in the sign area behind the stucco. Mr. McMillian said that is correct, and he said it was

original to that building. Mr. McMillian noted in the older photos, there was a garage door to the left, and it is still present. He said there is another larger garage door just as high. He said if you look at the front photos, there is about a two-foot section below that garage door filled in now, which was done in 1992 by someone else. Mr. Miller stated that he had no more questions for this witness.

Chair Plaag asked the Commissioners if they had any questions for Mr. McMillian. Chair Plaag asked Mr. McMillian to estimate the approximate depth of the combination of metal and stucco and wood framing over the original block of the original building. Mr. McMillian said it would be less than half inch probably because there is no reason to have a wood structure and fills in where the masonry units are not. Chair Plaag said, in essence, the wood structure is there to fill voids for previous window or door openings that aren't there anymore. Mr. McMillian noted that is correct, and in this case, it would be the garage or old garage door because it was an old warehouse.

Chair Plaag said in the survey report that the second-floor area was a later addition and that is visible in a photograph that the applicant submitted. He asked Mr. McMillian if there was either brick masonry, brick tile masonry, or concrete block along the east elevation of the building. Mr. McMillian said his understanding of it is where the stucco is removed, it is a mix of material. He further explained that there is a wood structure that needs to be infilled or filled in and the masonry where the old I-Beam is located. He said he assumed that it went over the top of the existing garage doors because the whole front of the building was shown in the original old historical photos. He said that he had looked at it, and it had two very large openings, and the whole front could be opened up. Chair Plaag noted that these photos are located on page 33 of the meeting packet for everyone participating in this case. He said this is the building with the sign across the top that says "7-Up Asheville Company." Mr. McMillian said that Chair Plaag was correct.

Mr. Miller asked Mr. McMillian if he saw the photo that says "7-Up Asheville Company" from the 1950s and the image that says "Fine Lines" from the 1990s. Mr. McMillian said yes. Mr. Miller pointed out that on the Fine Lines photo, upon that build out where the garage door used to be correct. Mr. McMillian said that is exactly right. Mr. Miller asked Mr. McMillian if above that would be where those windows are now in the 1990's photos and where the "7 Up Asheville Company" from the 1950s. Mr. McMillian said yes.

Chair Plaag asked if there were other questions from the Commissioners. There were no other questions, and he asked Mr. Miller if he had other evidence that he wanted to present on this case. Mr. Miller called Ms. Laura Shoemaker.

After Chair Plaag swore in Ms. Shoemaker, Mr. Miller began questioning. Mr. Miller asked Ms. Shoemaker what her profession was, and she stated that she was a sign maker. Mr. Miller asked her if she had a company. Ms. Shoemaker replied that she is an owner at Appalachian Sign Company. Mr. Miller asked her how long she had been in the profession. Ms. Shoemaker replied about seventeen years. Mr. Miller asked her how many signs she had designed, built, and installed in the Town of Boone. Ms. Shoemaker said hundreds of signs. Mr. Miller asked her if she typically applied for permits for the signs. Ms. Shoemaker said that she did. Mr. Miller asked her if she was familiar with the UDO and its requirements. Ms. Shoemaker said that she is getting there on the understanding of it. Mr. Miller asked her if she had a meeting packet. Mr. Shoemaker said no. Mr. Miller said a copy of the sign rendering is on page 31, Exhibit 5. Mr. Miller asked Ms. Shoemaker if she had a copy of the sign rendering as part of her application. Ms. Shoemaker said that she did. Mr. Miller asked Ms. Shoemaker if this was the sign rendering she provided for the CPA firm. Ms. Shoemaker said yes. Mr. Miller asked her if she could describe the sign's characteristics. Ms. Shoemaker said the sign is a 2' by 4' custom port HDU, which clarifies a high-density urethane, composite material, and fire retardant. She said the sign is painted with fire retardant paint, and it would be installed on a custom welded aluminum bracket. Mr. Miller asked her if she knew if a 2' by

4' wide sign complied with the UDO. Ms. Shoemaker said yes. Mr. Miller asked her if anything about the sign she knew of that did not comply with the UDO. Ms. Shoemaker replied absolutely not and that she has done one of these signs Downtown and all over Town. Mr. Miller asked Ms. Shoemaker if she had presented this sign to the Town Planning Staff, and if in any discussion was it communicated that this sign was not in compliance with the UDO. Ms. Shoemaker said no. Mr. Miller told Ms. Shoemaker that he would walk her through UDO Section 8 of the historic preservation ordinance. Mr. Miller said in UDO Section 8.1 states that no sign shall create any vision obstructions onto a public right of way, alley, sidewalk adjacent, or private drive entering onto the street. Mr. Miller asked Ms. Shoemaker if this sign does any of this, and she said no, it does not.

Chair Plaag told Mr. Miller that it is his understanding from the meeting packet that was provided that in UDO Section 8 in the Streetscapes section, the Design materials were not listed by staff as an area of discussion at this meeting. Chair Plaag asked Ms. Meade if there was a general understanding that this particular Section 8 would not apply to this particular proposal and is appropriate for the HPC to stipulate that we can proceed.

Ms. Meade replied that it is her understanding that the said Section of the UDO does apply. She said Section 8 restated the UDO standards, and staff has already determined that the sign complies. She said, furthermore, the UDO standards would apply no matter what. Ms. Meade continued by suggesting that this issue is treated as established in favor of the applicant. Chair Plaag asked Mr. Miller if this was acceptable. Mr. Miller said it is acceptable, but it leads him to question Chair Plaag on what exactly he is trying to show that is in dispute. Chair Plaag said we would not proceed from a place of assuming that there is a dispute. Chair Plaag noted that the Commissioner's job is to hear from the applicant about their proposal. Chair Plaag said that the HPC and staff are currently working on a change to the language within the design standards. The said change is to allow sign applications that are relatively pro-forma and do not trigger any areas of concern to be treated as minor work. He stated that the staff could essentially approve it without the COA process. He further noted that, unfortunately, the language that was initially drafted does not allow this to happen. He said we are stuck doing this to meet the current ordinance requirements. Chair Plaag explained to Mr. Miller that he preferred that Mr. Miller did not work from a place of assuming that there is a point of a dispute concerning this. Chair Plaag pointed out to Mr. Miller that he thought it was Mr. Miller's obligation to his client to provide evidence that once proposed meets the standards in the Design Standards document. Mr. Miller said that he understood what Chair Plaag said. He asked for clarification on which UDO Section in the Design Standards he was supposed to prove. Mr. Miller noted that Section 8 deals with signs and why he focused on said Section. Mr. Miller pointed out that if he had proved Section 8 and the staff and Commission had agreed it was sufficient, the hearing could have ended and approval could have been made. If applicable, Mr. Miller asked to be shown another standard to direct his testimony to it. Chair Plaag pointed out on page 41 of the meeting packet contains a list of design standards staff had identified as being relevant to this case. Chair Plaag said he recognized that Mr. Miller had not had a chance to review the information in detail. Chair Plaag asked Mr. Miller if he would like to take the time to review the information before proceeding with Ms. Shoemaker. Mr. Miller said he would review page 41 with Ms. Shoemaker; however, he did not recall this information being in the MSD design standards or the historic district standards being a part of Section 8, Signage. Chair Plaag told Mr. Miller to deal with this question before proceeding with the witness. Chair Plaag asked the staff to speak to all the MSD Design Standards incorporated into the Historic Design Standards. Ms. Meade explained to Mr. Miller that there is a list on page 41, in Section K of the Appendix D, Design Standards, and a reference to the MSD Design Standards. Ms. Meade said she suspected that Ms. Shoemaker had experienced these as well. Ms. Meade pointed out that two others are listed on the bottom of page 41, although they are not directly called sign standards; however, those standards could potentially be relevant to the HPC's consideration. Ms. Meade told Mr. Miller to tell the Commissioners what his client needs to present. Ms. Meade confirmed that Chair Plaag is correct that this is not a dispute but a chance for the applicant to come forward and offer evidence that they are entitled to the issuance of the COA. She said the ultimate question before the HPC is described at the end of packet page 46: whether or not the proposed sign is congruent with the historic district.

Mr. Miller continued with his questioning to Ms. Shoemaker. He asked her does the placement of the sign allow it to be attached to the building without it touching historical materials. Ms. Shoemaker said it does. He asked her if the building was designed with a defined sign space. She said no space in particular has been defined, but above the door is the most visible place to put it, and it seems to be where most people have put their signs on that building. Mr. Miller asked Ms. Shoemaker if she had been to the building and visualized where the sign would be placed, or if the sign would block intend lines of sight or historic public monuments. Ms. Shoemaker said no. Mr. Miller said he had no further questions for Ms. Shoemaker.

Discussion ensued on the lighting and weight of the sign. Chair Plaag asked Ms. Shoemaker if the sign was lighted, and she said not at this present time. He asked her if this was the type of sign that, once installed, could ever be illuminated from within, and she replied no, it could not be lighted. Commissioner Willis asked Ms. Shoemaker about the weight of the sign. Ms. Shoemaker said that without having access to the calculations, the estimation of the sign's weight would probably be about 25 to 30 pounds.

Mr. Miller called his next witness, Ms. Jenny Collette. After Chair Plaag swore in Ms. Collette, Mr. Miller asked Ms. Collette to present her case. Ms. Collette pointed out that installing this proposed sign is very important to her tax firm. She said it is a new, budding firm that needs visible signage to support their business and meet their advertising efforts. Mr. Miller noted that Ms. Collette answered all of his questions. Chair Plaag opened the floor for questions from the Commissioners or staff. There were no other questions for this case.

Chair Plaag asked Mr. Miller if he had any other witnesses for this case. Mr. Miller said no.

Chair Plaag asked the staff to present any evidence pertinent to the case that has not already been discussed. Ms. Turner said she presented the evidence when she presented the staff report. He asked if there were questions from the Commission, staff, or other interested parties who were there to speak or present evidence in support of this case. There were no further questions.

Mr. Miller asked Chair Plaag if he could ask questions of the staff. Chair Plaag said that staff had not given testimony. Chair Plaag said there would be a rebuttal period later that he could speak. Ms. Meade noted that since the staff offered the staff report as their evidence, she thought it was appropriate for questions to be asked by Mr. Miller or the Commissioners regarding anything in the staff report. Chair Plaag asked Mr. Miller if he had questions regarding the staff report.

Mr. Miller asked Ms. Turner if the proposed sign complied with the UDO and MSD requirements. Ms. Turner said yes.

Chair Plaag asked if any other interested parties would like to speak or present evidence supporting this case. Ms. Kelsie Summers, Executive Director of the Hope Center, asked to speak. Chair Plaag said it was his understanding that she is not a party to this case. Chair Plaag confirmed that no other interested parties wanted to speak or present evidence supporting this case.

Ms. Shook explained that she had received requests from Ms. Kelsie Summers, who wanted to speak. Additionally, she had a request from Ms. Nancy Gray to watch the meeting.

After Chair Plaag swore in Ms. Kelsie Summers, Ms. Summers stated her name. She said that she is the Executive Director of the Hope Center located at 208 Howard Street. She had received letters regarding the HPC meetings, and she is interested in being involved in this kind of proceeding, especially in her immediate area. She said that she is in support of the proposed sign. She said that she could speak to Ms. Shoemakers' quality of signs. She said

that the Hope Center has one of Ms. Shoemakers' signs on their building. She reviewed the information provided in the meeting packet on the proposed sign. She said she found the proposed sign aesthetically pleasing, clear, and easy to read.

Chair Plaag asked there were any questions for Ms. Summers from the Commissioners. There were no questions. Chair Plaag asked Mr. Miller if he had any questions for Ms. Summers. Mr. Miller said no. Chair Plaag asked the staff if they had any questions for Ms. Summers. Ms. Meade pointed out that the staff is not permitted to ask questions of the witnesses.

Chair Plaag asked if any non-party witnesses would like to speak or present evidence supporting this case. There were no questions. Chair Plaag wondered if any interested party witnesses would like to speak or present evidence in opposition to this case.

Chair Plaag noted that he usually would ask the applicant if they would like to rebut any evidence in opposition. Still, there was no evidence in opposition presented.

Chair Plaag asked Mr. Miller if the applicant would like to give a closing summary or argument. Mr. Miller said that the request for the proposed sign complies with Section 8. The sign meets the historic district's MSD Design Standards and streetscape standards. He said he would respectfully ask that the Commission approve the proposed sign.

Chair Plaag stated, if there was no objection, he will close the testimony phase of the case. There were no objections. Chair Plaag asked the Commissioners to discuss the evidence presented. He reminded the Commissioners to limit their discussion to the proposal and its relationship to the standards applicable to the case. He said the Commissioners are obligated to consider only competent material and substantial evidence when making findings of fact. He further explained that evidence that falls into the category of hunches, rumors, speculation, and irrelevances will be rejected by the Commission and noted in the record as such.

Chair Plaag opened the floor for the Commission to make motions on findings of fact regarding this case. Chair Plaag asked Ms. Meade to explain the process for this part of the meeting. Ms. Meade said that if there are disputed issues of material fact, the Commission should discuss those and decide on them. She said if there are no disputed issues of material fact, there's no requirement for the Commission to discuss particular facts. She encouraged the Commissioners when they had a legal issue to discuss and explain themselves by reference to the facts.

Chair Plaag asked the Commissioners if there were any issues of evidence that are areas of dispute, in their opinion, including any questions concerning evidence that was presented by any of the witnesses. There were no issues or questions presented by the Commissioners. He asked if a Commission member would like to make a motion on this case. He reminded the Commissioners that it might help to refer to the design standards on packet page 41 and packet page 46 under Historic Preservation Commission Procedure/Congruity with the historic district.

Motion and Vote:

Commissioner Watkins made a motion, seconded by Commissioner Brantz, to move to approve the proposed sign with the following staff recommended conditions:

1. Where there is a conflict between the application information and the plans (elevation of sign package received December 14, 2021), the plan's control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations made by the applicant or its (his or her) representatives to the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details, and specifications which meet the requirements of the Town Code, UDO, Building Code, and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.

Chair Plaag said he wanted to make a friendly amendment that approval is conditional upon the applicant meeting the three conditions, understanding that the HPC has imposed no additional conditions for this case. Member Watkins and Member Brantz accepted the friendly amendment.

Vote: Aye – All

Nay – None

The motion passed.

Chair Plaag said proposed application is approved, and the staff will issue the COA. Ms. Shook agreed, and the next steps would be to issue the COA and have the staff sign off on the building permit application.

CASES Z05384-121521, Z05388-121721, Z05389-121721 Venture Chocolate & Wine

Josiah Davis, on behalf of Venture Chocolate & Wine Bar Co., has filed an application for a Certificate of Appropriateness for Major Work to install three signs on the building located at 287 Howard Street and 605 W. King Street (located within the Downtown Boone Local Historic District). The subject property is outlined in green on the map in the staff report.

Chair Plaag asked the Commissioners if they had a fixed opinion about this case that is not susceptible to change. He said hearing no reply in the affirmative, he would move to the second question. He asked the Commissioners if they had a conflict of interest regarding this case, including any financial interest in the case's outcome or a close familial relationship with any person affected by the outcome of this case. He said that hearing none in the affirmative; he would move on to the third question. He asked the Commissioners if they had engaged in any undisclosed ex parte communication regarding this application. He said, hearing no reply in the affirmative that he could continue with this case.

Chair Plaag referred to packet pages 51 and 52 to review the visual presentations of the proposed signage.

After Chair Plaag affirmed Mr. Josiah Davis, he asked Mr. Davis if he had any objections to any materials provided to the HPC before the hearing. Mr. Davis said no.

Chair Plaag asked Mr. Davis if he wanted to make an opening statement. Mr. Davis said that he believed that the proposed signs are congruent with history and that all of the paints being used on the signs are fire retardant. Mr. Davis noted that a representative of his sign company was present at this meeting if questions needed to be asked on the materials.

Chair Plaag asked the staff if they had an opening statement. Ms. Turner said the staff did not have an opening statement on this case. She said she would present the staff report during the evidence section of the hearing.

Chair Plaag asked Mr. Davis if he would like to provide evidence supporting this case. Mr. Davis said he had no further evidence other than some photos. Ms. Meade told Mr. Davis that she would strongly suggest that he call witnesses that he may have present at this hearing who can speak to what is proposed and how it may or may not be appropriate to the historic district and in compliance with the district standards.

Chair Plaag pointed out that Counsel does not represent the applicant. He took a moment to explain to Mr. Davis the importance of presenting the evidence because that is all the Commissioners can consider. Ms. Meade added that the application and staff report are treated as evidence if they are allowed by the Chair. The applicant can rely upon those materials as their evidence. Chair Plaag said he explained the importance of presenting the evidence because he knew that Mr. Davis's sign maker was present. Mr. Davis called Mr. George Hodges from GH Designs to be a witness for this case to speak on the materials and design and that they are compliant with the Boone Historic District.

After Mr. George Hodges stated his name Chair Plaag affirmed him. Chair Plaag asked Mr. Hodges if the proposed sign met all of the requirements from the Town of Boone presented and the fire code for the fire retardant materials. Mr. Hodges said that he had discussions with Ms. Turner and Mr. Darrell Pulliam, Town of Boone Building Inspector. Mr. Hodges stated that after multiple conversations with Mr. Pulliam, he learned that a wooden sign was not allowed on the backside of the building. Mr. Hodges said he discussed a different material with Mr. Davis called ACM, which stands for aluminum composite. Mr. Hodges said that he had the specs from the manufacturer. He said that if Ms. Shoemaker is still present and, if asked, she could attest to the fact of said material.

Mr. Hodges explained that the ACM type material is of the highest rating; the panel grade is a B1 and it is a class of aluminum composite panel that is not flammable. Mr. Hodges said the vinyl is on three EMI J 35C, the highest vinyl you could get that is printed. He said neither the vinyl nor the ink goes on the actual vinyl crates, and any source of combustion naturally will melt and disintegrate. He noted that the Matthews paint that he would provide on the acrylics is for the given dimensional look. The polyurethane paint provided unsurpassed colors, and the gloss retention goes on every substrate. He said he assumed that Ms. Shoemaker had done this before. He said that there is nothing inside the acrylic to cause combustion for the acrylic itself. He said the sign would be installed with a bracket, a French cleat, and a male and female connector. He said that in his final discussion with Mr. Pulliam, it was determined that the fire marshal is only concerned with what material is touching the building. He said the only material touching the building would be the aluminum panel and the French cleat. He confirmed that all materials are fire retardant and are safe in a fire district. He added that the ACM material complies with all requirements, including the fire code.

Chair Plaag asked if there were any questions from the Commissioners for Mr. Hodges. Chair Plaag noted that he had several questions. Chair Plaag stated that some questions might need to be deferred back to Mr. Davis. Chair Plaag asked Mr. Hodges if he was proposing two-bladed signs and one direct mounted panel sign. Mr. Hodges stated that this was reversed based on the proposal. Chair Plaag said he understood that there would be a one-panel sign mounted to the back or south elevation of the building and one mounted to the north or front elevation of the building, and in addition a bladed sign will also be mounted to the north or front elevation of the building. Mr. Hodges said that is correct. Mr. Hodges further confirmed there would be an 18" by 24" sign at the base towards the bottom half front of the building as well as on the top a 6' by 2' blade sign in the back as well as the panel sign, which is 24" by 6' wide. Chair Plaag asked if either of the larger panel signs would be internally lighted. Mr. Hodges responded that the 18" by 24" and the 2' by 6' sign is on the back, and the smaller one on the front will not be lighted. Mr. Hodges said the bladed is a doubled-sided sign, and it will be illuminated.

Chair Plaag asked Mr. Hodges if the entire cabinet was aluminum and if on the actual sign face, which is still aluminum underneath, if it will have a vinyl veneer that it is applied to. Mr. Hodges said yes. Mr. Hodges further noted that the bladed sign would have the element of wood, and it will be a double-sided aluminum solid cabinet with the word "Venture" routed out and the acrylic pushed through it. This bladed sign will be lighted with a halo effect. Mr. Hodges explained for this effect there will be opaque black vinyl onto the faces of the actual letters, and only the sides of the surroundings, which is called the returns, will be lighted.

Chair Plaag told Mr. Hodges that there is a reference to the MSD Design Standards in the meeting packet for plastic illuminated signs. Chair Plaag questioned Mr. Hodges if in his professional opinion, is the bladed sign an illuminated plastic sign? Mr. Hodges said the cabinet is metal and does not have a plastic side. Mr. Hodges stated it is the same as the Horton Hotel next door. Mr. Hodges further described the material as an aluminum panel fabricated to create the cabinet.

Chair Plaag asked Mr. Hodges if the proposed signs comply with this district's generally applicable UDO standards and the MSD Design Standards incorporated into the historic district design standards. Mr. Hodges said yes.

Chair Plaag asked Mr. Hodges, to your understanding, will the intended sight lines and views of historic public monuments and public art be maintained even after installing these signs. Mr. Hodges answered that is correct. Chair Plaag asked Mr. Hodges to your understanding will the signs impact historic streetscape features, including lighting, fences, benches, or signage. Mr. Hodges answered no.

Chair Plaag asked if there were any other questions for Mr. Hodges. Commissioner Watkins confirmed that the acrylic would be pushed through, and that's the only thing that will be illuminated.

Chair Plaag confirmed with Mr. Hodges that the acrylic piece that forms the letters, when pushed through, has an edge on the sides and the face of the letter that sticks out beyond the sign. Mr. Hodges answered that is correct, and they stick out less than a quarter of an inch out of the sign. Chair Plaag then asked if you are essentially masking the face of the letters but leaving a clear acrylic on the sides. Mr. Hodges answered that is correct. Mr. Hodges said that adding the opaque vinyl gives the halo effect. Commissioner Watkins asked if the sides of the cabinet were illuminated, and Mr. Hodges answered no. Commissioner Watkins confirmed that the only illuminated letters form the word "Venture." Mr. Hodges responded that just the façade of the letter itself would have a black opaque overlay where the light will not be able to pass through.

Commissioner Watkins said in the design standards it says that illuminated plastic signs are strongly discouraged. Mr. Hodges said that he deals with other historic districts with strict regulations for what is permissible. Mr. Hodges said this sign is a metal aluminum sign that is UL-rated. Mr. Hodges further added that it meets the regulation of Article 600 of the National Electric Code. Mr. Hodges stated that the proposed signs are in compliance with all the requirements that are in the meeting packet.

Chair Plaag asked if there were any other questions from the Commissioners of Mr. Hodges or Mr. Davis. There were no further questions.

Chair Plaag asked the staff to present any evidence pertinent to this case. Ms. Turner stated that in the Downtown Local Historic District, the design standards require a Certificate of Appropriateness because a sign is not a minor work or repair and maintenance. The applicant wishes to attach a sign at 287 Howard Street that is a total of three square feet; it is an ACM direct mounted panel sign. On King Street, the applicant wishes to install a projecting sign that is 12 square feet. It has pushed through acrylic letters with aluminum-made support arms. She noted some architectural information in the staff report and information on the parcel.

Chair Plaag asked if there were any questions for Ms. Turner. Commissioner Watkins asked if the staff evaluates a proposal against the UDO design standards; he further asked if staff does so, are there recommendations that the Commissioners could be privy to. Ms. Turner said that the staff does not make recommendations for an application. She said the staff judges the sign applications by the UDO standards, and the MSD standards are recommendations made by the Downtown Boone Development Association. Ms. Shook referred to packet page 69 and stated that the staff does confirm that the requirements of the UDO are met with the review of each application. Ms. Meade confirmed that the staff does not give recommendations. She said staff could answer direct questions that lead to the ultimate question of whether what is being proposed is congruous or non-congruous within the historic district. She further stated that staff should speak to a specific question of whether other signs are illuminated similar to this sign in the historic district or whether any such illuminating signs are different or the same.

Chair Plaag asked about the signs the DBDA had in mind when they were thinking of illuminated plastic signs when they drew up those recommendations. Ms. Shook said she could not speak for the DBDA, but their standards were in place prior to the approval of the historic district. She pointed out that the DBDA standards were probably based upon the Secretary of Interior Standards of Rehabilitation, which they have noted in their documents.

Chair Plaag asked the staff if the proposed bladed sign design was submitted as part of the application, and in the staff's professional opinion, would it fit the category listed under number three in the MSD design standards for an illuminated plastic sign. Ms. Turner said the plastic-bladed character is not explicitly made of plastic material, and it is not wood because it cannot be used in the fire district. She said it would be challenging to consider the proposed sign a plastic sign when the applicant is proposing an aluminum sign. Chair Plaag said it just has a plastic or acrylic element to it. He asked Ms. Turner if, in her opinion, the predominant material of the sign, the visual portions of the sign that material is plastic. Ms. Turner stated that it is outlined in the specs submitted for this case. Chair Plaag asked Ms. Turner if the predominant material in the sign was aluminum. She answered yes.

Ms. Shook said it might be appropriate to revisit with the DBDA and the façade incentive grant to perhaps refine those particular standards now that a historic district has a defined period of significance. She said that she believed she had seen examples of certain types of plastic-type signs within that period of significance. She said in this particular case that she agreed with Ms. Turner that she would not consider it to be wholly made of plastic.

Ms. Meade asked the staff to speak about the issue of illuminated signs in the Downtown Historic District. Ms. Turner said they are not allowed, and there may be one or two internally illuminated signs in Downtown. She said most of them are spotlights on signs, and the light is supposed to shine down on them. She suggested Chair Plaag could speak to this because some digital photography images might have some internally illuminated plastic signs. She thought there might have been some of the said signs in Downtown, such as the "Flowers Photography." Chair Plaag noted an image from Digital Watauga of a "Flowers Photography" sign on one of the buildings. He said that the image does show a neon sign with its neon lettering against a fabricated aluminum sign.

Chair Plaag asked Mr. Hodges if there was a way in which the bladed sign could incorporate glass letters that are masked instead of acrylic letters. He further questioned if there is a way in which neon or LED lighting that simulates neon could be used to create these letters on the bladed sign, and if this would be possible within the price point of this particular sign. Mr. Hodges responded that to etch that kind of glass to make it what it needs to be would be extremely difficult. He said there is no way to create that letter into each layer of glass to get down to that thickness. He said we are talking about \$100,000 in equipment that probably doesn't fully exist. He said neon could be created, and his company builds neon in-house. He said that it doesn't make sense to use neon in the cabinet. He said the output of neon has to be considered. He also noted that neon is not user-friendly when

it comes to using it as a source of illumination; specifically, he referenced to if it falls, you have mercury and gasses coming out of it. He said a long time ago, neon was used because they did not have LED for lighting purposes. He strongly advised against using it in the fire and historic districts. He said that from a preservation standpoint when it comes to restoring signs, his company always converts signs with LED tubing. He said that for the size, the intricacy needed to do the letters would not provide the same output of the sign that the applicant has proposed to create for the proposed sign. He said in the neon sign; it would have to be at least two to three times larger to get those bends in it to create perfect bends for the letters.

Chair Plaag pointed out that the proposed sign would not be setting a precedent because the precedent has already been set with the Horton Hotel sign regarding the historicity of illumination.

Chair Plaag asked Mr. Hodges if these signs would be mounted to the building. Chair Plaag pointed out that on both the North and South Elevation of the building is brick, which has been painted for a long time. Chair Plaag asked Mr. Hodges how he proposed that the signs be mounted to those masonry walls. Chair Plaag pointed out that the building on which the signs are being installed is a historic building. Mr. Hodges said there would be drilling directly into the mortar without trying to jeopardize any aspect of the brick itself. Chair Plaag wanted to know about the brackets because there is an architectural element for looping in to give that kind of character to the building. Mr. Hodges referred to the sign spec sheet; the sign is measured and installed when the brackets are put in. He said that he prefers to use redheads to install signs with an older building because redheads hold ten times the sign's weight.

Chair Plaag asked Mr. Davis if he would accept a condition of approval that any mounting of these signs, including the bolts or screws or whatever hardware is used like the redheads, would be applied to the mortar of the brick as opposed to directly into the brick itself. Mr. Davis agreed.

Chair Plaag asked if there were other questions from the staff, applicant, or witnesses. There were no further questions. Chair Plaag asked if any other interested party wanted to present evidence supporting the application. There was not another interested party that wanted to speak. Chair Plaag asked if any non-interested party wanted to speak or present evidence in opposition to the application. There were no other questions or evidence presented in opposition to this application. Chair Plaag asked the applicant if they would like to rebut any of the evidence received either by the Town or in the discussions that have taken place in questioning the witness. Mr. Davis answered no.

Mr. Davis gave his closing summary. He thanked the Commission, witnesses, and staff for their consideration of this case. He said he understood there was some concern regarding the plastic illumination. He reiterated that the language they reviewed was from the DBDA, which predated the historic district. There was precedent for the sign like the Horton Hotel sign, which happened before the adopted historic district.

Chair Plaag pointed out that in the meeting packet, there are three conditions. He said that Mr. Davis had already agreed to accept the fourth condition specific to the mounting of the signs. Chair Plaag asked Mr. Davis if he would accept all four conditions. Mr. Davis answered yes. Chair Plaag asked if there were other questions from the Commissioners. There were no questions.

Chair Plaag closed the testimony portion on this case.

Chair Plaag said the Commissioners would discuss the evidence presented on this case, will limit their discussion to the proposal and its relationship to the standards applicable to the case, are obligated to consider only competent material and substantial evidence from making of findings of fact, evidence that falls into the category

of hunches, rumors, speculation, and irrelevancies will be rejected by the Commission and noted in the record as such.

Chair Plaag asked the Commissioners if there were any points of contention with regard to the standards and how they apply to this particular case. Commissioner Watkins said that if we strictly follow the language in the design standards, the UDO standards, he suggested that the language be clarified. He said he thought the applicants had made a case that possibly the language needs to be modernized. He said that the Commissioners are not to speculate about the proposed signage. He felt convinced that this particular sign was something different.

Chair Plaag said that the HPC addresses any inconsistencies or points of dispute or concern is to make findings of fact. The way to accomplish it is for the Commissioner to make a statement of the finding of fact in a motion. The motion is seconded, discussed, and voted upon.

Ms. Meade said she felt that Commissioner Watkins's issue was not an issue of fact. She also said it is not surprising that there are some potential inconsistencies in the language.

Motion and Vote:

Chair Plaag made a motion, seconded by Commissioner Watkins, that the proposed signs described in testimony do not meet the MSD design standard definition of plastic illuminated sign intended in the language.

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

Motion and Vote:

Commissioner Watkins made a motion, seconded by Member Brantz, that the proposed signs are congruous with the historic district and are subject to the following conditions:

1. Where there is a conflict between the application information and the plans (elevation of signs received December 14, 2021), the plans control. Insignificant deviations may be permitted to comply with the requirements of the UDO.
2. Any commitments and representations concerning the proposed sign installation made by the applicant or its (his or her) representatives at the public hearing shall also become a condition of the permit, and a basis for a stop work order and/or permit revocation if violated.
3. The applicant shall submit the necessary applications, plans, details and specifications which meet the requirements of the Town Code, UDO, Building code and any other applicable codes for review and approval necessary to issue Zoning and Building Permits.
4. The sign must be mounted into the mortar and not the brick façade of the building.

Ms. Turner asked Ms. Meade if the Commissioners had to vote on all three different COAs separately. Ms. Meade said that the Commissioners could handle them together or individually.

Chair Plaag asked the Commissioners if there were any objections related to combining the three COA applications into one, which is how the cases were presented in the meeting packet. There were no objections.

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

Chair Plaag said that the HPC approved the COA applications for the designs as submitted conditional upon the staff proposed conditions plus the mounting condition that was previously discussed.

Chair Plaag asked Mr. Davis if he had any questions. He answered no.

The Commission moved from the Quasi-Judicial hearing part of the meeting to the regular agenda items.

Council Liaison Virginia Roseman rejoined the meeting.

Discussion ensued on the Commissions' first Quasi-Judicial type hearing. Ms. Meade told the Commission they could provide their feedback regarding this meeting to Ms. Shook and they would discuss it. Chair Plaag noted that areas could be improved upon in the scripts he prepared for this meeting. He was open to discussion on these scripts. Ms. Meade said she thought the scripts were very good, and she would let Chair Plaag know if she had any suggestions on them.

Discussion ensued on the quasi-judicial process. Vice-Chair Bond pointed out that she thought the cases heard in this meeting were well handled, and she thought the public would benefit from them. Chair Plaag voiced concern for when more complicated projects come before the Commission and how long some of the cases might go. He suggested that the Commission and staff think of ways to streamline the process. Ms. Meade said that sometime in the future, she would like to discuss with either the Commission or Chair Plaag about a few elements of the staff report regarding setting up questions, getting more familiar with the standards, and improving the standards to give more guidance to the applicants. Chair Plaag agreed with Ms. Meade on her suggestions. He said he thought the masonry section of the standards that address the signage should be possibly modified to include information on how signs should be anchored to buildings and maybe some other issues with the internal lighting of signs, for example. He said modifying this language would make it easier for the applicant to have their proposed sign application review moved into a minor work category if approved by Council. He said it would also strengthen the Commission's ability from a standards perspective and help the applicant prepare for their request. Chair Plaag suggested that Ms. Shook add this proposed topic to the Commission's work plan. Ms. Meade said this proposed topic might need to be a priority because many sign applications will be coming in for staff to review. She thought the Council would support the proposed modifying of the language.

Chair Plaag noted that Vice-Chair Bond left the meeting at approximately 8:30 p.m. and that a quorum of the Commission was still present.

Ms. Meade left the meeting at approximately 8:32 p.m.

Chair Plaag called for a brief recess at 8:32 p.m. He reconvened the meeting at approximately 8:38 p.m.

Boone 150 Plans

Chair Plaag explained that the January 23, 2022 event scheduled to be held on the actual day of the 150th anniversary of Boone had been postponed. He said the reason for the postponement was a combination of weather and COVID-19 related issues.

Mr. Mark Freed, Director of Cultural Resources, explained that there was a discussion on potentially having the Boone 150 event on the first Friday of March, March 4, 2022. He said there would be a Digital Watauga exhibit at the Jones House during this time. He said that the March 4th date might be postponed because it might be too

early to schedule said event due to COVID-19 updates, and he also mentioned choosing another date. He said the Town is not ready to decide on a firm date for said event.

Mr. Freed said the Boone 150 calendars are ready and handed out to the public. He said the Historic Walking Tour Maps are currently being printed.

Mr. Freed said that most of the Boone 150 events would be coming up as we get further into spring. The Boone Community Read Program will start in February with Dr. Tom White's Boone book. He said that there would be a presentation with Dr. Tom White in March at the Watauga County Public Library. He noted that there also would be an exhibit in the public library that includes some of the pre-history of Boone.

Mr. Freed said the most exciting thing the Town is planning is a new Boomerang Music and Art Festival slated for June 18. He said there would also be some Juneteenth events happening the following day. He said the Town would also be doing some posts throughout the month of February to celebrate Black History Month. He said he would be requesting some historic photos of the Junaluska Community from Digital Watauga.

Cemetery Mapping Project

Chair Plaag referred to page 76 of the meeting packet. He reviewed the list of cemeteries within the Boone Town Limits and outside the Boone Town Limits. He noted that the said list was prepared by staff.

Discussion ensued on the Hartley Cemetery on Suncrest Way. Chair Plaag asked if the Hartley Cemetery was out of the control of the Town because the dividing line was going through the cemetery. Ms. Shook pointed out that in General Statute 160D, the information on cemeteries might be different. Chair Plaag suggested on the list to make a third category for cemeteries with split-zoning to help Council understand the location or zoning of the cemeteries. He asked if the Town would be interested in controlling this cemetery. Ms. Shook pointed out an annexed survey that shows the said cemetery is located in the Boone Town limits. Chair Plaag explained that it would be his preference to defer to Council for their direction to see if the report could be amended to say that the Hartley Cemetery is split zoned between the Town and County. There was a consensus from the Commission to ask Council for direction on said topic.

Chair Plaag pointed out that the Dale Street Cemetery and the Edmisten Cemetery were the same cemeteries. Ms. Mitchell said she would revise the cemetery list to reflect this change. He confirmed six cemeteries on the list of cemeteries within the Boone Town Limits.

Chair Plaag asked Ms. Shook if he needed to attend the Council meeting to present the cemetery report. Ms. Shook said she thought it was sufficient for staff to submit the report to Council.

Discussion ensued on the Cemetery Survey Responses. Ms. Mitchell referred to packet page 77. She pointed out the two responses that had been received were from the Edmisten Cemetery and Clarissa Hill Cemetery. She noted that the Clarissa Hill Cemetery was not located in the Town limits.

Discussion ensued on the Dark Sky Observatory and the Edmisten Cemetery. Ms. Mitchell referred to packet page 78 and the memorandum of conversations with Dr. Kristen Baldwin-Deathridge. She said that Dr. Baldwin-Deathridge noted in the memo that one of her Graduate students completed the survey records for the State of North Carolina in the fall of 2018. In the memo, Ms. Mitchell stated that Dr. Baldwin-Deathridge sent reports of the Edmisten Cemetery, noting her concern that the Edmisten Cemetery was still "in use" with the last interment in 2001. Dr. Baldwin-Deathridge suspected the marking of it as "in use" was an error. Dr. Baldwin-Deathridge offered to share some photos of the cemetery markers. Ms. Mitchell said she followed up with Dr. Baldwin-

Deathridge and asked for the photos. Ms. Mitchell told the HPC that Staff had received the photos and were available if they were interested in seeing them.

Cemetery Designation Update

Chair Plaag said this update was specifically related to the Hayes Bryan Greene Cemetery. He explained that the Council had previously asked the Commission to designate it as a local landmark. He said there is no known owner of the cemetery. There is no enforcement mechanism for the standards to be applied to a particular property owner. Ms. Mitchell responded and said that the staff has not yet been able to speak to Ms. Meade about it, but it is on their list of things to do. Chair Plaag asked the team to ask Council Liaison Roseman to include in her report to Council that the said cemetery is on the Commission and Staff's radar, awaiting the result of their meeting.

Hayes-Bryan-Greene Cemetery Marker Update

Chair Plaag pointed out that at the January 2022 Council meeting, at least one member of the Council expressed concerns for Judge Greene being explicitly mentioned on the marker without an apparent reference to where Judge Greene stood on black disenfranchisement in 1898. Chair Plaag said that after the Council meeting, he redrafted and emailed the Commission a revised draft of the marker application. The proposed draft included an apparent reference to Judge Greene's complicated history as a problematic individual. Chair Plaag said he understood at the January 2022 Council meeting that Council members wanted to attend this meeting to talk further about the issue. He noted that he was surprised that neither the revised draft nor any involvement of the Council was on this meeting agenda. Ms. Shook responded that an additional case was added to the agenda. It was unlikely that the Commission would have made it to the advisory portion of the agenda. She said this agenda item could be added to a future date or to the March HPC agenda.

Member Watkins asked about a proposed text revision to the marker report. He said he emailed it to staff. Ms. Shook noted that she did not recall receiving it and suggested that emails for staff be sent to Ms. Marlene Crosby, the board secretary, or Ms. Mitchell.

Chair Plaag said that after the January 2022 Council meeting, an email was sent to Mayor Tim Futrell and himself from Ms. Mary Moretz, stating that she didn't understand why Judge Greene was on the marker in the first place and why he was being referenced. She also wanted to know why we were holding people to 2022 standards who lived here a long time ago. Chair Plaag said he emailed a blind copy of the said email to the Commissioners on his reply to Ms. Moretz. Chair Plaag said he thought this information that he shared with the Commission needed to be discussed. He noted that Ms. Shook would work on making this discussion happen over the next month or so.

Watauga County Jail Designation Report

Chair Plaag explained that he had not completed the Watauga County Jail Designation Report. He said he would work on it and complete it by the March 2022 Commission meeting.

Review of Town Street Project/Depot Street Report

Chair Plaag explained that he had not completed the Depot Street Report. He said he is working on it and will try to complete it by the March 2022 Commission meeting.

CLG Application Update

Ms. Mitchell said that she had received the Certified Local Government (CLG) application from the State Historic Preservation Office (SHPO). She said that two additional questions need to be included in the resumes. She said the questions are asking if the commission members have attended any workshops or what would the commission members be interested in for continuing education. She said she would try to send this information out to the commission members by the end of the week. She pointed out that she had received resumes from Commission

Member Watkins and Student Commission Member Izabela Willis. She said she would continue to work on the description list. She said she would work with Ms. Turner on some of the final questions on the resume. Chair Plaag said he plans to complete his resume by the next Commission meeting.

Councill's Store Historical Marker Update

Chair Plaag referred to a memo prepared by Ms. Mitchell and Ms. Turner found on page 80 of the meeting packet. He pointed out that it was stated in the memo that there is no issue with the North Carolina Department of Transportation (NCDOT) right-of-way, and an encroachment agreement is not needed for the proposed marker location on King Street beside Boone Town Hall. The proposed location of Grand Boulevard and West King Street could be in the right-of-way. Regarding this location, the staff spoke with Mr. Carson Fisher, North Carolina Department of Transportation, Engineering Technician III. Mr. Fisher suggested that an encroachment agreement be completed and signed by Mr. John Ward, Boone Town Manager. The staff also consulted with Mr. Justin Stines from the Public Works Department. He also suggested that an encroachment be completed.

Discussion ensued on possible additional requirements for the proposed Councill's Store Historical Marker placement. Ms. Shook said she would like to ask Ms. Mitchell and Ms. Turner to double-check with NCDOT on possible additional requirements other than an encroachment agreement. Ms. Shook pointed out that we had proposed signs in the right-of-ways that have met with more scrutiny than just obtaining an encroachment agreement. Ms. Turner said that Mr. Fisher had spoken with someone in charge of that specific program. They seemed to believe that the proposed historical marker would be allowed with an encroachment agreement. Ms. Turner said that she would double-check on it. Ms. Turner added that Mr. Fisher asked for an example of the said marker to review and she sent him an example. Ms. Shook confirmed with staff that she did not want to have issues placing the said marker at said location. Ms. Shook suggested getting written requirements from NCDOT for the placement of the said marker. Ms. Turner said she would request the information in writing from them. Chair Plaag agreed with Ms. Shook to double-check with NCDOT before the said marker report is presented to Council.

Chair Plaag reminded the commission members that he would be attending the February Council meeting as discussed at the last HPC meeting to answer questions on the Councill's Store Historical Marker report.

Other Discussion

Ms. Shook explained that the Planning Staff meets with Council every year to review Council priorities for the Planning Department. At this meeting, she said the staff presented their past work and current workload. The Council guides the Planning Staff on where they would like to make changes moving forward. The Council also reviews the board work. The Council recognizes that the HPC has taken on a lot of work with the Certificate of Appropriateness applications. She said that she briefly discussed that the HPC might need two meetings a month at last month's HPC meeting. She noted that Council would like for the HPC only to have one meeting a month and discuss scaling back some of the agenda items the HPC is working on. The Council requested that she make a recommendation. She said that she submitted to Council the recommendation for the HPC to narrow their focus to items that coincide with the Boone 150 and any COA cases submitted. She noted that she had spoken with Chair Plaag about the said topic before this meeting. She said this action request for this proposed recommendation would be presented to Council at their February meeting for their final decision.

Ms. Shook further explained that once the Boone 150 items are completed, the HPC can see what other tasks Council might direct them to do. She said the HPC currently has ongoing projects for example, the Certified Local Government status. She suggested not putting these types of items on the agenda until an update is available.

Ms. Shook informed the HPC that Council has approved the \$374.00 base fee for COA applications for Major Work, and Council approved waiving the other fees associated with the COA application for the time being.

Ms. Shook talked about giving more direction to the applicants on what is considered minor work or major work and changing the sign language. She said other jurisdictions put things into a table, breaking it up into more categories than we have. She said an action request would be going to Council on these proposed changes at their February 2022 meeting.

Chair Plaag said it is helpful that Council is mindful of the work products that the HPC has worked on. He said there had been a couple of occasions where interns were used, but generally speaking, the HPC produced the work products with staff. He said he has found it helpful to have Ms. Mitchell as part of the planning staff. He said there might be some opportunities for either her position or other people on the planning staff to prepare some of the work products. He said that there are also opportunities for HPC members to take on tasks. He said the HPC are volunteers, and now that there is a new set of functions with the COA applications process, including the preparation they have not had before, he said he was wary of burning out commission members trying to do too much at once.

Ms. Shook clarified that during the discussion with Council, she pointed out that there are Commissions that indicated that HPC members did do a bulk of the work. She said the Council wanted to try to ensure the success of the Historic District.

Council Liaison Roseman said that she felt like the Council wanted to ensure that each board was getting the attention it needed to succeed. She told the Council to leave it up to the Planning Staff to work with Chair Plaag and the heads of other Commissions to come up with a priority list.

Adjournment

Member Brantz made a motion, seconded by Member Watkins, to adjourn the meeting at 9:32 p.m.

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

Eric Plaag, Chair

Marlene Crosby, Board Secretary