



Historic Preservation Commission

Regular Meeting

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

~ Agenda ~

Jane Shook
828-268-6960

Tuesday, March 8, 2022

6:00 PM

WebEx

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

I. Call to Order

II. Adoption of Agenda

III. Approval of Minutes

January 4, 2022 Meeting Minutes

January 11, 2022 Meeting Minutes

February 1, 2022 Meeting Minutes

IV. Public Comment

V. Z05382-121421 Welcome to High Country Mural

Z05382-121421 - Exhibit 1 - Application

Z05382-121421 - Exhibit 2 - Depiction of Mural

Z05382-121421 - Exhibit 3 - Proposal

Z05382-121421 - Exhibit 4 - Historic Photos

Z05382-121421 - Exhibit 5 - History

Z05382-121421 - Exhibit 6 - Staff Report

VI. Cemetery Designation Update

VII. Hayes-Bryan-Greene Cemetery Marker Update

Hayes-Bryan-Greene Cemetery Marker Report - Revised Report, January 2022

Member Watkins - Memo Concerning Hayes-Bryan-Greene Cemetery

Chair Plaag Memo - Concerning Hayes-Bryan-Greene Cemetery

VIII. Watauga County Jail Designation Report

IX. Review of Town Street Project

X. Councill's Store Historical Marker Update

XI. Council Direction

XII. Boone 150 Goals Related to the Historic Preservation Commission

XIII. Discussion of Plein Air, Boone, Event, May 19-22

Plein Air, Boone, Event, May 19-22

XIV. Discussion on Public Art

XV. Update on COA Consultations

XVI. Minor/Major Works Text Modification

Minor / Major Works Draft Text Modification - Presented to Town Council February 9, 2022

XVII. Other Discussion

XVIII. Adjournment

TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
January 4, 2022, 6:00 p.m.

Historic Preservation Commission Members in Attendance:

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

Student Member:

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, and Marlene Crosby-Board Secretary

Others in Attendance: Mark Freed-Director of Cultural Resources and Lane Moody-Downtown Boone Development Coordinator

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, January 4, 2022, at 6:00 p.m.

Adoption of Agenda

Discussion ensued on a possible second HPC meeting in January of 2022. Chair Plaag explained that the primary reason for a second meeting is because the HPC Quasi-Judicial Rules of Procedure need to be in place before the February 2022 HPC meeting. He confirmed with Staff that five COA cases would be held in a quasi-judicial setting at the February HPC meeting. Ms. Shook pointed out that the Council has to approve the said proposed Rules of Procedure. She noted that Staff provided Council with a copy for their consideration at the January 12, 2022, Council meeting. She suggested tabling the agenda topic for the HPC Quasi-Judicial Rules of Procedure to another meeting date. Chair Plaag agreed to table this agenda item because he had just received the said Rules of Procedure and had not had time to review them. Vice-Chair Bettie Bond noted that she had not reviewed the said Rules of Procedure and Member Watkins noted that he had reviewed them.

Chair Plaag proposed having a second HPC Special meeting in January to review the said Rules of Procedure and suggested either January 11 or January 12 for the said meeting. The HPC, by consensus, decided to have the Special HPC meeting on January 11 at 3 p.m. He explained that having the meeting during the day would help save on staff costs incurred in an evening meeting.

Ms. Shook informed the HPC that the Staff is currently trying to coordinate some additional quasi-judicial training for the new members of the HPC and Board of Adjustment. She noted that Vice-Chair Bond would be attending the training as a refresher course.

Discussion ensued on the Council Store Historical Marker. Chair Plaag said that he had not completed the Council Store Historical Marker report, and the Depot Street report was not completed for the Town Streets Project. He said he hoped to have both reports completed by Monday, January 10, and send them to the HPC for their review and discussion at the Tuesday, January 11 meeting.

Chair Plaag suggested tabling the following agenda items to the Tuesday, January 11, 2022 HPC meeting at 3 p.m., the HPC Quasi-Judicial Rules of Procedure, Council Store Historical Marker, and Town Street Projects Depot Street report.

Communication: January 4, 2022 Meeting Minutes (Approval of Minutes)

Chair Plaag explained that he had not completed the Watauga County Jail Designation Report. He suggested tabling that agenda item until the February 1, 2022 HPC meeting.

Chair Plaag asked if there were any other changes to the agenda. Ms. Shook noted that she would like to review some additional proposed changes to the HPC Quasi-Judicial Rules of Procedure from her meeting with Ms. Allison Meade, Town Attorney. Chair Plaag explained that the said Rules of Procedure topic could be reviewed by Ms. Shook as scheduled on the agenda, but further discussion would occur at the Special HPC meeting on January 11, 2022, at 3 p.m.

With no other proposed changes to the agenda, Member Watkins made a motion, seconded by Vice-Chair Bond, to approve the agenda as amended.

Vote: Aye – All

Nay – None

The motion passed.

Approval of Meeting Minutes

Vice-Chair Bond made a motion, seconded by Member Watkins, to approve the December 7, 2021 meeting minutes as amended with the following changes: On packet page eight in the fifth paragraph, the fourth line change the word "would" to "could"; on packet page ten in the second paragraph, first sentence, change it to read, "Member Watkins said that, generally speaking, it is common to drill into a mortar joint to affix signage, even on historic buildings"; and in the second paragraph, the second sentence, change it to read, "He said this frequently occurs in Charleston, South Carolina, so it might be useful to check with the Charleston Board of Architectural Review, to see what they would recommend for this type of work."

Vote: Aye – All

Nay – None

The motion passed.

Public Comment

No individuals requested the opportunity to speak during public comment.

Cultural Resources Loom Discussion

Chair Plaag noted that the HPC requested more information on the loom at their last meeting. He said there is a memo in the meeting packet by Member Watkins in which he summarized the information. He said the loom in the Town's possession is the type that would have been ordered and used by Penland School. He said he did not include in the memo that the loom probably did not belong to Penland School. He explained that in 2006, when the Appalachian Cultural Museum closed, Appalachian State University returned several extensive collections to various organizations. He said one of those organizations was the Appalachian School of Handicrafts. The university borrowed many objects, including a cabin for the exhibit. He noted that the loom was still in possession of Appalachian State University and did not go back to Penland School. The loom came from somewhere other than Penland School. He said local weavers used the loom in the mountains as a part of various weaving programs.

Chair Plaag asked Mr. Mark Freed, Director of Cultural Resources, if he had found information on the loom's history or origin, providing the time the cultural museum owned the loom. Mr. Freed said he did not have further details on the loom. He noted that the loom was likely not one that came directly from the Penland

School museum's collection. He said the Council wanted to know if the HPC was comfortable with the loom being given and used by Watauga County Schools. The caveat was that the Town would have the right to reclaim the loom back in the future. Mr. Freed explained there is no place to display the loom at the Jones House and does not foresee a place to display it in the near future.

Discussion ensued on making a recommendation regarding the loom. Chair Plaag explained that Council specifically asked the HPC to make a recommendation on the loom to Town Council. Since no conclusive information ties the loom specifically to a Boone resource, like the Watauga Handicrafts building or the weaving shop once located on South Depot Street, he believed the HPC would agree to share the loom with Watauga County Schools. He agreed with Mr. Freed that it would be helpful to attach a condition to the recommendation if Watauga County Schools do not have a use for it, that Town Council would have the right to reclaim the loom to the Town's possession, the Cultural Resource Department, or another department as Council sees fit. Chair Plaag welcomed putting the loom to educational use and sharing with Watauga County Schools.

Motion:

Chair Plaag made a motion, seconded by Vice-Chair Bond to recommend to Council to let the loom, that is in possession of the Town of Boone Cultural Resources Department, be shared with the Watauga County Schools for educational purposes with the caveat that the Town of Boone, specifically Council, would have the first right to reclaim the loom in the event the Watauga County Schools no longer wish to have it, and thus return it to the Cultural Resources Department or some other department as they see fit.

Vote: Aye – All

Nay – None

The motion passed.

Mr. Freed explained that the discussion on the loom began with a contact named Ms. Janelle West, who has been applying for grants to mentor local weavers. He said an art teacher is also interested in using the loom for educational purposes. He mentioned that it is exciting to move forward and have the loom up and running again. Vice-Chair Bond noted that it is great to have a teacher interested in the loom, and she agreed with the previously stated caveat. She also mentioned how the loom could be beneficial to other community organizations if the school system no longer wanted the loom. Member Watkins agreed with what was proposed for the loom.

Update on Boone 150 Plans

Discussion ensued on the January 23, 2022 Event. Chair Plaag asked Mr. Freed to give an update on the said event. Mr. Freed explained that the Town plans to host the event from 2 p.m. to 4 p.m. at the Appalachian Theater on January 23. He said the Appalachian Theatre requires proof of vaccination or a negative test result within 48 hours of entering the theater. He said he is creating an invitation that will be sent to specific people. He said that all of Boone's living Mayors had been invited to the event. He noted that Mr. Rufus Edmisten and Chair Plaag had been invited to speak. He said that the Town has partnered with Digital Watauga to give handouts of digital photos of Boone, along with Boone 150 themed cupcakes.

Chair Plaag pointed out that he confirmed in the records of the state legislature that January 23, 2022, is the official 150th anniversary of the incorporation of the Town of Boone. He asked Mr. Freed if this was an invitation type of event, in which Mr. Freed explained that there are a limited number of people allowed inside the theater. Mr. Freed said that Ms. Lane Moody, Downtown Boone Development Coordinator, through the Downtown Boone Development Newsletter invited people to stop by between 2:30 p.m. and 4 p.m. He believed some people would not likely stay for the whole two-hour event. He said they are looking for volunteers to help with the said event.

He explained that weather dependent, there might be a table at Town Hall to give calendars and stickers for those unable to come inside to participate. He said that throughout 2022, there would be other open, outdoor events for the public to participate in.

Discussion ensued on the Boone 150 Public Art Proposal. Chair Plaag explained he requested to add the agenda item because, to his understanding, the next agenda item was for the historical markers on North Depot Street being discussed as public art. Mr. Freed explained that two different Depot Street topics would be coming before the HPC for their review. He said one of the topics is prepared, and it is on this meeting agenda item under Consultation of the North Depot Street Historical Marker – Boone 150. He said the other topic is not currently prepared to be presented to the HPC at this meeting, and it is the topic referred to as a public art piece. He said that the said public art piece is regarding a mural on the door of the Mast General Store located on North Depot Street. The Watauga Arts Council is also involved in the project. He said it had been discussed that the mural on these doors would be dedicated to the Junaluska Community. He said there would be more information forthcoming on the said mural. Chair Plaag confirmed that the HPC will need to consider the proposed mural from a design standard perspective in the future.

Discussion ensued on the Boone Cemetery Project. Chair Plaag said that he and Mr. Freed conversed with Mr. Trent Margrif from the Town of Boone Cultural Resources Board on the Boone Cemetery Project and Walking Tour Project topics. Chair Plaag pointed out that the HPC had previously discussed different approaches to increasing public awareness of Town cemeteries and some of the stories of those buried there. He noted that they had proposed possible lantern-guided tours in previous discussions. He said these tours would potentially have people dressed in costumes as individuals buried there. He said an alternative approach would be a docent-oriented tour, where people would still be led to particular gravesites. He said there could also be a scripted docent-guided tour, perhaps at night or during the day. He said that it could be arranged to talk about specific people chronologically. He said that the focus could be a particular period involving key people in this type of arrangement, such as the 1920s. He said Mr. Freed, Mr. Margrif, and himself previously discussed the costumed approach and identified some issues with it. Mr. Freed noted that he did not know of any theater groups that might want to take on this type of approach. Mr. Freed stated that a cemetery is considered hallowed ground, and organizing a theatrical presentation may not be considered appropriate by everybody in the community. He said that the latter approach is out of his wheelhouse and scope of knowledge for something he could organize for the Boone 150 events. He said we could potentially organize guided tours and docent-style tours like Chair Plaag referred to in this meeting.

Vice-Chair Bond said she thought the docent-type tours would be an easy approach and could lead to other special things. She discussed possibly having something more theatrical in the cemetery on Halloween night. She also talked about possibly having regular docent tours of the cemetery every other month on certain days. She noted that the said tours could be organized for each quarter of the year. She said she would like to see the theatrical group at the high school be involved in it.

Discussion ensued on walking tours. Chair Plaag voiced his concern that it previously took over an hour for tours up King Street to Water Street, down to Burrell Street, down to Howard Street, and back up Depot Street to the Watauga County Library. He said that because of the geography and the two-hour time frame for a walking tour, he did not think that many people were likely to do this type of tour.

Chair Plaag suggested doing what Mr. Freed suggested: having tours of the cemetery on First Fridays. He said in October that the tours could be done on all four Fridays. Chair Plaag said he thought that volunteers could easily cover five or six people at various places in the cemetery in about an hour. He said he thought that two docents would be needed to do shifts for the volunteer docents. Chair Plaag said he thought this suggestion was manageable.

Chair Plaag said he wants to provide the HPC members with a roster of buried people in the cemetery. He would indicate why that person might have been special where it is possible. He asked the HPC members to list whom they thought should be included on the roster, a list for the tours. He said he would begin research on the specified deceased individuals to be used in the tours following the roster. He and Vice-Chair Bond agreed that it would possibly be May or June through October that the tours would take place. Mr. Freed agreed on the timing for the tours. Mr. Freed suggested having some Downtown tours and some cemetery tours. Mr. Freed said he could help organize the tours as the HPC sees fit. Mr. Freed also suggested that the HPC invite Mr. Margrif's class to join the conversation of cemetery stories because his students have been researching the people buried there.

Discussion ensued on the HPC members getting paid a stipend for doing the tours. Chair Plaag asked the Planning Staff if he, Vice-Chair Bond, and Member Watkins decided to be docents for the tours, if there is an issue with the HPC members being paid a stipend by the Town, even though they are HPC members. Vice-Chair Bond said being a docent is a volunteer-type of activity, not paid. Chair Plaag said if he were paid, he would give the money to Digital Watauga. Council Liaison Roseman approved of the idea of Chair Plaag, Vice-Chair Bond, and Member Watkins being the docents for the tours.

Discussion ensued on the Downtown Walking Tour Programming and Marketing. Mr. Freed said he envisioned walking tours to the cemetery and Downtown Boone. He suggested having an online registration process for both tours unless the HPC wants to do something different. He noted that Mr. Trent Margrif and Mr. Ross Cooper had expressed an interest in the tours. He asked the HPC to give him other ideas for the tours, and he hoped that all of the HPC would participate in the tours if they were interested. Chair Plaag said that the Cultural Resources Department already has, in effect, an active walking tour; it is currently a self-guided tour with a script already in place. Mr. Freed said a printed version of the Historic Downtown Walking Tour has a fold-out map included. He hoped to have these tour maps to include with the calendars at the January 23rd event.

Consultation – North Depot Street Historical Marker – Boone 150

Chair Plaag pointed out to the HPC that they would not be functioning in a quasi-judicial manner for the purposes of the following conversation for this agenda item. Mr. Freed gave a presentation on the information in the memo found on packet page 19. He noted that as part of the Boone 150 Celebration, the Cultural Resources Department has talked with the Downtown Boone Development Association about installing a set of three to five informational markers focused on the history of the Town of Boone. He said he was seeking assistance from the HPC on appropriate materials, design, or other aspects that the HPC might review for the Downtown Historic District. He referred to packet pages 20 and 21 for alternate options for the markers. Mr. Freed said he was coming for consultation during the early stages of proposing signs. He said he wanted to give the HPC an idea of what he envisioned for signs.

Mr. Freed talked about the size and layout of the proposed signs, further discussing an angled-styled sign. He talked about possibly putting a sign beside the sidewalk on Depot Street across the street from Lost Providence. He said the Town is trying to beautify this bare area, and it is challenging to plant things in this specific area due to the conduit there.

Mr. Freed asked the HPC about sign materials. Chair Plaag asked Ms. Shook if there were any Unified Development Ordinance requirements that Mr. Freed needed to know regarding materials. Ms. Shook said the Town is exempt from Town requirements, except for the design guidelines, which is why Mr. Freed is making this presentation to the HPC. She clarified that the markers are historical informational markers. Chair Plaag said it was his understanding that the images presented are not the same as the Boone Historical Marker Program that the HPC makes marker recommendations for, such as the Junaluska Historical Marker. Ms. Shook said that she did not see

there being UDO issues. She said that the HPC just giving Mr. Freed guidance on the markers presented would be appropriate.

Chair Plaag referred to page 100 of the Downtown Boone Design Standards, the section titled Design Standards for Historic Streetscapes, Landscapes, Monuments, and Other Resources in the District. He said his interpretation of this section falls more in line with signage. Ms. Shook agreed with Chair Plaag, and she added that interpretative signage is mentioned in Section 11.5. Chair Plaag said it might be helpful if the Council declared this area a pocket park within the Town of Boone. He said this way; there is no question that the proposed signage falls under Section 11 instead of under Section 8.

Chair Plaag expressed concern about the statement in Section 8, which states any freestanding signs have to be 40 feet apart from each other. He said he did not think there was enough area to have five signs with that distance between them. She said it could be considered a public space. It is already being utilized for the Town's demonstration of its solar project. She said there is consistent pedestrian traffic walking through this area, and the Town is deciding what to do with that space. She said the Town eventually wants to include additional signage for the solar project and landscaping. She asked the HPC if they would be comfortable considering this area as a public space. Chair Plaag and Vice-Chair Bond said they were comfortable with this area as a public space. Since this is a new process for the HPC, Chair Plaag asked Ms. Shook to ask the Town Attorney to define public space, since it is not included in the document.

Ms. Shook said that from previous conversations, she believed the Town Attorney would say that this area in question is public space. Chair Plaag noted that in preparation for a review of a Certificate of Appropriateness Application, he would like to have something from the Town Attorney and Town Staff that says it meets the definition of public space, as mentioned in Section 11. Ms. Shook said Mr. Freed would need to prepare his plan with additional guidance on the material. Chair Plaag said Mr. Freed could include that the public space currently consists of a parking lot in his COA application. There are no contributing historical resources related to the Downtown district identified in the report. Further, Chair Plaag explained that Mr. Freed could include that the signage installation does not impede or block historical elements or historic design features associated with the lot. Such signage utilizes a currently underutilized landscape area that would be beneficial to the public.

Member Watkins talked about the style of the markers. He described two major issues with the style of the signs: durability and maintenance. He mentioned that the US Park Service is more familiar with the manufacturing of these kinds of markers. He said another is the fading of the marker. He said that in the two marker examples presented to the HPC, the examples appear to be framed and unframed. He explained the markers with the external frame around them, and at a 90-degree angle, the bottom of the frame tends to accumulate debris and wet leaves. He described that the markers without the frame do not accumulate debris, and leaves wash off of them easier. He further explained that it would be worth it to seal the markers appropriately.

Chair Plaag said no specific guidelines say what the sign material should be. From his experience, he said that steel material works best for framing and supporting these types of markers. He explained his belief that the sign material should be very weather durable and have an anti-vandalism coating. He suggested contacting the US Park Service and Mr. Drew Gruber from the Civil War Trails to ask them the process for their signs. Chair Plaag indicated that he and Mr. Freed should order all of the materials for the North Depot and the Boone Cemetery markers at the same time for possible cost savings for the Town. Chair Plaag mentioned, independent of the question on the design standards that he hoped when it comes to determining the content included on the markers, that Mr. Freed would let the HPC review the historical material that is included on the markers. Mr. Freed agreed and said he hoped that the HPC would lend their expertise at that time.

Chair Plaag asked Ms. Shook if she saw any issues with the proposed marker materials. She said that she did not notice issues with the direction that the HPC has given Mr. Freed.

Update on Civil War Trails Markers/Boone Cemetery Interpretation

Chair Plaag said Mr. Gruber told him the Civil War Trails Marker program would probably not place a marker in the Boone Cemetery because people do not visit the Civil War Markers in cemeteries. Mr. Gruber further mentioned to Chair Plaag that these markers are designed to catch the eye of the public. Mr. Gruber said, on occasion, when they have placed these markers in cemeteries, it requires searching to locate the Civil War Marker.

Chair Plaag further explained that Mr. Gruber was interested in a marker on the Downtown Boone Post Office lawn to commemorate Stoneman's Raid. Chair Plaag said the James Councill House was located at the same place. He explained that the Confederate Home Guard opened fire on the Union troops coming west down King Street into Boone. He said this location is where the skirmish started and would be an excellent place to put such an interpretive marker. He believed people would stop and read the marker when they were going through Downtown Boone. He explained that the Civil War Trails Marker program often includes a highway sign indicating a Civil War Trails marker at a major crossroads. He said this could be an opportunity to direct traffic into the downtown area for those doing the Civil War Trails tour.

Additionally, he said the Civil War Trails program requires a member representative to install the marker. The current member is the Boone Tourist Development Association (TDA). Chair Plaag mentioned if it is appropriate to include additional memberships in Watauga County to facilitate this interpretive programming through the TDA.

Chair Plaag concluded that in regard to the Boone Cemetery, if any interpretative markers are done, it will be up to the HPC, and there are a few other HPC projects ahead of the Boone Cemetery marker.

Discussion ensued on placing a Civil War Trails marker on a historic landmark. Since Downtown Boone and the Downtown Post Office are in the historic district, Ms. Shook asked if a COA was needed to put a marker on a historical landmark. Chair Plaag agreed that this situation would definitely require a COA. Since the post office is a public space, he thought it would correspond to Section 11. He asked that since there is a historic resource there, could a marker be placed that does not block historical views or disrupt the sense of historicity with the post office. Ms. Shook wondered if the marker would get lost in the historic nature of the post office. Chair Plaag suggested putting the Civil War Trails marker on Queen Street rather than King Street and possibly placing it on the island on Queen Street, a public space. He suggested the marker facing the back of the post office, which is the location of the former James Councill House at the back of the post office lot. Ms. Shook said a new sidewalk would be installed, which could be another option for the marker placement.

Member Watkins said he is vigorously opposed to putting a said marker in front of the Downtown Boone Post Office. He expressed his concerns about maintaining the integrity of the post office. Vice-Chair Bond agreed with Member Watkins about the placement of the marker. Chair Plaag said there is consensus on the Downtown Boone Post Office lawn not being the best location for the marker.

Chair Plaag also suggested placing the Civil War Trails marker on Depot Street with the informational markers that Mr. Freed proposed.

Ms. Shook suggested having the Town of Boone GIS Department create a map indicating the current historic landmarks and historical markers. She said this information would illustrate if landmarks and markers are located

in close proximity to one another and assist the HPC in identifying future areas. Chair Plaag agreed the map would be helpful, and he noted that it could be updated.

HPC Quasi-Judicial Rules of Procedure Update

Ms. Shook explained that she had talked with Ms. Allison Meade, Town Attorney, and they reviewed the final draft of the proposed Quasi-Judicial Historic Preservation Commission Rules of Procedure. She said that Ms. Meade had three proposed changes that needed to be discussed with the HPC.

Ms. Shook said the first change was about how long the meetings last, so all participating know what to expect. Ms. Shook said that Ms. Meade suggested that since the HPC meetings start at 6 p.m., the HPC might consider saying three hours for their meetings, from 6 p.m. to 9 p.m. Ms. Shook said the Board of Adjustment meetings starts at 5:30 p.m. They usually go for three and one-half hours.

Ms. Shook said the second change is the role of the Town Attorney at hearings. Ms. Meade suggested removing the second paragraph and adding something similar at the end of the first paragraph, which is taken from the last sentence of the second paragraph. The discussed sentence reads, "Alternatively, an independent Counsel may be retained to advise the HPC." She said Ms. Meade wanted it to be clear that the Town could retain independent counsel as necessary.

Ms. Shook said the third change is revising the public records request language. She explained changing the statement of "members of the public who wish to examine" the information since Staff does not make individuals go to the Town Clerk to examine the requested information. She said if people do not want copies of the documents, then Staff might decide to use a public records request; however, she explained that such requests are filled in the office. Ms. Shook said she revised this language to make it more clear.

Ms. Shook said that she would send the revised changes to the said Rules of Procedure to the HPC.

Chair Plaag said, as previously discussed, he would like to table this agenda item for further discussion at the January 11, 2022 HPC meeting.

Motion and Vote:

Vice-Chair Bond made a motion, seconded by Member Watkins, to table the Quasi-Judicial Historic Preservation Commission Rules of Procedure agenda item to the January 11, 2022, Special Historic Preservation Commission meeting via WebEx, a video conferencing software.

Vote: Aye - All

Nay – None

The motion passed.

Update on Cemetery Mapping Project

Chair Plaag said that the Town put the press release on the website. He mentioned the press release states the Town is engaged in an effort to inventory the cemeteries located in the Town of Boone. He asked the Planning Staff if they had received any additional feedback about the cemeteries. Ms. Jessica Mitchell, the Long-Range/Special Projects Planner, said she received one additional submission on December 15, 2021. She said it was for the Clarissa Hill Cemetery at 127 Wyn Way. Chair Plaag explained that the cemetery is not in the Town's jurisdiction because the location is near the Hwy 105 Bypass. Ms. Mitchell said she would research it. Chair Plaag noted that Ms. Roberta Jackson, who had submitted the information, may have misunderstood the address question, and the cemetery referred to in the submission is not located at 127 Wyn Way. Chair Plaag explained that the Clarissa Hill Cemetery location near the Westview Heights area is outside the Town's jurisdiction. Ms.

Mitchell stated additional information submitted included the Junaluska Community as the cemetery owner. Chair Plaag asked Ms. Mitchell to contact Ms. Jackson and thank her for submitting the information. He requested that Ms. Jackson also be told that the cemetery is not in the Town's jurisdiction and, unfortunately, the HPC cannot address it.

Chair Plaag said that since the press release was posted on the Town's website in November of 2021, he suggested waiting until the end of January for any other submissions. Then, Chair Plaag asked if, at that time, would Planning Staff make a list of known cemeteries based on the information that Mr. Chris Miller, GIS Specialist, provided and any other information available regarding the cemeteries. He proposed to have this list by the HPC meeting on February 1, 2022, and it was clarified that the press release was posted on December 3, 2021. Chair Plaag noted that the end of January would still be enough time to wait on other submissions.

Ms. Shook asked the HPC if the goal for the website is to include the current cemetery map, with an update for additional cemeteries submitted, and to leave available the option to submit information. Chair Plaag noted it would be helpful to provide Council with a listing of the properties with a thumbnail map that shows where each cemetery is located. He also suggested including on the list of cemetery properties those not in Town. He noted that the Clarissa Hill Cemetery would be good example for outside the Town Limits. He requested that the Planning Staff produce the list by the February 1, 2022 HPC meeting. He also said that the HPC would make a formal recommendation to Council on the cemetery information at the same meeting.

Update on Cemetery Designation/Interpretation Guidelines

Chair Plaag mentioned he presented the guidelines to Council at the December 2021 meeting, and Council adopted them. He noted that these guidelines are currently in effect as a guiding document.

Update on Hayes-Bryan-Greene Cemetery Marker

Ms. Mitchell mentioned that the action request had been sent to Council for the Hayes-Bryan-Greene Cemetery Marker on their January 12, 2022 meeting agenda. Chair Plaag asked Vice-Chair Bond and Member Watkins if they were going to attend the Council meeting. They both indicated that they were not attending said Council meeting.

Chair Plaag asked for a motion to authorize him to speak at the January 12, 2022, Council meeting on the Hayes-Bryan-Greene Cemetery Historical Marker Report. He said this authorization is for him to talk solely about the marker and no other issues.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to authorize Chair Plaag to speak on behalf of the Historic Preservation Commission at January 12, 2022, Council meeting regarding the Hayes-Bryan-Greene Cemetery Historical Marker Report.

Vote: Aye - All

Nay – None

The motion passed.

Chair Plaag noted at the last HPC meeting that Ms. Shook had suggested the second location for the said marker near the corner of North Water Street and Queen Street. He further suggested the end of the parking island on the east side of that intersection, which is Town-owned property. He said this possible third location would not require permission from Watauga County. He said this might be a more visible area than the other corner and that the HPC did not vote on this suggested location. Vice-Chair Bond agreed with the possible third location for the said marker. He asked for a recommendation, motion, and vote for the HPC for this possible third location.

Motion and Vote:

Vice-Chair Bond made a motion, seconded by Member Watkins, to recommend the third location for the Hayes-Bryan-Greene Historical Marker placement. Chair Plaag suggested that it possibly be placed at the end of the parking island on the east side of the North Water Street and Queen Street intersection, owned by the Town of Boone.

Vote: Aye - All

Nay – None

The motion passed.

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

Chair Plaag said he asked for direction from the Council regarding the potential designation of the Hayes-Bryan-Greene Cemetery. He also asked Council for guidance on whether they wanted the HPC to recommend the designation and/or the acquisition of the said cemetery. He believed that Council was not interested in acquiring the cemetery at this time. He further explained that Council was interested in the HPC making a recommendation for the cemetery's designation. He said he could work on a designation report for the cemetery.

Ms. Shook asked if the discussion is also regarding local historic landmark status for said cemetery, and Chair Plaag agreed. Ms. Shook said we need to ensure the landmark is included in the cemetery report. She talked about the possible confusion in the office when there is no property owner identified for a property. She asked how would landmark status be enforced on a property without the owner being identified. She said she does not know whom to hold responsible and who needs to get permits. Chair Plaag noted that this is an excellent question for Ms. Meade. Chair Plaag agreed that it is challenging for a Town to designate a local landmark with no known property owner for that parcel. He said his personal recommendation, as a preservationist, is you always want the property owner of the historic landmark to be cooperative throughout the process.

Chair Plaag suggested the easiest fix to the said cemetery is the Town acquire the abandoned cemetery and then have it designated, as Council has already stated because it would be easier to designate then. He explained his understanding that the Town was not eager to take on another maintenance project, and the cemetery is a maintenance and a liability issue. Ms. Shook talked about the standards needed for cemeteries, and standards are needed before the designation report is written. She noted that she would discuss this topic with Ms. Meade immediately. Chair Plaag confirmed that the HPC would wait until they get direction before an assignment would be made to write the designation report. Ms. Shook agreed with Chair Plaag on said topic.

Council's Store Historical Marker

Chair Plaag suggested tabling this agenda item to the Tuesday, January 11, 2022 HPC meeting. It was the consensus of the HPC to table said agenda item.

Watauga County Jail Designation Report

Chair Plaag suggested moving this agenda item to the February 1, 2022 HPC meeting. It was the consensus of the HPC to move said agenda item.

Review of Town Streets Project

Chair Plaag presented the Howard Street Report and asked the HPC for their feedback on the said report. There were no proposed changes to the report. He asked the HPC for a recommendation to send the report to Council for their approval.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to recommend that the Howard Street Report be sent to Council for their approval.

Vote: Aye - All

Nay – None

The motion passed.

Chair Plaag said that he would have the Depot Street report ready to be reviewed by the HPC at their January 11, 2021 HPC meeting.

Vice-Chair Bond left the meeting at approximately 8:27 p.m.

Update on CLG Application

Ms. Mitchell gave a brief update that she and Ms. Turner had contacted the SHPO regarding the activities list for past activities. She received information that the activities could be from the last year, and considering COVID-19's impacts possible lack of activities; it is recommended to include any reoccurring activities over the last few years.

She said that she has started editing the list of activities, and she will have them ready for the HPC to review in February or March.

Ms. Mitchell said the resume document is ready to be sent out to the HPC. Chair Plaag asked Ms. Mitchell to send the said document to the HPC members using the current roster, including former Council Liaison Rennie Brantz. He has applied for the open seat on the HPC pending Council review. Ms. Shook agreed with Chair Plaag's direction for Ms. Mitchell to send out the resume document. Chair Plaag asked the HPC to submit their completed resume document back to Planning Staff by their February 1, 2022 meeting. He explained that this deadline would allow Planning Staff to compile the information and finalize it by the March 2022 HPC meeting.

Ms. Mitchell reported that she and Ms. Turner have been compiling other information for landmark reports and the historic district design standards.

Other Discussion

Ms. Shook explained the new Council meeting schedule. She said the Council meetings are now on the second and fourth Wednesday of the month, with the first Council meeting of the month held in the morning and the second Council meeting held in the evening. She explained, based on previous HPC meetings with consultations, that there might be a need to have two HPC meetings a month. She said one of the meetings could be for talks and other quasi-judicial, COA agenda cases. She asked the HPC to consider having a second meeting. She believed the HPC would run out of time to cover every agenda item in one meeting. She confirmed five COA cases on the HPC's meeting agenda for February 1, 2022. Chair Plaag suggested adding this topic to the January 11, 2022 meeting agenda for discussion.

Chair Plaag suggested that the HPC talk about the following agenda items at their January 11, 2022 meeting: Quasi-Judicial Historic Preservation Commission Rules of Procedure, Discussion of Meeting Times, the Council Store Historical Marker, and Depot Street Town Streets Report.

Ms. Shook informed the HPC that in December of 2021 Town Council discussed whether to resume in-person meetings. She said they decided not to take action in December, and this topic is on the Council's agenda for January of 2022.

Chair Plaa said, for the record, he is somewhat concerned about in person-in meetings because he has several friends and colleagues who are double vaccinated with booster shots but who are, nevertheless, contracting Omicron. He expressed his concerns about this and asked if it would be helpful to postpone returning to in-person meetings after the winter season to increase ventilation of spaces.

Adjournment

Chair Plaa adjourned the meeting at 8:39 p.m.

Eric Plaa, Chair

Marlene Crosby, Board Secretary

Communication: January 4, 2022 Meeting Minutes (Approval of Minutes)

TOWN OF BOONE
SPECIAL HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
January 11, 2022, 3:00 p.m.

Historic Preservation Commission Members in Attendance:

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

Student Member:

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, and Marlene Crosby-Board Secretary

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, January 11, 2022, at 3:00 p.m. He explained that this meeting is a continuation of January 4, 2022, Historic Preservation Commission meeting.

Adoption of Agenda

Chair Plaag explained that due to a lack of time to review the materials to be discussed at the January 4, 2022 meeting, it was the consensus of the HPC to approve another meeting for January 11, 2022, to discuss the following agenda items: Quasi-Judicial Historic Preservation Commission Rules of Procedure, Council's Store Historical Marker and the Town Street Project-Depot Street Report.

Quasi-Judicial Historic Preservation Commission Rules of Procedure

Member Watkins noted that he had already sent his proposed changes to staff for the HPC Rules of Procedure. Chair Plaag talked about the following list of proposed changes to the said Rules of Procedure from his review of the drafted rules:

1. Page 8 begins numbering issues that cause issues throughout the document and will involve changes to Reference numbers in the document.
2. Page 9, Question #10: change the title to **Can an applicant waive its objection to a Commission member participating in the hearing?**
3. Page 11, Question #8: change the title to **Can a person denied the right to intervene still participate in the case?**
4. Page 12, Question #2: First sentence change to: There are two types of participants in a **hearing** before the Commission: "Parties" and "Witnesses."
5. Page 15, Question #16: Modify the question "Is a record made of hearing before the Commission?" to "Is a recording made of the hearing before the Commission?"
6. Page 16, Question #1: Last paragraph, last sentence change to the word "witness'": **witness's.**
7. Page 20, Question #3F: Last sentence: remove the word "short" from "short agenda" (remove whole last sentence).

Additionally, Chair Plaag asked Ms. Jane Shook, Director of Planning and Inspections, the following question under number eight Pre-Hearing Procedures. He asked, what are the implications of hearing a case presented by a tenant who may not have gotten clearance from the owner? He further asked if a tenant could submit an application

Communication: January 11, 2022 Meeting Minutes (Approval of Minutes)

without having already secured the property owner's permission. Ms. Shook said that most applications, including the Certificate of Appropriateness, normally have a place for property owner authorization. She said the applicant could either submit the property owner authorization with the application or submit other legal proof that they have the right to submit an application for proposed work. She said some leases contain those rights, and the application would have to provide that legal documentation. Chair Plaag confirmed that when the HPC hears a case, the HPC will see the property owner authorization in the meeting packet, and Ms. Shook agreed on the application and said authorization would be included.

Member Watkins referenced that page 12 of the rules assume in-person hearings. He suggested the text might need revisions to include provisions for meetings other than in-person.

Chair Plaag asked on page six for item number three: When and Where does the Commission meet? He mentioned that it specifies the meeting schedule. He asked if it would be appropriate to add language for specific circumstances involving a public health emergency or for other reasons determined valid by the Commission. The Commission reserves the right to meet in a virtual format, with other procedures to be modified by Town Staff as necessary, to approximate the same procedures that would otherwise apply." Ms. Shook said we only have authority currently to meet virtually because of the emergency executive order. She noted that once the order is rescinded, we will no longer have the authority to meet virtually. She suggested not modifying the procedure rules because we have a good way of communicating and having sign-up sheets with every meeting. She further stated that there are plenty of opportunities for people to speak. She believed the rules did not need revisions unless there was a modification to the general statutes. She said at that time to revise both the Board of Adjustment and Historic Preservation Rules of Procedure for that language. Chair Plaag asked Ms. Shook to consult with the Town Attorney on when and where the Commission meets.

Member Watkins asked on page 16 about the item which has the burden of proof. Chair Plaag said that ultimately, any one of the parties to a case, whether they're an intervening party, the Town, or the applicant, carries the burden of proof to sustain their argument in terms of influencing the Commission on making a decision or finding of fact about what is being proposed. Chair Plaag further explained his understanding of this section describing the HPC as not a judicial body. He stated that the standards of either a preponderance of the evidence or beyond a reasonable doubt do not apply to this setting. Chair Plaag also added that the HPC would be applying the standards to scenarios that arise when people are proposing to do work.

Member Watkins asked about item number 3A on page 18 if there is a procedure for this other member to be selected as Chair to avoid a split vote, for example. He also asked if the Chair recuses himself, how is the role of Chair decided either among the HPC members or if the Vice-Chair takes that role. Chair Plaag said this is a good question because of the current Town Code, the HPC cannot select the Chair, and the HPC recommends a Chair and Vice-Chair to Council. He further explained that the decision is based on Council's recommendations based on applications and appoints positions as they see fit, with the option to decline to appoint a recommended person. Chair Plaag thought the language should be amended to state that if the Chair cannot serve, for whatever reason, either for absence or recusal, that the Vice-Chair would serve. He asked if it is the intention of Council, in such a situation where both the Chair and Vice-Chair were unable to serve, that the remaining members would select amongst themselves a person to serve as Chair for the purposes of that hearing. Ms. Shook responded and stated there is an error in the Unified Development Ordinance, specifically in Article Two for the Historic Preservation Commission. She said the error is in the UDO language rather than the rules. She noted she could make the correction for Council's agenda and approval. She said the proposed correction will not make it on Council's January 2022 agenda but will add to the next public hearing agenda.

Discussion ensued on subpoenas. Chair Plaag asked about subpoenaing individuals, for instance, those of specific expertise, following a circumstance at a previous Board of Adjustment case. He wanted to know if other members could ask for individuals to be subpoenaed or if only the Chair could.

Ms. Shook explained that neither the HPC Chair nor a member of the HPC has the right to subpoena. She explained that the Chair would subpoena if a party requested someone to speak, as the Chair is the judge and not the participants making the case. She noted that a party would be the one to request a subpoena. In reference to the above Board of Adjustment case, it was her understanding that the response to the subpoena request is that it was not allowed; further, there was a request to recuse themselves, which she did not believe the BOA Chair said to the board member that they needed to be recused. She was not positive if there were additional conversations with either the Town Attorney or that particular board member. She further mentioned there was a recusal that evening by the board member.

Discussion ensued on clarifying the subpoena language. Chair Plaag explained that he asked about this topic to make sure he understood page 11, item number 9. Can a person be compelled to appear as a witness or provide documents? He read this section, "Under State Law, the Commission Chair has the power to issue subpoenas to require the attendance of witnesses, or to compel the production documents or other evidence." He explained that an individual could read the section to mean the Chair can decide to subpoena people that he or she might think have evidence or are valuable witnesses. Chair Plaag recommended the language be made more clear that any subpoenas that the Chair is issuing, in a quasi-judicial power, are from the parties requesting witnesses or materials made available, and that the power to subpoena lies with the Chair, rather than the Chair deciding what witnesses he or she might want to hear on a given case. He further explained that this is not the intention based on what Ms. Shook said; however, this is how the language reads right now.

Chair Plaag recommended that the language be written more clearly regarding the subpoena power for any Commission member. He further recommended that the language be made clearer for the HPC in terms of practice. He said it is the HPC's job to hear the cases and the evidence that the parties choose to present, whether it's the best evidence or not. Ms. Shook noted that in parts of the HPC's discussion with the applicant, there might be further discussion of additional information or locations where an applicant may be able to find additional information; however, she continued to explain that it is still upon the applicant to initiate and bring the evidence. Ms. Shook explained the process, and she said she thought one solution would be instead of denying an application that there may be other ways to bring back additional information versus tabling a case. She said when would ask the Town Attorney about the request for additional information related to the HPC.

Discussion ensued on an opposing party. Chair Plaag said an opposing third party could interpret the HPC's advisory discussion, such as consultations, as exparte communication. He explained that a case being heard is often noticed, nobody gets a notice about the consultations, and the applicant is given direct advice by the HPC. Ms. Shook talked about her concern with the consultations being considered exparte communication. She said that other jurisdictions offer consultations prior to the meeting and discuss the general logistics of a case. Chair Plaag noted he does not want the HPC to set themselves up for a conflict in the future. Chair Plaag said that somewhere in the Pre-Hearing Procedures, there should be a question that addresses the consultation process as permitted under State law. He further mentioned that the School of Government might have an opinion that

has ruled that consultations are acceptable. He said this would be for both the HPC members and the parties to expect a consultation.

Ms. Shook said she would discuss the following topics with the Town Attorney.

1. Should rules include the possibility of changing the meeting type (remote) based on the public health situation and the North Carolina Executive Order?
2. Page 18, Question #3A: Concern with the process if the Chair and Vice-Chair are not available; concern seems to be relative to Article 2, which can be amended via a text amendment.
3. Page 11, Question #9: Concern on the language of subpoenas and the power of the Chair.
4. Concern of ex-parte contact with consultations.
5. Guidance from HPC to the applicant requesting additional information – can it come back, can it be tabled, can HPC ask for additional information?

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to recommend approval of the proposed Historic Preservation Commission Quasi-Judicial Rules of Procedure, as amended through discussion at this meeting and with possible changes to the areas that the Historic Preservation Commission raised concerns about as determined by Council.

Vote: Aye – All

Nay – None

The motion passed.

Motion and Vote:

Vice-Chair Bond made a motion, seconded by Member Watkins, that the Historic Preservation Commission authorize Chair Plaag to speak at the next Council meeting to answer any questions on the Historic Preservation Commission Quasi-Judicial Rules of Procedure.

Vote: Aye – All

Nay – None

The motion passed.

Motion and Vote:

Vice-Chair Bond made a motion, seconded by Member Watkins, to authorize Chair Plaag to speak on behalf of the Historic Preservation Commission to answer any questions that might arise at the next Council meeting on the proposed Hayes-Bryan-Greene Cemetery historical marker report.

Vote: Aye – All

Nay – None

The motion passed.

Council's Store Historical Marker

Chair Plaag began the discussion and explained that he had emailed the HPC members the Council's Store Historical Marker Report draft for their review. He said that while writing the report, he found conflicting claims about the origin of the Council's Store post office, and he had done his best to address that in the report.

He said that the HPC's job is to be truthful about the history that we commemorate or interpret. He said he had done the best to find the first Jordan Councill, Jr. store. He said he searched for the original deed for the Daniel Boone Hotel. He hoped to find some earlier deed references for the W. B. Councill property that was sold to create the said hotel. He said he could find a deed of trust, which is a mortgage, for the hotel but could not find an actual deed. He said he could not find a recorded transaction for the sale of that parcel.

Discussion ensued on proposed changes to the Councill's Store Historical Marker. Chair Plaag asked for feedback from the HPC members on the proposed historical marker report. Member Watkins explained that with markers like this, anything that can be left out should be left out in the interest of space and clarity. He recommended that Chair Plaag revise the historical marker text, not necessarily from the historical marker report, to remove the "Boon, later Boone" reference. He explained to Chair Plaag that the historical marker report was fine. Chair Plaag confirmed that it had been recommended to move the following word from the proposed historical marker text, "Boon." Vice-Chair Bond agreed with this proposed change and suggested spelled "Boone." Chair Plaag pointed out that in many of the initial references to the new Town of Boone in 1849 and 1850, the word was spelled "Boon." He said he was asked by High Country Magazine why the name was spelled that way; he explained that initially, people did not know how to spell Boone's name due to variant spelling practices. He further explained that he suspected the naming of the county seat was intended to be a reference in some way to Daniel Boone. He said there was a clear assumption at the time, based on local tradition, that Daniel Boone probably had some connection to the general Watauga County area.

Discussion ensued on the funding and placement of the Councill's Store Historical Marker. Chair Plaag asked the HPC to recommend to Council the funding for the marker and a decision on the placement of the Councill Store Historical Marker.

Motion and Vote:

Member Watkins made a motion, seconded by Vice-Chair Bond, to recommend that the amended Councill Store Historical Marker report be sent to Council along with the request for funding for the historical marker and a decision on the placement of the historical marker to be done as soon as possible.

Vote: Aye – All

Nay – None

The motion passed.

Chair Plaag added a friendly amendment, and he suggested to include in the recommendation to Council that the funding for the manufacturing and installation of the historical marker be approved by Council, and for the Planning Staff and Mr. Ward and the Public Works Department to work with Sewah Studios to begin fabrication of the said historical marker.

Chair Plaag added that once the historical marker has been approved, the Planning Staff, Mr. John Ward, and the Town Attorney will work with Sewah Studios to put the marker together. He said that hopefully, we would have the Hayes-Bryan-Greene Cemetery marker in May or June of 2022.

Chair Plaag asked for a recommendation for the HPC to authorize Chair Plaag to present the Councill's Store Historical Marker report to Council at their next meeting.

Motion and Vote:

Vice-Chair Bond made a motion, seconded by Member Watkins, to recommend that the Historic Preservation Commission authorize Chair Plaag to speak on their behalf to present the Councill's Store Historical Marker Report at the next Council meeting.

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

Ms. Jessica Mitchell, Long-Range-Special Projects Planner, pointed out that the recommendations from tonight's meeting would go on Council's February agenda.

Discussion ensued on the location of the Council's Store Historical Marker. Chair Plaag said the historical marker report suggests two possible locations for said marker. He said the first location is the raised planter area at the sidewalk immediately east of the driveway to the Town parking lot, next to Town Hall. He explained this as the only location to place it without interfering with the Vietnam Memorial. He said there would have to be more flexibility about locating the marker within that space. He mentioned that no one else is likely to be against it being placed there, as long as it is somewhere in that area.

Chair Plaag talked about the second possible location for the historical marker. He said the other location is the bulb out immediately east of the intersection of Grand Boulevard and King Street. He asked Ms. Christy Turner, Senior Planner if we could use that location. Ms. Turner said that when the HPC worked on the Ginseng Historical Marker, it had to be a state historical marker to be placed in the North Carolina Department of Transportation right of way. She said she would check with Mr. Carson Fisher at the Department of Transportation for this concern.

Vice-Chair Bond suggested placing the historical marker on the corner of Grand Boulevard and King Street. Ms. Turner said she would find out from NCDOT if the marker could be placed there.

Town Streets Project – Depot Street

Chair Plaag explained that he did not have the opportunity to complete the Depot Street Report. He asked that this agenda item be continued at the February 1, 2022 HPC meeting.

Other Discussion

Vice-Chair Bond began the discussion and proposed that the HPC meeting date be changed from the first Tuesday to the second Tuesday of the month. She asked why the meeting was moved to the first Tuesday of the month. Chair Plaag explained it was because of a Council meeting occurring on the same day of the month as the HPC meeting.

Ms. Shook explained she had talked with Mr. John Ward, Town Manager, and Ms. Allison Meade, Town Attorney, on the possibility of changing the meeting dates. Ms. Shook said they had all agreed that the second week of the month was the only week any Town Staff involved with meetings or the Town Attorney could take time off from work without having to get an alternate to fill in for town meetings. Ms. Shook noted that the Council meetings had been moved to the second and fourth Wednesdays of the month. Chair Plaag noted that he prefers to keep the HPC evening meetings at 6 p.m.

Motion and Vote:

Vice-Chair Bond made a motion, seconded by Chair Plaag, to recommend that the Historic Preservation Commission meetings be moved from the first Tuesday of the month to the second Tuesday of the month at 6 p.m. beginning on March 1, 2022.

Vote: Aye – All
Nay – None

The motion passed.

Ms. Shook asked Member Watkins about his plans for leaving the HPC since his term is expired and another member has been appointed to the HPC. Member Watkins said he would leave the HPC when convenient to do so. Ms. Shook noted that staff would need to update the HPC roster to show a vacancy for his seat on the Commission. Council Liaison Roseman said that Council would announce a vacancy for his seat when Member Watkins leaves the Commission.

Chair Plaag suggested the following agenda items for the February 1, 2022 HPC meeting: Boone 150 Plans - (January 23 Event), Cemetery Mapping Programming, Council Update on Cemetery Designation, Hayes-Bryan-Greene Cemetery Marker, Watauga County Jail Designation Report, Review of Town Streets (Depot Street Report), CLG Application, and the five Certificate of Appropriateness cases.

Adjournment

Vice-Chair Bond made a motion, seconded by Member Watkins, to adjourn the meeting at 4:36 p.m.

Vote: Aye - All
Nay – None

The motion passed.

Eric Plaag, Chair

Marlene Crosby, Board Secretary

Communication: January 11, 2022 Meeting Minutes (Approval of Minutes)

**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 alternation, 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

Communication: February 1, 2022 Meeting Minutes (Approval of Minutes)

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 not 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 the 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 aluminum 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 still clear and correct. 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 from 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 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 against 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



*Application Information for Filing for a Certificate of Appropriateness
for Local Historic Districts & Landmarks*

PLEASE READ THE ENTIRE APPLICATION PACKAGE

The Town of Boone strives to review applications as efficiently as possible. The policies outlined below enable Planning Staff and the Historic Preservation Commission to give each application the attention it deserves. Complete applications will be scheduled to appear before the Historic Preservation Commission; incomplete applications, however, will be returned to the applicant pursuant to Article 4 of the Town of Boone Unified Development Ordinance (UDO).

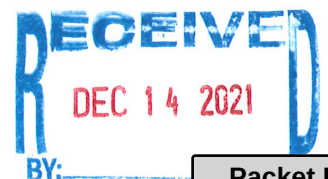
Approval of a Certificate of Appropriateness is required before any "major work" may be carried out with respect to improvement of a property located in Boone's local downtown historic district. Major work may include, but is not limited to, the following:

- A. New construction or additions to buildings
- B. Reconstruction of buildings once located on the site but demolished or moved at some previous time
- C. Restoration or rehabilitation of an historic property to its historic appearance
- D. Pointing of masonry as well as alteration, repair, or replacement of masonry, siding, roofing materials, architectural trim elements, foundations, windows, doors, and other significant architectural details
- E. Demolition of any part of a building or structure
- F. Work that is likely to disrupt or damage known or discovered archaeological resources on the site
- G. Moving of buildings
- H. Replacement of architectural details when there will be a change in design or materials from the original or existing details
- I. Changes to rooflines
- J. Establishment of exterior fire exits
- K. Exterior modification of existing buildings for ADA compliance
- L. Painting or stuccoing of buildings not previously painted or stuccoed
- M. Installation of mechanical systems, air conditioning units, vents, and related equipment in primary elevations that involves alteration to the building facade
- N. Location of satellite dishes, solar panels, and other roof attachments to the primary elevation roof and/or facade of a building if they are not effectively screened or are visible from a public street

Historic Preservation Commission Information

- Meetings: 1st Tuesday of each month at 6 p.m.
- Meetings are to be held at Council Chambers located at 1500 Blowing Rock Road.

See the published Town of Boone Planning & Inspections Meeting Schedule for more details.



Certificate of Appropriateness for Major Work

Town of Boone Planning & Inspections Department

680 W. King Street, Suite C ♦ Boone, North Carolina 28607

Phone (828) 268-6960 ♦ Fax (828) 268-6961 ♦ Email: planning@townofboone.net ♦ www.townofboone.net



A. Required to be Submitted at Time of Application

Note: A pre-application meeting is required prior to application submittal.

Failure to provide the required information will delay the review and scheduling of the requested hearing.

- ☐ Digital copies of all paper submittal documents (may be emailed to planning@townofboone.net)
 - ☐ Four paper copies of complete site plans meeting the requirements of Town of Boone Unified Development Ordinance (UDO), including UDO Appendix A (max. size 30" x 42")
 - ☐ Information in compliance with the Supplemental Checklist on Page 3
 - ☐ Property Owner Authorization. If you are not the property owner, you will need to provide documentation of property owner authorization to apply for this permit. You may have the property owner sign this application (Section L), or the property owner can provide a written and signed authorization that clearly states they are authorizing the applicant to submit this application.
- Permit Fee (See Planning & Inspections Fee Schedule). Each application is allowed two (2) reviews. The 1st review of the submitted information and a 2nd review if revisions or supplemental information is required based upon the 1st review. Each subsequent review after the 2nd review will be charged at 50% of the original fees charged for the application. These fees shall be paid at the time of resubmittal.

B. Requested Hearing – See latest published Meeting Schedule for dates

Date of requested hearing: _____

C. Property Information

Street Address:
182 Howard Street

Watauga County Parcel Identification Number:
2900798015000

Existing Zoning District(s): B1

Total Land Area: .117 acres

Are there any existing variances or other site-specific approvals granted to the property? ☐ Yes ☐ No ☒ Unknown

If yes, describe: _____

D. Applicant Information

Name:
Watauga County Arts Council

Complete Mailing Address (Street, City, Zip):
377 Shadowline Drive, Boone NC 28607

Phone Number:
828-964-1789

Email Address:
director@watauga-arts.org

Preferred Method of Contact for Written/Response Documents (select one): ☐ Mail or ☒ Email

E. Property Owner Information

Name:
Andrew Greene

Complete Mailing Address (Street, City, Zip): _____

Phone Number:
828-773-9333

Email Address:
agreene@protonmail.com

F. Landmark/District Information

District/Landmark Name: Downtown Boone Historic District

Period of Significance: 1946

Communication: Z05382-121421 - Exhibit 1 - Application (Z05382-121421 Welcome to High Country Mural)

G. Project Details

Project Cost: \$ 374.00

\$

Project Type:☐ New Construction☒ Renovation☐ Landscaping☐ Moving Structure☐ Demolition**H. Design Professional Information**Designer is an: ☐ Architect☐ Engineer☐ Owner☐ Other: _____

Name: _____

Company: _____

Complete Mailing Address (Street, City, Zip): _____

Phone Number: _____

Email Address: _____

*Additional Designer Information: If additional designers are involved beyond the one listed, please provide additional info on a separate sheet***I. Applicant Signature and Property Owner Authorization**

I hereby certify that I am authorized to submit this application, that all information is correct and complete, and all work will comply with all applicable State and local laws, ordinances, and regulations.

I acknowledge and agree that the Historic Preservation Commission members, Town employees, and Town agents may enter, solely in performance of their official duties and only at mutually agreeable times, upon the applicant's property for examination or survey thereof pursuant to North Carolina General Statute 160A-400.8.

I understand and agree that an approved Certificate of Appropriateness is valid only for the particular application, plans, specifications, and related project details presented to, and approved by, the Historic Preservation Commission. Any proposed modification or addition must be submitted to the Planning and Inspections Department for review.

By signing below, the applicant agrees to notify the Planning and Inspections Department of any changes or alterations in the data contained in this application, the approved plans, or the approved specifications related to the project that is the subject of this application.

Hearings on Certificate of Appropriateness applications before the Commission are quasi-judicial proceedings. Therefore, Historic Preservation Commission members cannot discuss a pending application with the applicant or other party. By signing below, the applicant agrees to refrain from speaking with or contacting any member of the Historic Preservation Commission about an application outside of the formal evidentiary hearing on the application.

Amber Bateman

11/16/2021

Applicant (Print)

Applicant (Signature)

Date

Andrew Greene

11/16/2021

Property Owner (Print)

Property Owner (Signature)

Date

Official Use Only

Permit Name:

Welcome to the High Country Mural - Certificate of Appropriateness

Page 3 of 4

Permit Number: Z05382-121421				
Date:	Fee:	Receipt Number:	Method of Payment: ☐ Cash ☐ Check Number: _____	Paid By:

Public Hearing Meeting Date: _____

Date of APO Mailed Notification: _____

Date of Posted Notification: _____

Request Approved: ☐ Yes ☐ No

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COA for Major Work Supplemental Checklist

Note: The following is a checklist for the presentation materials needed for your application. It is the applicant's responsibility to provide adequate photographs, architectural plans, and other material to enable the HPC to understand the proposal and its impact on the historic district/landmark. The consideration of the application may be delayed if preservation materials are not sufficient to evaluate the proposal.

- ☒ Written Description of the proposed work: Describe in detail the scope and nature of the proposed project, including exact material types, colors, and dimensions for materials to be used (e.g., width of siding, color of window trim, type of roofing materials, etc.).
- ☒ Design Standards References: Cite the applicable sections of the design standards related to and/or reflected in the proposed request.
- ☒ Photographs of Existing Conditions: Provide current photographs showing the present conditions of the area where the work will be completed and/or the portions of any existing building that will be affected by the proposed work. Photographs must be clearly labeled and keyed to a site plan.
- ☒ Site Plan: For development which includes modifications to the site in addition to the building, the applicant shall provide scaled drawings prepared in accordance with UDO Appendix A, which depict at least the relationship of all buildings, secondary structures, driveways, sidewalks, fences, drains, lighting, and trees to the property line. Clearly identify the location of any and all proposed changes. Caliper of trees should be indicated as measured from four and a half feet (4.5') above the earth's surface.
- ☒ Historical Documentation: If available, provide copies of historic photographs of the property in question, along with a list of any known previous alterations to the property (and the approximate date of those alterations). If the property is already listed on the National Register of Historic Places or is a designated Local Historic Landmark, include a copy of the nomination text for the property.

Exhibit 2



Communication: Z05382-121421 - Exhibit 2 - Depiction of Mural (Z05382-121421 Welcome to High Country Mural)

RECEIVED
DEC 14 2021
BY: _____



November 16, 2021

Downtown Boone Historic Preservation Commission Mural Proposal

Mural Title:

"Greetings From the High Country"

Artist:

Tommy Lee (a.k.a. Sir Tom Foolery)

District:

Purpose:

The purpose of the mural is to showcase features of the High Country that make this community a unique and desirable destination. This mural is a gift from Appalachian Mountain Brewery to the Town of Boone and its residents. Appalachian Mountain Brewery (AMB) started in Boone. The head brewers came from the App State Fermentation Sciences Department. The Brewery wants to sponsor this mural to send a message of thanks and love to the community from which they were "born". Murals offer visitors an opportunity to take photographs and share the memorable experiences they had in our Town.

Content:

Large postcard with a mountain landscape which includes natural elements for which we are known. Postcards are typical items people purchase when they travel to share with loved ones or keep for memory. The postcard signals that the High Country is a destination for travelers while visually representing a message AMB seeks to send to the community. The illustration consists of an apple tree, sunset, mountains, streams, wildlife, and hops to represent our strength in the craft-brewing industry. The mural, a large painting, offers a visual reminder of our region's rich history of arts and culture. A prominent cardinal (NC state bird) sitting on a branch overlooking the landscape serves as a reminder that the High Country is a significant contributor to what makes the State of NC an incredible place to live and visit.



377 Shadowline Dr., Boone NC 28607
828-264-1789 | director@watauga-arts.org



Mural Specs and Materials:

Option 1: Our preference would be to paint the mural directly to the painted wall, giving it a more authentic appeal. The proposed mural size is 8ft tall x 15ft wide. Paint materials would be acrylic paint.

Colors: We would like to use oranges, yellows, magenta, green, blue, and red as the color scheme. We are willing to adjust our color pallet to match the desires of the Town Planning and Inspections and HPC but have not been given those color options.

Note:

No parts of the building, lights, piping, driveway or building foundation will be affected by this art.



377 Shadowline Dr., Boone NC 28607
828-264-1789 | director@watauga-arts.org

Exhibit 4

Historic Images of 182 Howard Street

Image Reference:

<https://digitalwatauga.org/items/show/7080>

<https://digitalwatauga.org/items/show/5841>



Communication: Z05382-121421 - Exhibit 4 - Historic Photos (Z05382-121421 Welcome to High Country Mural)

RECEIVED
DEC 14 2021
BY: _____

Exhibit 5

WT0875 Brendell's Garage Building #2 (1946) 182 Howard Street

This irregular, pentagonal (its southwest corner is clipped), concrete block building was completed in 1946 as J. R. Brendell's new garage building. Brendell had long operated such a business on South Depot Street (WT0604) before moving here. Initial descriptions of the building were that it would be two stories in height, but closer examination of these early details reveals that it was intended as a one-story building with basement, as it remains today. The first floor was planned as a Hudson automobile dealership, while the garage was located at the basement level. Brendell supervised construction of the building, which was completed in June 1946 (Watauga Democrat, March 14, 1946, and June 27, 1946). Brendell didn't stay long; in December 1951, he announced the opening of his new garage business in the former Estes Machine Shop on West Main Street (Watauga Democrat, December 6, 1951). In an interview conducted in November 2018, Patricia Maddux indicated that her father, Buck Maddux, moved his Buck Maddux Motor Company here for several years during the 1950s, and newspaper advertisements seem to bear this out (see, for example, Watauga Democrat, November 27, 1952). Other newspaper advertisements suggest that this building, bearing an address of 208 Howard Street at the time, was also used as Roger Colvard's Garage and Radiator Shop in 1948 (Watauga Democrat, November 25, 1948) and the Boone (later Dale) Kaiser-Frazer auto dealership in 1950-52 (Watauga Democrat, November 23, 1950) before Buck Maddux moved here. Unfortunately, no historic images of this building, other than aerials from a great distance, have been found, so the historic appearance of the building is not well understood. Evan Redmond, whose grandfather owned the building for many years, has indicated that it was also used for a time as a garage for the Watauga Rescue Squad. The building was also briefly home to The Uptown, a meeting and performance space, from 2015 to 2017, as well as ASU's HOW Space (2018-19), and is currently (Dec. 2019) used by ASU's Walker College of Business as a community enterprise space.

Today, the building retains the same footprint that it had when built in 1946. At the time of the survey fieldwork, the pared north elevation fronting on the south side of Howard Street was characterized, from left to right (east to west) by a large garage bay, replacement, metal, roll-up door; a single, wooden door with a larger, upper light and a paneled-over transom; and a large window opening with remnant concrete sill that had been mostly blocked in with concrete block, although two small piercings with three horizontal-light, metal windows were equally spaced within this former opening. The parapet roof was raised over the middle third of the elevation and was capped with metal Coping.

In June 2017, Appalachian State University completed extensive renovations to the north elevation. This included replacing the roll-up garage door with a narrower, 10-light, garage door set to the west of the piercing and a single, aluminum-frame door with transom set in the east part of the piercing, all of which was framed in metal. In addition, ASU opened up the original piercing at the west side of the elevation, inserting a large bay



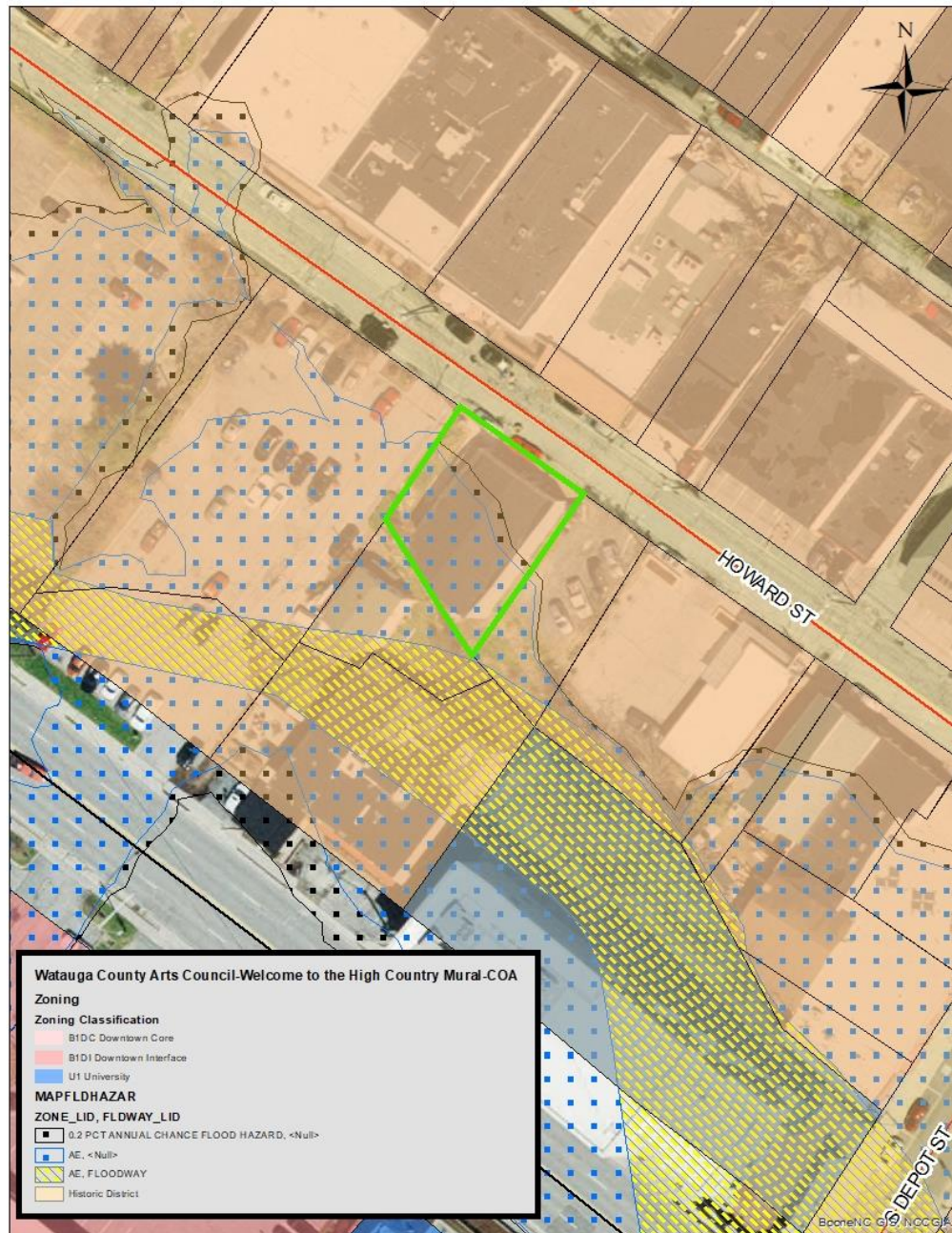
of three, one-over-one, plate glass windows in metal frames. The main entry door was also replaced with a single, metal-frame doorway with transom.

At the time of the survey fieldwork, the parged east elevation had four evenly spaced vents at basement level but was otherwise featureless. The south elevation was actually divided into two faces—one directed to the south, the other (at the west side of the building) directed to the southwest, and both of them parged. The south face included an exterior boiler chimney at the southeast corner, with one triple bay of six-over-six, double-hung sash, vinyl replacement windows with faux muntins on the first floor, all arranged in the original wood frame. A large, undefined opening with a wooden frame was visible at the basement level but obscured by brush. The southwest face fronting on Boone/Kraut Creek featured its own large, undefined opening with a wooden frame at the basement level. Two slightly separated, triple bays of six-over-six, double-hung sash, vinyl replacement windows with faux muntins were visible on the second floor. The corner formed by the south and southwest faces created an interlocking, concrete block effect. Rafter tails of the flat roof were exposed on the south and southwest faces.

Moving from north to south, the parged west elevation featured a large, wooden deck with accessibility ramp leading to Howard Street, with a vinyl replacement, sliding sash window and a vinyl replacement door near the northwest corner, all surrounded by a stocky, wooden frame. Below this, at the basement level, was an eight-light, fixed window under the deck. The center portion of the west elevation featured a double set of one-over-one windows that may have possessed Plexiglas lights. A concrete sill was visible below these. Beneath this window opening at the basement level was a large, six-light, fixed window in a wooden frame, with a vinyl replacement door immediately adjacent to the south. A rough, shed-style awning with a standing seam, metal roof covered this entrance. The scar from a removed, exterior boiler chimney separated this middle bay from the south bay of the west elevation. This last section of the west elevation featured on the first floor a triple window bay of six-over-six, double-hung sash, vinyl replacement windows in the original wooden frames, while the basement level offered an old garage bay that had been mostly boarded over but contained a single, wooden door with its bottom section missing. A set of wooden steps led from the west elevation to an adjacent parking lot to the west.



STAFF REPORT
HISTORIC PRESERVATION COMMISSION, MARCH 8, 2022
CASE Z05383-121521-WELCOME TO THE HIGH-COUNTRY MURAL-COA



Request

Watauga County Arts Council has requested a Certificate of Appropriateness (COA) for a mural to be displayed on the side of the building located at 182 Howard Street.

Pursuant to the Town of Boone Unified Development Ordinance (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.

Parcel Information

Address: 182 Howard St.
Property Owner: Appalachian State Rentals, LLC
Watauga County PIN: 2900-79-8015-000
Lot size (total): 0.12 Acres
Jurisdiction: Town of Boone
Access: Howard St. (Town maintained)
SFHA: Yes
Watershed District: No
Corridor District: No
NCD: No
Viewshed: No
Steep Slope: No
Transitional Zone: No
Current Zoning: B1 Downtown Core, Downtown Historic District Overlay

Zoning & Use of Adjacent Properties		
	Adjacent Zoning	Adjacent Land Use
North	B1, Downtown Core, Downtown Boone Local Historic District	Restaurant
East	B1, Downtown Core, Downtown Boone Local Historic District	Other Business/Professional Office
South	B1, Downtown Core, Downtown Boone Local Historic District	Restaurant
West	B1, Downtown Core, Downtown Boone Local Historic District	Parking Lot

Planning Analysis

The applicant is proposing to paint the mural, which is proposed to be 8' tall and 15' wide, directly to the painted wall with acrylic paint.

The mural is proposed to be painted using orange, yellow, magenta, green blue, and red as the color scheme for the mural.

In October 2021, the Town of Boone adopted the Downtown Boone Local Historic District overlay. Overlay districts are those districts that overlap one or more general use or conditional districts and imposed standards, in addition to the underlying district zoning standards. Where requirements conflict, overlay district standards supersede general use district standards.

The following three documents are central to the Downtown Boone Local Historic District:

1. Comprehensive Architectural Survey of Downtown Boone, NC – Final Report

2. Report and Recommendation for the Designation of the Downtown Boone Local Historic District, Boone, NC
3. Downtown Boone Local Historic District Standards

These three documents can be found online using the following link: [Historic Preservation Commission | Boone, NC \(townofboone.net\)](https://www.historicpreservationcommission.org/boone).

The designation report (#2 above), was created using the architectural survey of the downtown area (#1 above) and recommended:

1. That the Downtown Boone Local Historic District area, as outlined on the map above, be designated as a historic overlay district as indicated on the map and described elsewhere in the report; and
2. That the Downtown Boone Local Historic District Design Standards, which are outlined in a separate document, are to be applied by the HPC when it considers applications for Certificates of Appropriateness for proposed development within the historic district.

The following information has been taken from the designation report starting on page 69. The property inventory found within the report was specifically written to assess the contributing significance and integrity of the district's resources. Integrity, as determined was based upon the following:

1. design integrity, meaning the building's relationship to its original appearance or altered appearance during the period of significance;
2. material integrity, meaning the building's relationship to original materials during the period of significance or replacement materials that mimic the appearance of original materials during the period of significance;
3. locational integrity, meaning the building's relationship to its original location during the period of significance;
4. integrity of association, meaning the building's relationship to its original or adapted use, function, and purpose during the period of significance; and
5. integrity of relationship to the district as a whole, meaning the building's historical importance to the development of downtown Boone's commercial district during the district's four periods of growth within the period of significance (1918-1964).

As a general rule, buildings that meet three of these five criteria are considered to be contributing resources within the district. The district contains a total of 88 parcels with buildings and/or structures that contribute to the character of the district based on historical significance related to events or individuals associated with the property.

Among these 88 parcels are 18 parcels with buildings and/or structures that also contribute to character of the district based on architectural significance. Many of those that lack architectural significance have seen their storefronts modified over time, although the general form and function of those resources continues to reflect the resource's relationship to the development of downtown Boone's commercial district during the period of significance.

Three parcels recently contained buildings and/or structures that would have contributed to the significance of the district (all three for historical significance, one of them for architectural significance), but those resources have been demolished since completion of the survey.

Only six parcels contain buildings and/or structures that do not contribute to the architectural or historical significance of the district.

This ratio of parcels with contributing resources to the overall number of parcels in the district represents an unusually dense and rich collection of commercial, institutional, and residential buildings and/or structures with excellent to outstanding integrity as defined by the above criteria, thus illustrating the special significance of the district to the town of Boone in terms of its history and architecture. Taken together, these resources help to tell the story of the development of downtown Boone's commercial district through its four periods of growth within the period of significance. For these reasons, the district possesses outstanding integrity as a whole, which can only be improved as owners of individual resources continue to rehabilitate their properties and storefront configurations to their historic appearance.

Inventory Classifications:

CA: Contributes to the character of the district based on architectural significance

CH: Contributes to the character of the district based on historical significance related to events or individuals associated with the property

NC: Non-contributing property

VL: Vacant lot

The subject property, 182 Howard Street, is located within the Downtown Boone Local Historic District and is listed within the designation report on page 111 as follows:

WT0875 Brendell's Garage Building #2 (1946)—CH

182 Howard Street (2900-79-8015-000)

J. R. Brendell completed this irregular, pentagonal, one-story, concrete block building with basement as the second location for his garage operation in 1946. With a first floor intended as a Hudson showroom and the basement as the actual garage area, the building suited Brendell for only a short period of time. Later tenants included a radiator shop and at least two other auto dealerships before 1955. A subsidiary of Appalachian State University, which now owns the building, completed substantial alterations to the north (main) elevation in 2017, changing the configuration of the garage bay and reopening the main window piercing to its original dimensions. The concrete block walls, remain parged, as they have been for decades. The building is another outstanding example of functional, automotive-related architecture in the Howard Street corridor during the 1940s.

The property is classified as "CH" meaning the property contributes to the district based on historical significance related to events or individuals associated with the property. The full architectural description taken from Final Report: Comprehensive Architectural Survey of Downtown Boone, North Carolina, by Dr. Eric Plaag:

WT0875 Brendell's Garage Building #2 (1946)

182 Howard Street

This irregular, pentagonal (its southwest corner is clipped), concrete block building was completed in 1946 as J. R. Brendell's new garage building. Brendell had long operated such a business on South Depot Street (WT0604) before moving here. Initial descriptions of the building were that it would be two stories in height, but closer examination of these early details reveals that it was intended as a one-story building with basement, as it remains today. The first floor was planned as a Hudson automobile dealership, while the garage was located at the basement level. Brendell supervised construction of the building, which was completed in June 1946 (*Watauga Democrat*, March 14, 1946, and June 27, 1946). Brendell didn't stay long; in December 1951, he announced the opening of his new garage business in the former Estes Machine Shop on West Main Street (*Watauga Democrat*, December 6, 1951). In an interview conducted in November 2018, Patricia Maddux indicated that her father, Buck Maddux, moved his Buck Maddux Motor Company here for several years during the 1950s, and newspaper advertisements seem to bear this out (see, for example, *Watauga Democrat*, November 27, 1952). Other newspaper advertisements suggest that this building, bearing an address of 208 Howard Street at the time, was also used as Roger Colvard's Garage and Radiator Shop in 1948 (*Watauga Democrat*, November 25, 1948) and the Boone (later Dale) Kaiser-Frazer auto dealership in 1950-52 (*Watauga Democrat*, November 23, 1950) before Buck Maddux moved here. Unfortunately, no historic images of this building, other than aerials from a great distance, have been found, so the historic appearance of the building is not well understood. Evan Redmond, whose grandfather owned the building for many years, has indicated that it was also used for a time as a garage for the Watauga Rescue Squad. The building was also briefly home to The Uptown, a meeting and performance space, from 2015 to 2017, as well as ASU's HOW Space (2018-19), and is currently (Dec. 2019) used by ASU's Walker College of Business as a community enterprise space.

Today, the building retains the same footprint that it had when built in 1946. At the time of the survey fieldwork, the parged north elevation fronting on the south side of Howard Street was characterized, from left to right (east to west) by a large garage bay, replacement, metal, roll-up door; a single, wooden door with a larger, upper light and a paneled-over transom; and a large window opening with remnant concrete sill that had been mostly blocked in with concrete block, although two small piercings with three horizontal-light, metal windows were equally spaced within this former opening. The parapet roof was raised over the middle third of the elevation and was capped with metal coping. In June 2017, Appalachian State University completed extensive renovations to the north elevation. This included replacing the roll-up garage door with a narrower, 10-light, garage door set to the west of the piercing and a single, aluminum-frame door with transom set in the east part of the piercing, all of which was framed in metal. In addition, ASU opened up the original piercing at the west side of the elevation, inserting a large bay of three, one-over-one, plate glass windows in metal frames. The main entry door was also replaced with a single, metal-frame doorway with transom. At the time of the survey fieldwork, the parged east elevation had four evenly spaced vents at basement level but was otherwise featureless. The south elevation was actually divided into two faces—one directed to the south, the other (at the west side of the building) directed to the southwest, and both of them parged. The south face included an exterior boiler chimney at the southeast corner, with one triple bay of six-over-six, double-hung sash, vinyl replacement windows with faux muntins on the first floor, all arranged in the original wood frame. A large, undefined opening with a wooden frame was visible at the basement level but obscured by brush. The southwest face fronting on Boone/Kraut Creek featured its own large, undefined opening with a wooden frame at the basement level. Two slightly separated, triple bays of six-over-six, double-hung sash, vinyl replacement windows with faux muntins were visible on the second floor. The corner formed by the south and southwest faces created an interlocking, concrete block effect. Rafter tails of the flat roof were exposed on the south and southwest faces. Moving from north to south, the parged west elevation featured a large, wooden deck with accessibility ramp leading to Howard Street, with a vinyl replacement, sliding sash window and a vinyl replacement door near the northwest corner, all surrounded by a stocky, wooden frame. Below this, at the basement level, was an eight-light, fixed window under the deck. The center

portion of the west elevation featured a double set of one-over-one windows that may have possessed Plexiglas lights. A concrete sill was visible below these. Beneath this window opening at the basement level was a large, six-light, fixed window in a wooden frame, with a vinyl replacement door immediately adjacent to the south. A rough, shed-style awning with a standing seam, metal roof covered this entrance. The scar from a removed, exterior boiler chimney separated this middle bay from the south bay of the west elevation. This last section of the west elevation featured on the first floor a triple window bay of six-over-six, double-hung sash, vinyl replacement windows in the original wooden frames, while the basement level offered an old garage bay that had been mostly boarded over but contained a single, wooden door with its bottom section missing. A set of wooden steps led from the west elevation to an adjacent parking lot to the west.

Design Standards

[Design Standards p. 114-115]

Design Standards for Historic Parks and Public Spaces

Downtown Boone Local Historic District Design Standards and Handbook, UDO Appendix D, Design Standards for Historic Streetscapes, Landscapes, Monuments, and other Resources in the District, at Section 11, Parks and Public Spaces.

11. Parks and Public Spaces

11.1 Preserve historic landscape features that are critical to site identity and form, including landforms, topography, roadways, pathways, trails, trees and other plantings (both natural and planned), fences, and other resources.

11.2 Preserve and protect significant views into, out of, and within parks and public spaces. Carefully weigh the impact on both visitors and nearby residents and businesses when adding or removing landscape features, trails, walkways, and roadways.

11.3 When considering the introduction of public art to any park or streetscape, ensure that the art will not permanently or irreversibly alter the historic character of nearby historically significant buildings or landscapes.

11.4 Regularly inspect public art for signs of vandalism and deterioration, and maintain protective coatings. When repairs are necessary, use industry best practices and the gentlest available treatments. If necessary, consult with a conservator to determine the best treatment practices.

11.5 Preserve, protect, and maintain significant primary and accessory structures, including pavilions and fountains, that are essential to the identity of the cultural landscape. When planning new accessory structures, including monuments, public art, interpretive signage, memorials, and similar features, weigh their potential impact on historic views associated with the park and the general character and aesthetics of the public space in its historic context. Necessary accessory structures used for service purposes (maintenance sheds, restrooms) should be as unobtrusive as possible and designed to blend into the park's historic landscape.

CONFORMITY TO ADOPTED PLANS

COMPREHENSIVE PLAN UPDATE

1.1 Overall Objectives for the Boone Comprehensive Plan (p. 15):

The following objectives, which have not been listed in any particular order of importance, are deliberately broad in scope and less specific than either a policy statement or an implementation action.

Economic Development: Acknowledge the area's natural beauty, university, and medical center presence as the Town's greatest assets for economic development and jobs creation. Treat them accordingly.

Community Appearance and Community Character: Blend the built environment with the natural, scenic, and historic character of a High Country small town. Especially discourage commercial strip development, cluttered signage, and “cheap” apartment buildings.

Open Space: Integrate open space and greenways into the urban fabric of the Town. Preserve the countryside by discouraging suburban sprawl. Avoid development in floodplains, on ridgetops, and on steep slopes.

Environmental Quality: Address and monitor growth factors and activities that contribute to water, air, light, and noise pollution.

Trees: Conserve existing trees and plant new trees, especially hardwoods.

Automobile Transportation: Maximize the efficiency of existing facilities, but not at the expense town and neighborhood character and livability. Build or expand transportation facilities and parking areas as needed, but with care. Work to reduce auto dependency, use, and congestion.

Bikeways: Implement the planned system of bikeways as a legitimate transportation alternative. Unify with greenways and other pedestrian facilities where possible.

Mass Transit: Enhance and support the mass transit system as an effective alternative to the congestion created by the individual automobile.

Pedestrian Movement: Encourage a system of sidewalks, paths, crosswalks and compact development patterns which make it easy to get around Boone on foot.

Infrastructure: Engage in long range planning for water and sewer systems, stormwater runoff, natural gas, and other utility systems. Place overhead utilities underground whenever feasible.

Public Safety: Maintain a high level of policing and fire protection and plan the expansion of public safety services to coincide with projected population increases and identified needs.

Energy and Waste: Reduce waste generation, and the consumption of energy and water. Develop area recycling programs to the fullest. Encourage an anti-litter consciousness among residents and visitors.

University: Emphasize cooperative planning among the Town, County, and University.

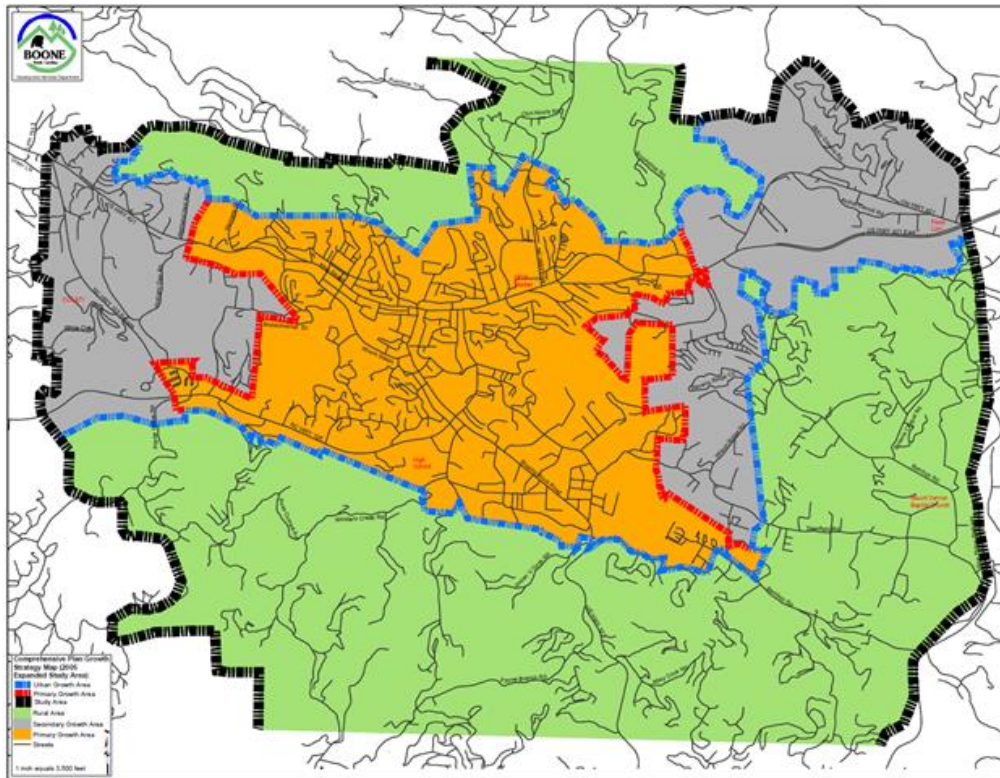
Downtown: Support and enhance the cultural and historic significance of downtown Boone, and affirm its appealing, pedestrian orientation.

Recreation: Strive for additional public recreation facilities, especially sports fields, greenways and indoor recreation centers.

Neighborhoods: Ensure the livability of neighborhoods, especially through land use and traffic planning.

Public Involvement: Encourage active public involvement and volunteerism to expand the effectiveness of community planning and action.

1.2 Growth Strategy Map (p. 17): This development is located within the Primary Growth Area as shown on the Growth Strategy Map. The Primary Growth Area is that portion of the urban growth area where urban levels of facilities are already in place or can be provided most cost effectively. This is the area where near term growth and development is to be especially encouraged. See Growth Strategy Map below:



2.0 Policies for Growth and Development (P. 18-77)

Staff has reviewed land use and comprehensive plan policies, and listed those policies which in staff's opinion have a bearing on the request. The Board should review these policies carefully. Each member may make his or her own interpretation as to the relevance of each and which carry the most weight thereby shaping their overall recommendation.

2.1 THE ECONOMY (p. 19)

- A. The Town shall protect and enhance a high quality of life, image, cultural amenities, and natural beauty as the most effective, long-term component of an economic development strategy.
- B. New and expanding industries and businesses shall be encouraged which: 1) diversify the local economy, 2) train and use a skilled labor force and 3) increase area residents' incomes.
- C. The Town shall encourage the development of a well-balanced tourism trade as a primary element of the area's economic future. Investments in services, facilities, and proper growth management shall be employed in furtherance of this objective.
- D. Economic development efforts shall encourage the revitalization and reuse of currently unused or underutilized structures, sites and infrastructure in appropriately located areas.
- E. The Town shall encourage a public service and regulatory environment conducive to business recruitment and expansion, while at the same time enhancing the area's physical and human resources.
- F. New firms and expanding businesses that complement the natural resources and beauty of the region shall be especially recruited and encouraged.
- G. The Town shall support the development of new business parks.

- H. The Town shall promote coordination of economic development resources with the appropriate institutions and agencies. Regional coordination and interaction among areas with a shared economic interest shall be encouraged.
- I. Small business start-ups, expansions and spin-offs shall be encouraged. The presence of ASU and Caldwell Community College and Technical Institute shall be recognized as a necessary and important resource for area businesses.
- J. Appropriate educational and training programs shall be encouraged to help local residents, especially those unemployed and underemployed, take advantage of business expansion and to develop new skills.
- K. Boone shall identify and provide services consistent with the needs of the area's growing retiree population.

2.1.5 Downtown

- A. A compatible design character for the downtown area, drawing upon the locality's original High-Country small-town features, shall be identified, reinforced and supported to put forth a quality image and sense of place.
- B. The Town, in concert with the downtown property owners and merchants, shall encourage public and private efforts to develop and publicize adequate and appropriately designed off-street parking lots in the downtown area.
- C. A variety of mutually compatible and supportive mixed uses shall be encouraged in the downtown area.
- D. Public and private developments shall be encouraged to incorporate local artistry into public and semi-public spaces downtown.
- E. Public and private development decisions in the downtown area shall exhibit a special concern for maintaining the intensive, pedestrian oriented character of the district.
- F. The maintenance and revitalization of downtown Boone, as well as planning for its future development, will reflect the realities and qualities befitting its geographical setting and function as a center of (1) commercial and service activities, (2) educational and cultural activities, events and (3) public services.

2.2.3 Parks, Recreation and Open Space (p. 53)

- A. Future park development and open spaces shall be planned to provide for the rational and equitable distribution of recreation and open space opportunities within the planning area. Public facilities shall be provided to address the unmet needs of area residents lacking access to university or private recreational facilities.
- B. Financial support shall be provided to the rehabilitation, upkeep, and expansion of existing facilities first, and to new facilities second.
- C. In determining future sites for park, recreation and open space facilities, multiple objectives for natural area conservation, visual enhancement, promotion of cultural and historic preservation, watershed and flood prone area protection shall be considered.
- D. Land acquisition for new recreation sites in advance of need shall be encouraged to achieve desirable locations at cost effective levels.
- E. Provision of open space and recreational facilities shall be encouraged in private developments and through intergovernmental and public/private partnerships.

- F. The identification and appropriate development of a system of open space greenways within the planning area shall be encouraged for both recreational and alternative transportation purposes. The use of natural corridors such as streams, floodplains, and secondarily, man-made corridors such as utility and transportation rights-of-way and easements shall be emphasized.
- G. While emphasizing programs which serve the unmet recreation needs of the greatest number of people, the Town shall strive to meet the needs of specific population subgroups, including, particularly, teenagers, the elderly and the physically challenged.

2.3 THE COMMUNITY (p. 60).

- A. Urban type development within the Urban Growth Area shall meet appropriate Town standards.
- B. Properly planned, mixed use developments that promote efficient provision of public services shall be encouraged within the Urban Growth Area.
- C. Funding for outside agencies and organizations serving the citizens of Boone shall continue to receive support consistent with area service needs and Town budget constraints.
- D. Coordinated inter-governmental and university-town planning for urban area land use and development, transportation, utilities, recycling, environmental management, law enforcement, education, recreation, tourism and economic development shall be encouraged.

2.3.2 Community Character (p. 67)

- A. The identification, restoration and active use of structures, buildings, monuments, and neighborhoods of historic or architectural significance shall be encouraged as a means of enhancing their economic and cultural value to the planning area.
- B. Multiple and appropriate adaptive reuse of historic resources shall be encouraged.
- C. Wise development of the tourism potential of the area's architectural, historic, scenic and natural resources shall be encouraged.
- D. The destruction of significant architectural, historic, scenic, natural and archaeological resources in the planning area shall be discouraged.
- E. New development, redevelopment and rehabilitation of structures and sites shall occur in a manner which is consistent with the neighborhood and architectural context of the immediate area, and supportive, whenever possible, of Boone's original community character as a High-Country small town.

2.3.4 Public Involvement

- A. Public involvement shall be encouraged in decisions concerning land use and development by making the public aware of proposed developments at the earliest opportunity, as well as fostering communication among developers, the Town, the County, the University, and the general public. ****
- B. Neighborhood and special area planning shall be encouraged to foster public involvement in the production of closely tailored, action oriented special area plans and programs.
- C. Specific functional plans and implementation tools shall be supported as part of the comprehensive planning program for the Town and County.
- D. Special committees, advisory panels, educational forums, public workshops, leadership seminars, town meetings and media contacts shall be encouraged and fostered to enhance the effectiveness of citizen involvement in community planning and action.

If approved, the COA shall be subject to the following conditions:

If approved, Staff recommends the following conditions be included in the decision:

1. Where there is a conflict between the application information and the plans (elevation of mural 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. Such conditions (if any) as the Historic Preservation Commission may impose pursuant to this statutory authority.

Historic Preservation Commission Procedure

Congruity with the historic district

The question before the Historic Preservation Commission is whether or not the proposed mural is incongruous (i.e., not in agreement, not in harmony) with the special character of the historic district. If the proposed mural is not incongruous, the Commission shall issue the requested COA. If the proposed mural is incongruous with the special character of the historic district, the Commission shall deny the requested COA. The Commission shall approve or the deny the COA by majority vote.

The Commission may issue a COA subject to reasonable conditions necessary to carry out the purposes of the historic district. In this connection, the purposes of the historic district are to (i) safeguard the heritage of the town insofar as the Historic District embodies important elements of the town's culture, history, architectural history, and/or prehistory, and (ii) to promote the use and conservation of the district for the education, pleasure, and enrichment of the residents of the town and/or the State as a whole, See G.S. §160D-940, 944, 947(a).

Proposal for a Town of Boone Historical Marker

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

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

A. SUBJECT OF PROPOSED MARKER:

The Hayes-Bryan-Greene Cemetery Located on Green Heights

B. SITE TO BE MARKED:

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

C. PROPOSED LOCATION OF MARKER:

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

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

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

Option A: Approx. 440 yards SSE of cemetery.

Option B: Approx. 600 yards SE of cemetery.

E. HISTORICAL SKETCH:

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

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

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

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

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

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

⁴ Because of this possibility, the cemetery is a good candidate for a ground-penetrating radar study to determine just how many gravesites are included within its boundaries. Judge L. L. Greene claimed that the cemetery had been used since “the first Green that came to this country settled near this spot,” and that the site had been “the burying ground for the Green family for several generations.” He also indicated that Conrad Elrod, an early settler, was buried there, along with several of his descendants, but no stone for Elrod has been found. See “Greene Graveyard to Be Enclosed,” *Watauga Democrat*, 28 July 18908: 3.

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

and Councill families, all of which were interrelated due to marriages among some members of those families.

For the most part, the grave markers display little in the way of unusual or noteworthy funerary art, and thus the cemetery does not rise to a standard of special significance related to funerary art and display. Several carving themes are recurrent and fairly stereotypical: resting lambs on graves for infant deaths, scrolls and laurels on some adult grave markers, and footstones carved with the initials of the corresponding individual for many of the more recent graves. Judge L. L. Greene's grave marker is somewhat more elaborate, given that it is an obelisk carved with a Masonic symbol. Two of the markers appear to be official military headstones acquired from the federal government. Otherwise, most grave markers are plain, listing the name of the individual, the buried individual's relationship to others buried nearby, and the relevant dates of death.

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

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

Stone covered in lichen, possible fieldstone



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

Mattie J. Greene (1853-1930)



Martha J. "Mattie" Horton Greene was the daughter of Sheriff Jack Horton (1816-1884) and Rebecca Mast Horton (1818-1857). She married Leander Leonidas Greene on March 1, 1876, at Boone, and the marriage produced two children. Following his death, she took a position with the federal government in Washington,

DC, where her daughter Bina was living at the time.⁶ She died in 1930 at the Watauga Hospital following a series of internal hemorrhages.⁷

Wilmetta Greene (1889-1951)



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

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

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

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

Judge L. L. Greene (1845-1898)



Leander Lawrence Greene (expressed as “Leonidas L. Greene” in some sources), the son of Robert Greene and Chaney Elrod, was born at Blowing Rock on November 11, 1845.⁹ Throughout much of his adult life, his name was spelled interchangeably as “Green” or “Greene.” During the American Civil War, he served as a private in Company D of the North Carolina 1st Cavalry, having enlisted in May 1864. He was wounded September 30, 1864 (probably near Jonesborough, Tennessee), then was wounded again and deserted his unit at Bellfield, Virginia, on January 30, 1865.¹⁰ Following the war, he returned to Boone, attended Cumberland College in Tennessee, and trained for the legal profession under Harvey Bingham. He returned to Boone in 1872 to begin practicing law. He was eventually elected as a Democrat

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

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

to serve in the North Carolina House of Representatives in 1874-75.¹¹ He married Martha J. "Mattie" Horton on March 1, 1876, and the marriage produced two children.¹²



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

Greene was also active in the state leadership of the Masons, his name routinely appearing in the press during the late 1870s in this capacity.¹³ In 1878, his home at Boone was destroyed by fire.¹⁴ He was often credited as the founder of the Republican Party in Boone in the 1880s, which was painted by some as having "gone

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

¹² Arthur, *Watauga County*, 313.

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

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

to the Radicals—sold out for a place in the Revenue Department—cheap price.”¹⁵ He was also a member of the Executive Campaign Committee of the District Anti-Prohibition Convention held at Yadkinville in 1881.¹⁶ Greene ran unsuccessfully for US Congress on the Republican ticket in 1884.¹⁷

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

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

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

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

¹⁸ Arthur, *Watauga County*, 157.

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

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

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

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



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

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

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

²⁴ "Former Resident Visits the 'Old Home Town,'" *Watauga Democrat*, 11 October 1923: 5.

²⁵ "James H. Bryan Dies," 1.

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

²⁷ "James H. Bryan Dies," 1.

Stone covered in moss, possible fieldstone



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

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



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

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

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

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

³⁰ Arthur, *Watauga County*, 147.

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

³² Arthur, *Watauga County*, 150.

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

³⁴ Arthur, *Watauga County*, 77.

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

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



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

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

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

Fieldstone



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

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



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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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



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

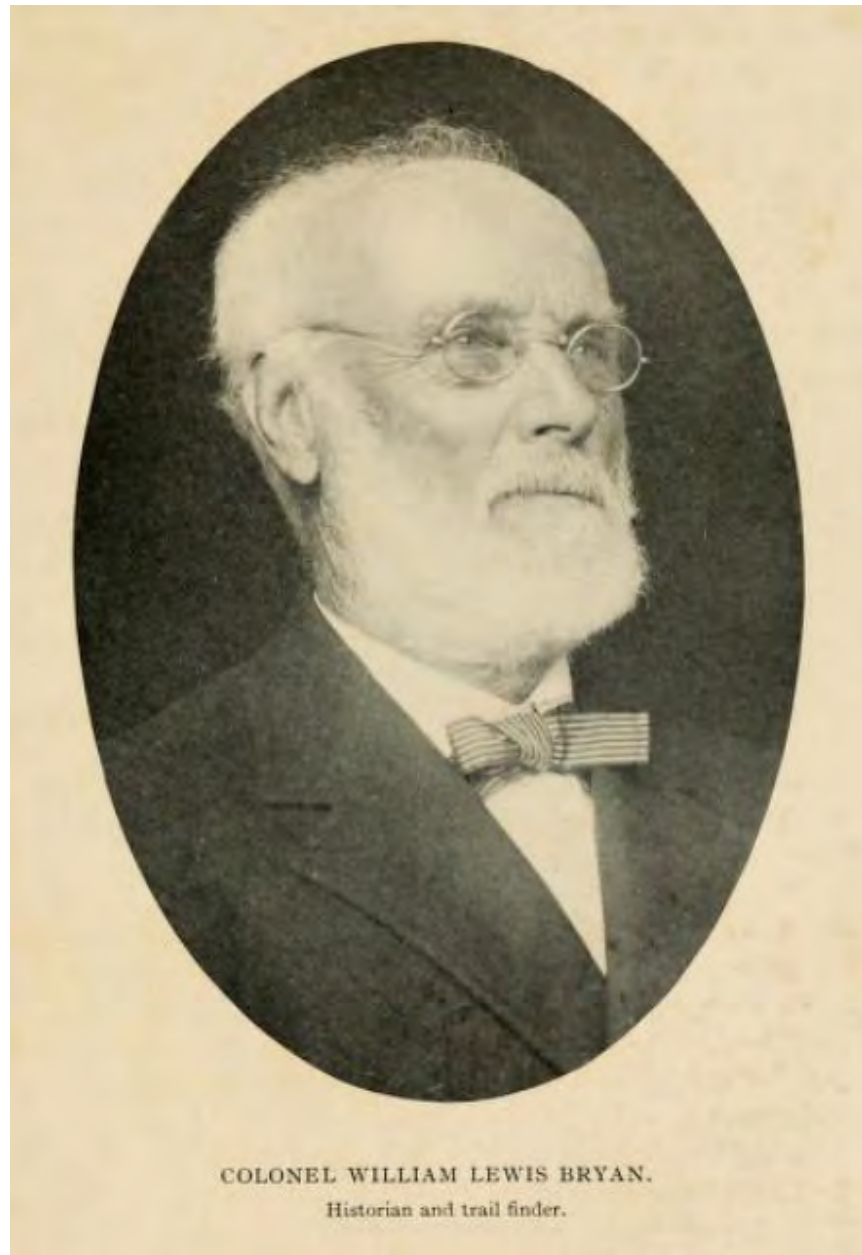
Sallie Hayes Bryan (Sept. 11, 1844-April 14, 1919)



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

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

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



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

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

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

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

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

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

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

⁶⁹ Arthur, *Watauga County*, 283.

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

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

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

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

⁷⁴ Arthur, *Watauga County*, 102.

⁷⁵ Arthur, *Watauga County*, 150.

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

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

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

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

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

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



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

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



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

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

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



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

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

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

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

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

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

Cora L. Council (1871-1950)



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

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

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

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

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

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

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

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

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

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

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

F. PROPOSED MARKER TEXT

Title: *The Hayes-Bryan-Greene Cemetery*

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

36" X 24" Georgia, Sewah Studios

5/8" letters

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

Current Count: 1,015 total characters, 149 words

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

36" X 24" Georgia, Sewah Studios

5/8" letters

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

Current Count: 1,009 total characters, 149 words

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Memo To: Planning Staff, Town of Boone

From: Chuck Watkins

Subject: Hayes-Bryan-Greene Cemetery Marker

Date: January 14, 2022

As invited by HPC Chair Plaag, I am writing to discuss the proposed text for the HBG Cemetery marker, and hope that this memo will come before the Commission at the next meeting. Apparently, a bone of contention has arisen regarding the text involving Judge Leander Lawrence Greene, and the phrase “who nevertheless privately endorsed Black disenfranchisement in the contentious 1898 election” has been inserted to “adjust” the record. I know nothing about Greene other than what Chairman Plaag has written in his longer essay that accompanies the marker text, but it appears that the source for the “private endorsement” comes from a statement made by a newspaper editor after Greene’s death, along with that editor’s supposition about how that “endorsement” would have affected his vote in an election in which Greene did not survive to participate. The Commission would not accept this kind of second hand testimony in its hearings and, my lack of a law degree notwithstanding, I believe that it violates the rules of evidence generally. But, apparently, Greene has become a problematic individual, and so I propose the following text as a basis for discussion:

Located 440 yard to the north-northwest [is this an actual direction? It sounds like Alfred Hitchcock. Maybe just “northwest will suffice], the Hayes-Bryan-Greene Cemetery is named for several key figures from Boone’s early history who are there interred. Among these is Ransom Hayes (circa 1805 – 1868), known as the “Stepfather of Boone,” donated 25 acres for the laying out of the new Watauga County seat in 1849. The cemetery also contains the grave of William Lewis Bryan (1837 – 1928), a Meat Camp native who was appointed by the North Carolina legislature as Boone’s first mayor in 1872. Bryan held this position intermittently for more than 25 years. A prominent hotelier and businessman, Bryan’s numerous tourism initiatives, including the Daniel Boone Monument and the Daniel Boone Trail, boosted the town’s early twentieth-century economy and solidified local lore associating Daniel Boone with the Boone vicinity.

Jessica Mitchell - EXTERNAL EMAIL - Re: Historic Marker for Founders Hayes and Bryan

From: Eric Plaag <ericplaag@gmail.com>
To: "Mary E. Moretz" <memoretz@charter.net>
Date: 1/13/2022 1:16 PM
Subject: EXTERNAL EMAIL - Re: Historic Marker for Founders Hayes and Bryan
Cc: <timfutrelle@gmail.com>, Jane Shook <jane.shook@townofboone.net>, Christ...

Mary,

My response to you here is my own personal view as a professional historian and is not intended to speak for the HPC. Rather, as the author of the marker report, I hope to clarify some of your impressions about the task the HPC was given and the approach I took to completing it. Nevertheless, so that they are aware of this correspondence, I have blind copied members of the HPC on this email.

First, while W. L. Bryan may have been the first mayor of Boone when the town was incorporated in 1872, he was not a "founder" of the community of Boone. He did not move here until 1857, eight years after the town had been established (but not yet incorporated) and officially named. He was 11 years old when the formation of Watauga County was authorized and Commissioners Council, Horton, and Mast laid out the lots for the new town of Boone in May 1849. It is highly doubtful he had any influence whatsoever in the naming of the community.

Furthermore, given that the cemetery was located on Judge Greene's land and maintained and improved by him toward the end of his life, it would seem strange not to acknowledge his burial therein when erecting a marker to the significance of the cemetery. That's what Council asked the HPC to do--prepare a marker report on the significance of the cemetery, not any particular individual. As the marker report indicates, the significance of the cemetery stems from the burials of three individuals who have special significance to the Town of Boone's history. In writing the marker report, I relied on guidance from the NPS (adopted by the Town of Boone in slightly modified form) to determine the cemetery's significance and justification for a marker.

If the HPC were to prepare marker reports specifically for either Ransom Hayes or W. L. Bryan, there are several other locations in town that have greater association with the lives and contributions of those individuals than this cemetery, and thus those locations might be considered more suitable. But that's not the project that Town Council tasked the HPC to perform.

I also find the "let's not judge people by our present-day standards" argument about historical figures unpersuasive generally, and particularly as a defense of the individuals at hand. Wataugans, North Carolinians, and southerners more broadly were not a monolithic, homogeneous collection of people sharing the same perspective on slavery and human rights during the 19th and early 20th centuries. In North Carolina DURING the American Civil War, for example, there were literally thousands of Unionists, abolitionists, and other people opposed to fighting a war to preserve slavery. Indeed, that's a main theme of Watauga County's history--families literally at odds with one another over the sides they took in the war, even going to the point of killing one another over

the issue (including outside of official military conflict). The arguments that many southern opponents of secession and slavery made were often rooted in ethical and moral objections, thus making it clear that there was not a shared ethical standard on the morality of slavery in 1860s Watauga County. Lots of folks knew slavery and racism to be wrong then, just as we do now. Some of them chose to do and say something about it. Many did not.

In the case of Judge Greene's apparent racism, he (along with R. C. Rivers, Sr., the Lovills, and countless other folks who are "famous" and influential in Watauga County history) was supporting the disenfranchisement of Black voters in 1898, 30 years after the 13th, 14th, and 15th Amendments to the US Constitution guaranteed citizenship and legal equality to Blacks, and the right to vote to Black males. Evaluating Greene and the others by the "standard of their time" (assuming we can use the US Constitution as one such standard), their views--objectively and contextually speaking--were a morally reprehensible position for them to have taken even then, especially for a judge whose sworn duty was to protect and defend the Constitution of the United States. How we speak of them and their legacy today should reflect that.

For the record, meetings of the HPC are always open to the public, and as a resident of Boone, you are eligible to apply to serve on the HPC if you are so inclined. There has been no attempt by me, nor am I aware of any attempt by members of Town staff or the HPC, to exclude you from observing or making public comment on the HPC's deliberations on this matter.

Sincerely,

Eric

Eric Plaag, PhD
Pronouns: He/Him/His
703 Junaluska Rd.
Boone, NC 28607
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ericplaag@gmail.com
www.carolinahistorical.com

On Thu, Jan 13, 2022 at 11:26 AM Mary E. Moretz <memoretz@charter.net> wrote:

Since I have not been included in the decisions made by the HPC regarding my request to mark the Hayes-Bryan Cemetery, I have a question. I do not understand why Judge L.L. Greene, who is buried there as are many others, is being considered for recognition as a founder. In my mind, he was a lawyer and politician, not a person who gave land to create the town nor the first mayor who no doubt was influential in giving the town its name.

My other comment is that as much as we may condemn slavery and racism, we should not judge everyone on the mores of our time and place. Who would we be had we been born in the South 100-150 years ago? The only thing that can replace bigotry and hate is compassion and love.

Blessings,
Mary E. Moretz

Jessica Mitchell - EXTERNAL EMAIL - Re: EXTERNAL EMAIL - Re: March HPC Meeting

From: Eric Plaag <ericplaag@gmail.com>
To: Jessica Mitchell <Jessica.Mitchell@townofboone.net>
Date: 2/25/2022 12:53 PM
Subject: EXTERNAL EMAIL - Re: EXTERNAL EMAIL - Re: March HPC Meeting

Hi Jessica,

Please add the following to the agenda between items 12 and 13:

Discussion of Plein Air, Boone, Event, May 19-22. Please add the emails below to the packet under this topic.

Thanks,

Eric

Fwd: Paint the Town!

Eric Plaag <ericplaag@gmail.com>
To: Amber Bateman <director@watauga-arts.org>

Fri, Feb 25, 2022 at 7:22 AM

Thanks, Amber. I will discuss with the HPC and the WCHS/Digital Watauga to see how each group might want to participate.

Best,

Eric

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On Fri, Feb 25, 2022 at 3:29 AM Amber Bateman <director@watauga-arts.org> wrote:
Doh. Not sure if I sent that or not.

We met yesterday to organize this event. They really want “Plein Air, Boone” to be an annual event. This year the theme will be “Paint the Town!” In honor of Boone’s 150 B-day.

Basically, we will have artist check-in on Thursday (at WAC of Cheap Joes). We will stamp their canvases and give them a list of suggested places to paint. Eric, you can include any historic pamphlets to enhance their desire

Communication: Plein Air, Boone, Event, May 19-22 (Discussion of Plein Air, Boone, Event, May 19-22)

to paint landmarks you love. Or we could have an HPC stamp or seal next to the locations you might want to encourage.

Friday and Saturday mornings painters can purchase a short “refresher” workshop and breakfast at Lovill House Inn. Or they can just set out on the town. Loville House Inn will host an evening reception on Friday.

Earl Davis went home and already drafted this little press release. We have to add info about a welcome reception being held at Historic Lovill House Inn and Saturday morning breakfast and workshop in their gardens.

Paintings will be turned in by 3pm on Saturday and a gallery opening will be unveiled from 7-9pm that evening. It will be open the following day for people to come and purchase the paintings as well.

I thought this could be the type of thing that people can tag onto or add supportive programming. Eric, I am not sure when history tours are set to begin, but I wanted to invite you to pair up with this event in some way. Or if you wanted to do a lecture or something about the town you could have it on the roof at Horton or at the Jones House. We could pair a painter there with you painting the view to enhance the experience.

That idea of a small bites tour of the restaurants sounded like it could work with this on that Saturday. People can go get food from 3-7pm, while they wait for the gallery to open.

We finished the meeting and I jumped into another one so I didn’t get to compare it to your other Boone 150 events. Do you see any conflicts with those dates? Those dates aren’t set in stone but we thought it is as late as we can get it before the busy summer season really sets in.

Let me know if you have any thoughts or concerns.

Cheers!

Amber Bateman

Sent from my iPhone

Begin forwarded message:

From: Earl Davis <earlcdavis@bellsouth.net>
Date: February 24, 2022 at 6:26:33 PM EST
To: Amber Bateman <director@watauga-arts.org>
Subject: Paint the Town!

Oops! Sorry! Here ‘tis.

Plein Air Boone!

The Watauga Arts Council, the High Country Plein Air Painters, and the Lovill House Inn are pleased to announce *Plein Air Boone!* In celebration of Boone’s 150th anniversary, the inaugural plein air paintout event will feature the theme “paint the town!” Plein air painting (a French term simply refers to painting scenes from nature outdoors. The 4-day event begins **on Thursday May 19 and goes through Sunday May 22**. It is hoped the event will draw plein air painters from around the region.

Various opportunities for painters and collectors of fine art abound during this May event. Participants will paint *en plein air* in many locations in the town of Boone. There will be workshops for both painters and would-be painters leading up to the May event and during the event. At the conclusion of *Paint the Town!* there will be a wet paint gallery and sale in the Watauga Arts Council gallery. Prizes will be given for the people’s choice and other categories.

The Lovill House is joining with Watauga Arts Council and the High Country Plein Air Painters to sponsor this event, with special packages on rooms and meals during the paintout.

The High Country Plein Air Painters (HCPAP) was organized in 2021 and meets each Wednesday to fellowship and paint outdoors meeting at such picturesque places as Cone Manor, Bass Lake, Valle Crucis, the Blowing Rock and other places. A warm invitation is extended to painters in various mediums to become part of the High Country Plein Air Painters. Earl Davis of the High Country Plein Air Painters says, "*Plein Air Boone!* is a dream come true for the High Country Plein Air Painters (HCPAP). We're ready to paint the town! We hope to welcome plein air painters from around the region as we celebrate both the birthday of Boone and the first of an annual art event."

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Current UDO reference	Type of Work	Routine Maintenance	Minor Work (Staff)	Major Work (COA)
New Construction and Additions				
8.05.02(A)	New construction or additions to buildings			X
8.05.02(B)	Reconstruction of buildings once located on the site but demolished or moved at some previous time			X
8.05.02(C)	Restoration or rehabilitation of an historic property to its historic appearance			X
Accessory Buildings				
	New or additions to accessory buildings or outbuildings			<u>X</u>
	Demolition of existing accessory buildings and outbuildings that are not architecturally or historically significant		<u>X</u>	
	Demolition of existing accessory buildings and outbuildings that are architecturally or historically significant			<u>X</u>
	In-kind repair of existing accessory buildings and outbuildings	<u>X</u>		
ADA				
	Installation of temporary accessibility ramps that are not intended to be permanent in nature		<u>X</u>	
	Installation of ADA required features (such as hand railings on porches over 30" above ground) provided that they are consistent with the architecture of the structure (Residential properties ONLY)		<u>X</u>	
8.05.02(K)	Other, E exterior modification of existing buildings for ADA compliance			X
Architectural Details/Features				
	Alteration, repair, or replacement of architectural trim elements			X
	Repair or replacement of architectural details in-kind	X		
	Removal of architectural details			X
	Replacing a piece of trim with trim of the same material and color.	X		
	Removal/alteration of archaeologically significant features			<u>X</u>
	Removal/alteration of contributing historical features			<u>X</u>
8.05.02(H)	Replacement of architectural details when there will be a change in design or materials from the original or existing details			X
	In-kind repair or replacement of architectural details including replacement of details that are missing so long as it is based on evidence that the detail existed on the building in the past.		<u>X</u>	
Awnings, Canopies, or Shutters				
	Addition of awnings, canopies, or shutters			<u>X</u>
	Removal of awnings, canopies, or shutters		<u>X</u>	

Notes:

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2. If both minor and major columns are marked, the item shall be considered in the first instance by staff, but referred to the HPC in case of doubt as to the appropriateness of the proposed change

Current UDO reference	Type of Work	Routine Maintenance	Minor Work (Staff)	Major Work (COA)
	In-kind repair/replacement of awnings, canopies, or shutters	<u>X</u>		
Decks, Patios and Sidewalks				
8.04.02(B)	Installation New construction of decks, patios and sidewalks on secondary and tertiary elevations or adjacent land areas.		X	
	Installation of and sidewalks in secondary and tertiary elevations or adjacent land areas.		X	
	Alteration/addition to existing decks, patios and sidewalks			X
	Removal of existing decks, patios, and sidewalks		<u>X</u>	
	In-kind repair/replacement of decks, patios, and sidewalks	<u>X</u>		
Demolition and Relocation				
8.05.02(E)	Demolition of any part of a building or structure			X
8.05.02(F)	Work that is likely to disrupt or damage known or discovered archaeological resources on the site			X
	Removal/alteration of archaeologically significant features			<u>X</u>
8.05.02(G)	Moving (or relocation) of buildings			X
Doors and Windows				
8.04.02(F)	Installation of storm windows where divided mullions of storm windows and doors align with windows and doors behind		X	
8.04.02(E)	Installation of skylights within a tertiary elevation		X	
8.04.02(I)	Installation of new doors, door frames, and associated door sills in tertiary AVCs when new materials are compatible with the original in terms of size, design, and material.		X	
	In-kind replacement or repair of existing door or windows	<u>X</u>		
	Installation of all other doors or windows			<u>X</u>
	Removal of any door or window opening			<u>X</u>
Driveways				
	Construction of new driveways		<u>X</u>	
	Removal of driveways		<u>X</u>	
	In-kind repair/replacement of existing driveways	<u>X</u>		
	Alteration/addition to existing driveways		<u>X</u>	
Fences				
8.04.02(D)	Fence installation in land areas adjacent to secondary and tertiary elevations		X	
	All other fence installations			<u>X</u>
	Removal of existing fences and walls		<u>X</u>	
	In-kind repair/replacement of existing fences or walls	<u>X</u>		
Exterior Surfaces (Masonry, Siding, etc)				
8.04.02(H)	Removal of synthetic siding where original siding exists underneath		X	

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Current UDO reference	Type of Work	Routine Maintenance	Minor Work (Staff)	Major Work (COA)
8.05.02(D)	Pointing of masonry as well as alteration, <u>in-kind</u> repair, or replacement of masonry, <u>except as provided in next item</u>			X
	<u>In-kind repairs/replacement, including repointing, to existing masonry when the color and composition of the mortar match the original, and new brick or stone matches the original</u>	<u>X</u>		
8.05.02(L)	Painting of unpainted brick or masonry			X
	<u>In-kind repair/replacement of exterior surfaces of buildings</u>	<u>X</u>		
	<u>Alteration/addition of exterior surfaces of buildings</u>			<u>X</u>
Foundations				
8.05.02(D)	Alteration, repair, or replacement of foundations			X
	<u>In-kind repair/replacement of foundations</u>		<u>X</u>	
	<u>All other repair/replacement of foundations</u>			<u>X</u>
Gutters				
	<u>Installation of gutters and downspouts painted to match the house or trim color, as long as no significant architectural features are damaged or removed</u>		<u>X</u>	
	<u>Removal of gutters and downspouts</u>		<u>X</u>	
	<u>In-kind repair/replacement of gutters</u>	<u>X</u>		
Landscaping				
	<u>Insignificant landscaping including vegetable and flower gardens and shrubbery</u>	<u>X</u>		
	<u>Pruning of trees and/or shrubbery</u>	<u>X</u>		
	<u>Removal of trees less than 25 inches in diameter</u>	<u>X</u>		
	<u>Removal of trees 25 inches and greater in diameter that have NOT been documented to be diseased and require felling</u>			<u>X</u>
	<u>Removal of trees that are dead or dangerous (per adequate documentation)</u>		<u>X</u>	
Lighting				
	<u>Installation, alteration or removal of exterior lighting fixtures</u>		<u>X</u>	
	<u>In-kind repair/replacement of exterior lighting fixtures</u>	<u>X</u>		
Mechanical Equipment				
8.04.02(A)	Installation of mechanical systems, air conditioning vents, and related equipment on secondary and tertiary elevations or adjacent land areas that does not involve alteration to the building.		X	
	<u>Installation of window air conditioners</u>		<u>X</u>	
	<u>All other installation of air conditioning units, vents, and related equipment</u>			<u>X</u>
8.05.02(M)	Installation of mechanical systems in primary elevations that involves alteration to the building facade			X

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Painting				
8.03.01(D)	Cleaning or re-painting existing siding with the existing color of paint (Painting when there is no change in color)	X		
	Painting when there is a change in color		<u>X</u>	
8.05.02(L)	Painting or stuccoing of buildings not previously painted or stuccoed			X
Parking Lots				
	Construction of new parking lots			<u>X</u>
	Removal of parking lots		<u>X</u>	<u>X</u>
	In-kind repair/replacement of existing parking lots	<u>X</u>		
	Alteration/addition to existing parking lots		<u>X</u>	<u>X</u>
Roofs				
8.04.02(C)	Change of roofing materials with like materials on flat roofs not visible from the street	X	X	
	Alteration, repair, or replacement of roofing materials			X
	In-kind repair/replacement of roof coverings	<u>X</u>		
	Replacement of roof coverings with materials that are not historic to the building			<u>X</u>
8.05.02(I)	Changes Alteration to rooflines			X
Satellites				
8.05.02(N)	Location of satellite dishes to-on the primary elevation roof and/or facade of a building if they are not effectively screened or are visible from a public street			X
	All other satellite dishes		<u>X</u>	
Signs				
8.04.02(G)	Temporary signs as permitted herein; and/or approved historic house markers		X	
Solar				
	Location of solar panels to-on the primary elevation roof and/or facade of a building if they are not effectively screened or are visible from a public street			X
	All other accessory solar equipment		<u>X</u>	
Miscellaneous				
8.05.02(N)	Location of other roof attachments to-on the primary elevation roof and/or facade of a building if they are not effectively screened or are visible from a public street			X
	All other roof attachments		<u>X</u>	
	Installation of house numbers and mailboxes	<u>X</u>		

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Current UDO reference	Type of Work	Routine Maintenance	Minor Work (Staff)	Major Work (COA)
8.05.02 J	Establishment of exterior fire exits		<u>X</u>	X

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