

**TOWN OF BOONE
HISTORIC PRESERVATION COMMISSION
MEETING MINUTES
APRIL 13, 2021
3:00 PM**

Historic Preservation Commission Members in Attendance:

Chairperson Eric Plaag, Vice-Chairperson Phoebe Pollitt, Bettie Bond, and Chuck Watkins

Council Liaisons: Rennie Brantz and Virginia Roseman

Town Staff in Attendance:

Jane Shook-Director of Planning and Inspections, Christy Turner-Senior Planner and Marlene Crosby-Board Secretary

Others Present: John Ward-Town Manager and Lane Moody-Downtown Boone Development Coordinator

Call to Order

Chairperson Eric Plaag called the meeting of the Boone Historic Preservation Commission, held via WebEx, a video conferencing software to order on Tuesday, April 13, 2021 at 3 p.m.

Adoption of Agenda

Vice-Chairperson Pollitt made a motion, seconded by Member Bond to adopt the agenda as written.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Plaag polled the members as follows: Vice-Chairperson Pollitt, Member Bond, Member Watkins and Chairperson Plaag.

Public Comment

No individuals requested the opportunity to speak during public comment.

Discussion of Scheduled and Potential Special Meetings

Ms. Jane Shook, Director of Planning and Inspections noted that the next joint meeting will be on Tuesday, April 20, 2021 at 6 p.m. She said the Community Appearance Commission, Historic Preservation Commission, Planning Commission and the Town Council will make up this joint meeting.

Chairperson Plaag asked Ms. Shook to go through the process of the Downtown Planning Projects. He asked her if there would be additional special meetings beyond the April 20, 2021 joint meeting. Ms. Shook said yes there would be.

Chairperson Plaag asked the HPC for their feedback regarding having another possible joint meeting. Vice-Chairperson Pollitt said she did not want to commit to an additional joint meeting unless it was necessary due to her current work schedule.

Discussion ensued on tabling some of the agenda items for this meeting. Chairperson Plaag asked for a consensus regarding covering the agenda items one through twelve. He asked Ms. Shook if the Town Website agenda item could wait until another meeting. Ms. Shook said that agenda item 16, Town Website topic can be discussed, when the Downtown Planning Projects update occurs.

Approval of Minutes

Member Bond made a motion, seconded by Member Watkins to approve the February 9, 2021 meeting minutes as amended.

Vote:

Aye – (Bond, Plaag, Watkins)

Nay – None

Abstain – (Pollitt)

The motion passed.

Chairperson Plaag polled the HPC members as follows: Member Bond, Member Watkins and Vice-Chairperson Pollitt-Abstain

Member Bond made a motion, seconded by Member Watkins to approve the March 9, 2021 meeting minutes as amended.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Plaag polled the HPC members as follows: Member Bond, Member Watkins, Vice-Chairperson Pollitt and Chairperson Plaag

Public Comment

Ms. Pam Williamson stated that she is concerned for historical landmarks inside and outside of the Town of Boone. She informed the HPC of some information that she had acquired about the Hardin House that she had found mostly through public records requests and email exchanges between herself and county officials. She noted that she was not asking for any action from the HPC at this meeting.

Ms. Williamson said in the beginning of 2018, Mr. Joe Furman, Director of the Watauga County Planning and Inspections questioned whether the Hardin House could be considered historical. She said at that time Mr. Deron Geouque, the Watauga County Manager said that he had spoken to Mr. John Ward the Boone Town Manager regarding a joint venture for a parking lot, so the Hardin House would not have to be demolished. She said in July of 2018, the County commissioners voted in open session to purchase the Hardin House. She said at that time there was not any mention of a parking lot or the historic nature of the property nor to burn down the building. In early 2019, the County Manager told the Board of Commissioners in closed session that the Town of Boone was interested in a swap for parking at the Queen Street parking lot. She said Watauga County proceeded with getting quotes on the cost to demolish the building with no notice to the public nor did they have a public vote as required by law to demolish it. She said in early 2019 Chairperson Plaag encouraged Watauga County to work with the Town of Boone to save the building. She said in a subsequent closed meeting, Commissioner Kennedy reported on what he called a productive meeting with the Town of Boone. In August of 2019, in another closed session, it was decided that the Hardin House would be demolished at the end of Mr. Turner's lease. She said this was not reported to the public, no vote was taken to do so and the meeting was not properly noticed. She said in a closed meeting on November 19, the county commissioners decided by consensus in a closed session to seek a demolition permit. She said that they did not properly notice this discussion for that meeting as required by law and they did not have a consensus behind closed doors.

Ms. Williamson said on December 19, people started asking her questions about the Hardin House. She wrote the County Manager and Board of Commissioners and asked if they intended to tear down or demolish the Hardin House in order to build a parking lot. She noted that she was not aware of a public notice for this public meeting. She said that she heard that Watauga County was under the impression that tearing down the Hardin House for a parking lot was acceptable because the home was not technically designated as historical. She said she updated one of the county commissioners on the possible historic significance of the Hardin House and he told the other county commissioners this information. She talked more about other meetings that had not been publicly noticed

where discussion occurred regarding the demolishing of the Hardin House. She said that one of the county commissioners told her that there had not been a public meeting, but he had been instructed to place the Hardin House topic on the county commissioners December 17 meeting agenda. She said that County Commissioner Kennedy said that the county commissioners cannot vote in closed session, but they can reach a consensus on a topic. She talked about the advertising for the selling of the Hardin House. She said a demolition permit was obtained for it and at that point there was not a public vote to demolish it, only a public vote to surplus the building. She said in early 2020 discussions with the Town of Boone began to save the house. She said that Chairperson Plaag presented evidence of historical significance. She said the County Manager stated that the County had reserved \$100,000.00 for the demolition costs. She said on July 21, 2020 in closed session the County Manager reported that a man named Mr. Mark Scruggs had expressed an interest in purchasing the Hardin House and moving it to a lot located behind the Watauga County Courthouse. She said that County Commissioner Turnbow agreed with the selling of the house and also agreed to sell it for \$1.00 and the county pay as much as \$100,000.00 to move the house for Mr. Scruggs. She said about a month later in a closed session meeting, the County Manager reported that he had spoken to Mr. Scruggs about a month later, the County Manager said that he had not heard back from Mr. Scruggs. She said that Chairperson Plaag had spoken with Mr. Scruggs and he told Chairperson Plaag that Mr. Scruggs offered to purchase the house for \$300.00 and it would cost \$75,000.00 to move it and the County Manager had turned down the offer to purchase. She said to the best of their knowledge this information was not communicated to the general public by the county commissioners.

Ms. Williamson said in another closed meeting on October 20, in 2020 the County Manager talked about the demolition of the Hardin House and to forego discussions with the Town. She said a month later in an unnoticed closed meeting, the commissioners voted by consensus to demolish the house. She said in December of 2020 the county commissioners under pressure from numerous public records requests voted publicly to demolish the Hardin House. She said this is the first notice that the public had regarding the demolishing of the Hardin House. She further talked about the unnoticed closed session meetings. She concluded that she wanted to let the HPC know about the information that she presented at this meeting and that in the future she would be going public with said information.

Chairperson Plaag asked Ms. Shook, if it would be appropriate if he opened the floor for questions to be asked of Ms. Williamson by the HPC. Ms. Shook deferred that question to Mr. John Ward, Town Manager noting that Council sometimes allows questions during public comment. Mr. Ward said that following the Council's manner of allowing questions during public comment, it would be appropriate if the Chairperson agrees.

Vice-Chairperson Pollitt expressed her appreciation to Ms. Williamson for the information that she presented. She pointed out that Chairperson Plaag had kept the HPC up to date on the same information. She said she thought the Town and County were still in parking negotiations. She explained that she was surprised and dismayed when she heard the information regarding the Hardin House.

Member Watkins thanked Ms. Williamson for presenting her information to the HPC.

Chairperson Plaag closed public comment.

Hardin House/Turner House

Chairperson Plaag pointed out that this house has been called all of the following names: Hardin House, Turner House and Judge Ginn House. He pointed out that he included in the meeting packet the Watauga County unsealed closed session meeting minutes dating back to 2018. He noted that he had obtained these meeting minutes through the public record request process.

Chairperson Plaag referred to an email that he had sent to the HPC on March 22, 2021. He said in the email, he would like to draw attention to Mr. Deron Geouque's characterization of remarks that Chairperson Plaag made at

the joint meeting of the Town and County officials on July 23, 2019. Chairperson Plaag said that characterization of what he had said at that meeting about the historical status and eligibility of the house was completely false. He said he was disappointed and disturbed at how his comments were taken out of context and in opposition to what he had communicated at that joint meeting. He said at no time had he possessed or received “an email stating that the Hardin House will not be on the historical register”. He said that he stated at that meeting that there had been a previous attempt by Judge Ginn to have the building study listed, which is the first step in the National Register process. He noted that this attempt in the early 2000’s was not successful because of the aluminum siding and the alteration of the porch and the port cochere. He said that these issues were reversible, and the property would likely be eligible, if the rehabilitation work were completed. He said this is exactly what he told the county commissioners at the May 7, 2019, County commissioners meeting. He said that a copy of that revised write up is included in this meeting packet.

Chairperson Plaag noted that he agreed with Ms. Williamson’s assessment of what has taken place over the last four years regarding the Hardin House including the way that the county commissioners have flouted North Carolina law regarding appropriate notice to public meetings and rules of procedure for voting that come before the county commissioners in closed session. He said that he believed that the county commissioners intentionally attempted to hide what was being done and discussed in their meetings.

Chairperson Plaag said that the HPC learned from the Watauga Democrat in January of 2019 about the Hardin House being demolished for a parking deck and this information was not included in their meeting minutes. He noted that official meeting minutes were being taken during these meetings.

Chairperson Plaag did confirm that he spoke with Mr. Scruggs by phone on March 30, 2020, and that Mr. Scruggs had made the \$300.00 offer to purchase the Hardin House. He talked about business transactions needing to be documented in an official set of meeting minutes, especially when property is being surplus. He talked about the rest of the conversation that he had with Mr. Scruggs including an email that was sent to the county manager on April 2, 2021, and sent by certified mail (permanently on file). He read aloud the said email. He said that he did include a note stating that he had blind copied this email to Mayor Rennie Brantz and the HPC members.

Chairperson Plaag noted that he wants the information in the meeting packet to be an eternal public record and for there to be transparency about what transpired with the demolition of the Hardin House property and the ways that the county manager and county commissioners approached this process.

Discussion ensued on things that could have helped prevent the demolition of the Hardin House. Member Watkins noted that maybe the Town Attorney could have been involved once the Town found out about the possible house demolition. Chairperson Plaag said there were things that the HPC could have possibly done but the HPC did not know about it in time. He said the HPC could have prioritized the Hardin House for possible landmark designation for the Council’s consideration. He said that even if that had occurred there is nothing that prohibits a landmark property owner from demolishing their property. He said there is a one-year waiting period. Member Watkins noted that the demolition permit could have been temporarily revoked.

Chairperson Plaag asked Mr. Ward to speak on things that the Town could have realistically done. Mr. Ward stated that the Council meetings are scheduled at the same time that the county commissioner’s meetings.

Mr. Ward talked about making the Town Council aware of the January 2021 County commissioners meeting and that the county commissioners were discussing Mr. Ward’s request about the county working with the Town on the Queen Street parking deck. Mr. Ward said that he felt there was a great deal of misinformation that was shared that led the county commissioners to vote not to participate in the Queen Street parking deck. He talked about the preservation of the house resting on the diverting of their wishes to demolish the house for a parking deck in order to gain more Downtown parking between the library, and at the end of the administration building.

Chairperson Plaag talked about a quote that he read in the Watauga Democrat where the county had offered the town \$1.00 for the Hardin House. He said the county had offered to sell the house to the town for the amount that it was bought for which was in excess of \$750,000.00. Mr. Ward said his attempts to get clarification on said statement were unsuccessful. He said at that time he was not aware of anyone who knew anything about the offer to give the house to the town, other than the commission member who made that quote in the Watauga Democrat.

Mr. Ward talked about the geotechnical borings information and noted that this information was provided to the Town Council and the County commissioners. He explained why the geotechnical work had not been done which was because the footprint of the parking deck had not been decided upon. He said that he followed up with a letter from the engineer, which was hired by the town and the county providing same explanation and requesting direction on which of the two options presented by the engineering firm. He said the options were presented to both the Town Council and the County commissioners to see if the county would like to proceed, so we would know where to do the geotechnical borings. He said he has an email receipt that shows that the email was opened and read. He said that he does not know what happened to the information requested after that. He noted that he was not sure if it would have made a difference, if he had attended the county commissioner's meetings or not to present information to change their vote to demolish the house. He explained the county's process to submit information to be considered at their meetings. He said that he had submitted his information to them prior to their meetings. He said there is no way to interact with the county commissioners during their meetings. He explained that when the town was moving through the engineering process for the Queen Street deck, there was a group of meetings or decisions taking place that the Town was unaware of at that time because they were done in closed session. He said the town was moving forward with what the town thought was a joint project with the town and county. He said there was a joint engineer that was being paid fifty percent by the town and fifty percent by the county.

Chairperson Plaag asked Mr. Ward to confirm that he has never received from the county manager or from the county commissioners as a body an offer to move the Hardin House to town property for \$1.00 and that they would pay the cost of moving it. Mr. Ward said he searched his records, and he did not find that information. He said that he did find a \$750,000.00 offer. Mr. Ward said that the town meeting minutes have not been unsealed but he said that offer was taken to the Town Council.

Discussion ensued on the demolition permit for the Hardin House. Ms. Shook pointed out that there has to be a reason to put a stop work order on a project or to revoke a permit that has been legally obtained. Mr. Ward noted that a demolition permit was applied for, and it was issued with a deadline pending. He talked about the county moving forward without doing different options because they were worried about the town not renewing the demolition permit. He said the town extended the deadline, to buy time to reassure them, the town was not going to pull the permit, while still acting in good faith and keeping a focus on the Queen Street parking deck. Ms. Shook read the language from the Unified Development Ordinance regarding the revoking of the building and zoning permits.

Downtown Projects Update

Ms. Shook explained that the Planning Staff is working on issues with the story maps, drafting language on rooftop additions, creating frequently asked questions for the Historic District and for the B-1 Expansion Project, completing a town website narrative for the Downtown Projects. She said there will be a webpage for the B-1 Expansion and the Downtown Local Historic District. She said the Planning Staff is also working with the Fire Department to take drone photos of the Downtown area to include in the mailer, will present a draft public input plan and revisions to the design guidelines. She said this information will be in the Special Joint Meeting packet for the meeting scheduled for Tuesday, April 20, 2021, at 6 p.m. She said that Ms. Christy Turner, Senior Planner and Mr. Brian Johnson, Urban Design Specialist would be working with her on presenting this information at that joint meeting.

Ms. Shook discussed allowing the chairs and vice-chairs from the Community Appearance Commission, Historic Preservation Commission, and the Planning Commission to attend other meetings, if they'd like to further discuss items in order to prepare for public input meetings.

Downtown Boone Local Historic District Designation Report

Chairperson Plaag talked about the state response letter asking for certain changes and an email from him responding to the state comments located in the meeting packet. He said that he had revised the District Designation Report to make the appropriate changes to their comments. He said it is important to discuss and vote on accepting the revised version of said report so the Council can consider the HPC's official recommendation of it.

Motion and Vote:

Member Watkins made a motion, seconded by Member Bond to present the revised District Designation Report to Council for their review and approval pending any Town Attorney review and any additional possible changes.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Plaag polled the members as follows: Member Watkins, Member Bond, Vice-Chairperson Pollitt and Chairperson Plaag

Downtown Boone Design Standards, Including Rooftop Additions

Ms. Shook said that the Planning Staff and the Town Attorney has discussed presenting for public input the Design Standards that have already been created rather than to use the Secretary of Interior Standards for Rehabilitation as a default design standard until a more detailed design standards document is approved. She said there would be some revisions needed for the design standards such as some language to make it clear that you are reserving the right during the public hearings to consult with the National Park Service and the State Historic Preservation Office or experts on items that are not directly addressed by the standards. She talked about the other changes that are needed as a result of 160-D and reviewing changes for Article Eight for the quasi-judicial process and the standards for the B-1 Expansion.

Chairperson Plaag talked about the quasi-judicial training for the HPC members. Ms. Shook said the Planning Staff is looking at how other jurisdictions are doing this type of training for their board members.

Ms. Shook talked about the need for guidelines for rooftop additions. She said that Chairperson Plaag provided the Planning Staff with information for rooftops from the National Park Service. Chairperson Plaag referred to page 390 of the meeting packet and to Section 7.6 Rooftop Additions. He pointed out a link that is available from the National Park Service that gives NPS guidance. Ms. Shook said she wanted to hear from the HPC on this topic before the Planning Staff worked more on the proposed rooftop addition text.

Member Watkins asked if an engineering study is required for rooftops. Ms. Shook said that would be a building code question.

Chairperson Plaag said a motion and vote is needed to revise the existing draft design standards and to incorporate the two areas that were addressed in the previous design standards on rooftop additions.

Motion and Vote:

Member Bond made a motion, seconded by Vice-Chairperson Pollitt for the Planning Staff to revise the existing draft design standards and to incorporate the two areas that were addressed in the previous design standards on rooftop additions.

Vote:

Aye – All

Nay – None

The motion passed.

COA Application

Chairperson Plaag said that for any landmarks that currently exist, when a property owner wants to make changes to their property, they have to go through the Certificate of Appropriateness process for major works. He said that he had discussed with Ms. Shook about the previous language for a COA being needed for minor works which is handled by Staff. He said that the HPC decided to use the term “Statement of Conformity” which meets the design standards. He said that Staff is handling the minor work, and they will issue a “Statement of Conformity” which conforms to the design standards for the district. He said the COA process is specifically for this process.

Chairperson Plaag further discussed the minor and major works. He said there will be a separate application for minor works and major works based on what information is filled out on an application. Ms. Turner noted that the Planning Staff has been working on the Town of Boone COA application and she would get the COA application to the HPC for their review at their next meeting.

Junaluska Local Historical Marker Dedication – Road Closure and Invitation

Chairperson Plaag said that he and Mr. Ward had discussed in detail the road closure. Chairperson Plaag said that they talked about closing the lower end of North Depot Street between Queen Street away from the funeral home. He said the event space would be closed all the way up to North Street. He said the people attending the event would be in the area at the bottom of North Depot Street just above Queen Street.

Mr. Ward talked about a discussion that ties back to Ms. Lane Moody, and the Downtown Boone Development Association based on the location of that historical marker, he said there is an agenda item moving forward to transfer \$200,000.00 from the municipal service district into our streetscape line item. He said one of the projects that they will be focusing on in the upcoming year, if approved by the Town Council, will actually be upgraded lighting, sidewalks and the street between King Street and the Watauga County Library. He said they felt like this is an appropriate use of the municipal service district streetscape funds and it will make a safer walking path to and from downtown into the library district as well, which is in the municipal service district.

Chairperson Plaag confirmed that the event will begin at 5 p.m. and the road closure will be from 4:30 p.m. to 6 p.m.

Discussion ensued on the speakers for the event. Chairperson Plaag suggested that the HPC offer the Junaluska Heritage Association to send someone to speak about what the marker means to their community. There was consensus from the HPC to ask the JHA to attend the ceremony.

Ms. Shook noted that she thought it was appropriate for the HPC to speak at the ceremony. Chairperson Plaag said he would be available to speak at the ceremony. Vice-Chairperson Pollitt suggested asking the Junaluska Choir to sing at the ceremony. Mr. Ward agreed that it is appropriate for the choir to be invited to sing at the ceremony.

Discussion ensued on the number of people that can be invited to the event. Mr. Ward said at this time the town is limited to 50 people but that is subject to change by the time the event occurs. Chairperson Plaag asked Mr. Ward to provide a list of Town officials to include along with the HPC members to be invited to the ceremony. He also asked Mr. Ward about the 30 slots left for the members of the JHA. He suggested letting the JHA decide who will fill the 30 slots as opposed to the Town trying to decide. Ms. Turner said that she would ask the JHA.

Mr. Ward said that we will not be able to have refreshments at the event due to Covid-19 protocols. He said there will be police officers to help with traffic flow and he will have the Public Works employees take care of the barricades. He said he would ask the Planning Staff to coordinate with Town Hall and Ms. Moody who works with the DBDA on the event. Chairperson Plaag asked that the Cultural Resources Staff to video the ceremony.

Informal Discussion

Chairperson Plaag suggested tabling agenda items thirteen through eighteen to the May 2021 HPC meeting.

Motion and Vote:

Chairperson Plaag made a motion, seconded by Member Watkins to table agenda items thirteen through eighteen to the May 2021 HPC meeting.

Vote:

Aye – All

Nay – None

The motion passed.

Chairperson Plaag polled the following HPC members: Member Bond, Member Watkins, Vice-Chairperson Pollitt and Chairperson Plaag

Adjournment

Member Bond made a motion, seconded by Vice-Chairperson Pollitt to adjourn the meeting at 5:04 p.m.

Vote:

Aye - All

Nay – None

The motion passed.

Chairperson Plaag polled the following HPC members: Member Bond, Member Watkins, Vice-Chairperson Pollitt and Chairperson Plaag.

Eric Plaag, Chairperson

Marlene Crosby, Board Secretary