

**MINUTES – REGULAR MEETING
BOONE TOWN COUNCIL
October 25, 2023**

CALL TO ORDER

A regular meeting of the Boone Town Council was called to order at 6:00 p.m. at the Boone Town Council Chambers located at 1500 Blowing Rock Road in Boone. Mayor Tim Futrelle presided. Council members present included Mayor Pro-Tem Edie Tugman, Todd Carter, Virginia Roseman, and Dalton George. Town staff present included Town Manager Amy Davis, Town Clerk Nicole Harmon-Church, Public Works Director Todd Moody, Deputy Public Works Director Justin Stines (remote), Planning Director Jane Shook (remote), Interim Grants Coordinator Laney Wise (remote), Police Chief Andy Le Beau, and Downtown Boone Development Coordinator Lane Moody (remote). Town Attorney Allison Meade was also in attendance. Councilmember Becca Nenow entered the meeting at 6:08 p.m.

MOMENT OF SILENCE

ANNOUNCEMENTS

TENTATIVE AGENDA ADOPTION

Upon a motion by Mayor Pro-Tem Tugman, seconded by Councilmember George, Council voted unanimously to amend the ordering of the agenda as follows:

- Public Comment
- Public Comment Regarding Proposed Kill Chill Facility
- Requested Appearances
- Public Comment
- Closed Session
- Adjournment

Upon a motion by Mayor Pro-Tem Tugman, seconded by Councilmember George, Council voted unanimously to approve the agenda as amended.

PUBLIC COMMENT

No speakers signed up for public comment.

PUBLIC COMMENT REGARDING PROPOSED KILL CHILL FACILITY

Jim Bryan, President of the Watauga Farm Bureau stated that he supported local farmers and the construction of the proposed kill-chill facility. He believed the proposed facility would help increase the bottom line of local farms and would add economic benefits to Watauga County and the surrounding areas.

Liz Whiteman, Executive Director of Blue Ridge Women in Agriculture, read the following statement (entered as received):

"Hello, my name is Liz Whiteman and I'm the Executive Director of Blue Ridge Women in Agriculture. We're a 20 year old nonprofit based in Boone, and we work to build a resilient and just regional food system here in the High Country.

We operate the High Country Food Hub, an innovative online market where over 100 producers sell their products to restaurants, food banks and the public. Since 2017, the Food Hub has facilitated over \$3.4 million dollars in local food sales. Since 2020, over \$425,000 of pork, beef, lamb and specialty meats have been sold through this market channel to our neighbors in Boone and surrounding communities.

Blue Ridge Women in Agriculture is grateful for the Town's many commitments to supporting the local food system: from joining with the County to purchase a walk-in cooler for the High Country Food Hub

to working with and adopting several of the Watauga Food Council's Local Food Policy recommendations to providing grant funds for FARM Cafe and our Town's Double Up Food Bucks program

The Town of Boone understands that a strong regional food system reduces harmful environmental and carbon impacts, ensures that more people can access fresh, healthy foods, and generates economic opportunities for our community.

As a nonprofit whose mission is to support producers and build a stronger regional food system, we frequently hear from livestock farmers about the difficulties they face transporting their animals to slaughter houses off the mountain. Many travel 6-7 hours roundtrip. And during the height of the COVID-19 pandemic, processing

availability was virtually non-existent, forcing producers to scale back their operations or travel further with their animals, increasing both expense and risk to animals.

The proposed kill-chill facility would provide local livestock producers with the opportunity to have their animals both slaughtered and processed in Watauga County. This will reduce producers' expenses and their carbon footprint, alleviate travel stress on their livestock, and bolster our local economy through additional high paying jobs. Located at the landfill, this facility will limit negative impacts on the surrounding community. Watauga County Cooperative Extension has worked hard to ensure this facility will adhere to strict USDA regulations and standards. Blue Ridge Women in Agriculture supports the development of a local slaughter and processing facility as another component of building a resilient and just regional food system here in the High Country."

Sarah Blacklin, with N.C. Choices, indicated that, in her position, she worked closely with the growing local meat supply chain in terms of inspections and processing. Ms. Blacklin stated that there had been processing constraints in the area for years and that they only worsened after the Covid-19 pandemic. She added that many facilities in neighboring towns booked a year out. Ms. Blacklin stated that there was a need and that the N.C. Choice program supported the potential kill-chill facility.

REQUESTED APPEARANCES

JIM HAMILTON - WATAUGA COUNTY COOPERATIVE EXTENSION

Dr. Jim Hamilton gave a presentation regarding the proposed kill-chill facility. A complete copy of the presentation can be viewed online at <https://boonenc.igmp2.com/Citizens/default.aspx>

Dr. Hamilton added that the County had provided the site for the proposed facility and that, in order to move forward, the Town would be required to provide water and sewer services. After that, a private party would be required to sign a lease to occupy the space. He added that if approved, the project would be built under the UDO/Town Code with modern equipment to ensure minimal or no smoke, odor, or blood escaped the facility. Eddie Labus, Watauga County Agriculture Extension Agent, stated that there were many farms in the area looking for ways to be sustainable and that this would be a step in that direction. Eddie expressed that it was his hope that the Town would find ways to help keep people working on local farms. When the question was raised about how much water the facility would use, Attorney Meade indicated that the numbers in Dr. Hamilton's presentation were not accurate. She stated that according to the code and estimations of 300 gallons per cow at a maximum of 40 cows, the maximum amount of water that could be used was 12,000 gallons per day. Attorney Meade clarified that the facility was estimating closer to 25 cows per day as opposed to 40, so the total usage would be less. She added that at a maximum capacity of 12,000 per day, the amount would be equivalent to the usage of 50-unit, two bedroom apartment complex.

Councilmember Roseman expressed concern about the traffic in that area and the high number of vehicle accidents at that intersection. She suggested that the Town work with the applicant and the County to make the primary entrance/exit at the existing traffic light at Innovation Drive. Eddie Labus stated that it was his understanding that the County was working to purchase the property near the traffic light and close the lower entrance on Landfill Drive. He added that semi-trucks would not be visiting the facility but that most of the traffic would be cattle trailers pulled by pickup trucks. In response to a question from Councilmember Roseman, he answered that the Mays Meat processing plant referenced in the presentation was larger than what was proposed for Boone. Mayor Pro-Tem Tugman asked what the time frame was for the project, to which Dr. Hamilton responded that he was unsure of specifics, but the goal was to break ground next year. Further discussion occurred between facility representatives and Councilmembers before Mayor Futrelle re-opened public comment.

PUBLIC COMMENT

Mayor Futrelle read the following comment into the record (entered as received):

"While I do not oppose the construction of the slaughterhouse on the 421, I find it incredibly lazy and irresponsible that the town council is even considering allowing the slaughterhouse to use town water resources without being subject to the town's regulations. This slaughterhouse would be in an important watershed in the region, and without proper regulations risks contaminating a major water supply for thousands of people across Boone, Watauga County, and beyond. There has already been much work by this council to protect the rivers and natural

water supplies in the region, and allowing this slaughterhouse to use town water resources unregulated only puts these water resources at risk of contamination. I am not asking for a shutdown of the construction of the slaughterhouse, or even not giving it town resources, but that if the town is going to extend its water resources to a facility such as this that the town also ensures that the facility follows the town's regulations around the usage of this water."

Attorney Meade clarified that anyone who received water or sewer was required to follow the regulations in the Town Code.

Pam Williamson read the following statement (entered as received):

"My name is Pam Williamson. I am a town of Boone resident and live with my husband on Old Hwy 421 South. Some of you have known me long enough to remember the many years, over a decade, that I fought alongside neighborhoods and in the courts against asphalt plants.

I never knew an asphalt plant that didn't swear based on "industry expert witness" testimony that it would produce no odor, no smoke, no fumes, and no noise. And I also never knew one that didn't produce all of them.

I want to be clear. I am not here to express support nor opposition to a slaughterhouse as a general matter.

I am here to argue against granting Town water and sewer to any development outside our zoning jurisdiction without requiring annexation or a conditional use permit that places citizen safeguards and regulations on those developments. There are no County regulations. Even the applicant's report admits there are no zoning regulations at the site. USDA regulates the operations at the site, but does not regulate nuisances related to noise, traffic, odor, etc.

You have the power and responsibility to regulate. That's why there are Town of Boone ordinance regulations, standards, and procedures for proposed uses similar to the proposed slaughterhouse. If the Town refuses to require what it has already identified and established by ordinance **as essential** regulations, what does it say about us that we would willingly walk away from them?

In this case, we're looking at a development proposed east of Town, just outside the town's jurisdiction, in the fastest growing area of the Town and County for residences and commercial development. The slaughterhouse will butcher up to 40 or more animals per day, and safeguards associated with potential problems related to noise, odor, buffering, traffic, etc. must be anticipated and mitigated. The County won't do this. The USDA won't do this. It has to be you.

ODOR:

It's pretty easy to say, "oh well, it's gonna be located at a landfill after all and that doesn't smell." But our landfill isn't currently slaughtering animals. There will be noise, odor, and a lot of blood and animal waste. That is the nature of a slaughterhouse. No matter how well the facility is run, no matter how well scheduled, no matter how clean it is, there will be odor.

I have been told informally but confidently by some supporting the project that any odor from the slaughterhouse will not go past one-half mile. That's simply not the case.

Purdue University conducted just one of many studies to determine how far odor from a slaughterhouse travels. They found that even one-mile arbitrary setbacks were insufficient and that establishing any arbitrary setbacks does not work. That's because odor doesn't recognize nor respect any arbitrary boundary. Instead, odors and the distance they travel depend on topography; buffered landscaping; the amount of wastewater, manure storage handling, the number of animals, shifting wind patterns and directions, the temperature of the weather; and even what season of year it is.

The North Carolina Administrative Code defines "Objectionable odor" as any odor "that may unreasonably interfere with the comfortable use and enjoyment of life or property." So even if we buy the "odor won't travel over 1/2 mile" argument, the applicant notes on page 13 that the nearest residential property to the plant is 2,049 feet away which is just 1/3 mile away. And that the closest businesses, which sit directly on the new Hwy 421, are around 600 feet away, just 1/10th of a mile from the slaughterhouse.

But surely a small slaughterhouse can't smell but so bad? The official estimates of how many animals will be slaughtered daily at the site varies widely. Page 12 of the applicant's information says the slaughterhouse will butcher 25 animals a day. But that's only at the start of the operation. Most sources indicate an average of 40 slaughters per day, but even the applicant notes on page 8 that the capacity for the slaughterhouse is 50 animals per day. (I am footnoting slaughter numbers in my comment narrative from other official estimates that note more than 40 slaughters per day at the site.)

The applicant maintains anything that does smell will be hauled off daily. This may or may not be the case. In a recent email I asked where the animal "waste" will be collected and stored for pickup at the site: "Where does the head of cow (for instance) and other byproducts go after slaughter? Where is it stored or buried or whatever? And how long does it remain there?" The response was that the applicant is looking to establish scheduling of waste to be hauled off but that it was unlikely to be daily, and that whatever is left over, if not compostable, will be taken to the transfer station to await transport to a landfill in Tennessee.

WATER:

A slaughterhouse requires lots of water. Water use for any slaughterhouse, large or small, is significant. It is used for chilling, scalding, carcass washing, cleaning, and waste conveying. Peak water demand for this project is estimated to be 40 gallons per minute.

On Page 12, the applicant says the slaughterhouse will use 300 gallons per animal per day but only estimates only 25 slaughtered animals a day, which is fewer than the stated long-term plan. Nonetheless, the applicant says total water use for 25 slaughters a day = 7,500 gallons **per day**.

The applicant proposal then compares the slaughterhouse's water use to that of 15-unit apartment buildings which they note to be as high as 38,000 gallons **per month**. Comparing water usage per month to water use per day is comparing apples to oranges, but I'll bite.

Using the applicant's estimates, a 15-unit apartment will use up to 38,000 gallons per month compared to a minimum of 225,000 gallons per month for the slaughterhouse.

That's a lot of the people of Boone's water resources. Especially in light of the fact Council is considering making it available without any local regulations. Take a look at the Town's Water and Sewer Ordinance. Double the rates is merely a drop in the bucket so to speak. A damn good deal instead of having to pay property taxes, and the applicant knows this. But is that fair to Town residents who actually own the water?

NOISE:

The applicant did not address noise. But several studies have evaluated noise at small and medium slaughterhouses. There are high intensities of sound from handling systems (80 to 90 dB[A]), and ventilating fans (70 to 80 dB[A]). But the majority of sounds occur outside and occur from the sounds of stressed and panicked animals-from unloading, along the chute to the restraining pen, at the time of stunning, and at the slaughter hall.

What can be done about potential nuisance noises? The Town has regulatory options related to mitigating noises that occur off the lot boundaries of a development like this (UDO Section 14.02.06) and requires mitigation through the smart planting of trees and other buffering. The County has no regulations on noise, except to call the Sheriff after 11PM about the loud party next door.

TRAFFIC:

I live very close to the stoplight that connects Old Hwy 421 to the new highway 421. In fact, I travel to and from that intersection almost every single day. The traffic on that road is already very heavy going into and out of Boone almost all hours of the day. The applicant's discussion indicates that there are around 30,500 vehicles on that road per day **just between** Bamboo and the Landfill Road, with an average of 165 vehicles per day making a turn **Onto** landfill Road.

But since what goes up must come down, I assume these numbers also hold true for the vehicles exiting out of Landfill Road back onto Hwy 421. Which is what is really important. Because as it stands even now without slaughter trucks, and as I can personally testify, it is almost impossible and is most certainly dangerous to try to make a left turn either into or out of Landfill Road. Especially for cattle trucks.

I have talked with Jim about this, and his office seems to be aware that this is a problem although it's not discussed in the presentation. The solution is that a condition of any permit for this slaughterhouse or any other industry into and out of the Landfill should require that DOT move entry and exit to and from the landfill to Innovation Drive and put up a stoplight. This, too, should be a condition of any approval of this project.

CONCLUSION:

I served on the Council's Water Committee since its inception, before the intake was built. For over a decade, members (which included all Council members and the Mayor as well as community members from both the Town and County) discussed this issue for literally years and at length and held tight on the requirement of annexation for access to the Town's water.

The good reason behind this policy was then and still is today to ensure that because the County has no zoning regulations, the property should be subject to the Town's important citizen safeguards on noise, odor, traffic woes, height and density limits, setbacks and buffers, etc.

You as a Council have three options:

1-You can annex the property to ensure citizen and environmental safeguards

2-you can require the applicant apply for a Conditional Use permit instead of annexation and impose standards regarding "the impacts reasonably expected to be generated by the development."

3-Or you can run for the hills and forfeit your responsibilities altogether to require any of what your ordinance identifies as essential regulations by doing nothing.

I can conclude only one reason why the Town would not require annexation or a conditional use permit to set important regulations on this proposal: because you know there may be issues related to noise, odor, traffic, etc. but don't want to be the one responsible for regulating it.

Because if you believe, as the applicant maintains, that there will be no issues related to noise, odor, traffic, etc. at the slaughterhouse, then why would you be afraid to step up to the plate to regulate it?

If, on the other hand, you do believe there could be issues related to noise, odor, traffic, etc., then why would you approve the project without annexation, thereby forfeiting your own responsibility to regulate and dooming the entire community to a slaughterhouse in totally unregulated territory?

This is a critical decision for Council and will have wide ranging and disastrous consequences for large-scale future development in both the Town and County going forward. Please do the right thing."

The president of the Boone Area Chamber of Commerce, David Jackson, thanked everyone for the thoughtful dialogue that had taken place thus far and indicated that it was his hope that the the Council could figure everything out by the end of the discussion. He stated there were people that would be impacted by this project, and that before tourism was born into this area it was an agriculture hub. Mr. Jackson sang the praises of the High Country Food Hub which kept many families afloat during the Covid pandemic, and noted that this would not have been possible without local farmers. He highlighted the ten or more jobs this project could create and stated that as long as the project was managed from an equitable standpoint and to USDA and other government regulations, he believed that everyone could come together and figure out how to make the project succeed.

Lee Rankin of the Watauga County Farm Bureau Board and president of the North Carolina Agritourism Networking Association stated that the country as a whole needed more meat processing facilities in order to care for the people who live here. She also applauded High Country Food Hub and Blue Ridge Women in Agriculture for their hard work and all that they do for the area. Ms. Rankin added that she raised beef on her farm and was forced to drive three hours one way to be processed.

Dr. Eric Plaag of Boone indicated that he agreed with most everything Pam Williamson said in her previous statement and added that he believed this facility was needed. He said that local traditions and family farming were important and that he supported having a USDA-approved and controlled facility in the community. Dr. Plaag expressed concern about potential odors coming from the plant and noted that he lived near a Tyson chicken plant where odors could become unpleasant. It was his belief that the proposed location was the best location in Boone for such a facility and that the site was appropriate for this type of use. Dr. Plaag agreed with Pam that promises were made by Council during the eight-year battle over the water intake as to how water use would be controlled in the future. He stated that he believed it was a mistake on the part of Councilmembers when they approved the most recent changes to §50-291 regarding water and sewer extensions. Dr. Plaag asked that Council consider adhering to the Town's annexation or conditional use requirements.

Mayor Futrelle declared a break at 7:52 p.m. Council reconvened at 8:08 p.m.

Lengthy discussion continued. Representatives of the applicant reiterated that odor and noise from the plant would not be an issue and would be regulated by the USDA. Councilmember George stated that he was a proponent of supporting local businesses and noted that he was the only member to vote against the recent code amendment regarding water and sewer extensions. He added that he was firm in his belief that properties should be required to annex before receiving water and sewer services from the Town. Councilmember Roseman stated that she saw a need for the facility and that it was good for the community. She suggested that the applicant pursue a conditional use permit. Councilmember Carter asked why the applicant was not interested in pursuing annexation or a conditional use permit. Gray Shipley, the proposed lessor of the facility, indicated that time was the most crucial concern due to expiring grant funds. Regarding the conditional use permit, Gray responded that if restrictions could be defined tonight, he might be willing to proceed. After brief discussion regarding conditional use permits, Attorney Meade reminded Council of two reasons previously expressed about annexation of the site into the town limits; one, being that the Town would have to provide all other services as well, being potential future liability for contamination from the landfill. The latter was unlikely, but nonetheless she noted how the Superfund Law enacted

in the 1970's expanded liability, in terms of environmental hazards to anybody who would ever own the property in question. She added that she was concerned that there was always a possibility that the laws could expand liability onto local government if there was a liability that could not be addressed by other means. Gray Shipley resumed the conversation regarding annexation by stating that they did not apply for annexation earlier because they did not believe it was a good fit for the project. Dr. Plaag reminded Council that the annexation requirement was created specifically to preserve water resources and felt that it was especially important to do so in the middle of a climate crisis. He suggested that Town Council ask County Commissioners to meet to discuss the topic. Staff confirmed that County Manager Deron Geouque was in attendance at the initial presentation of the project to the Town Council and indicated that the County was not in favor of annexing. Dr. Hamilton noted that the County had provided and approved the site in 2020. A conditional use-like process was discussed, with Attorney Meade noting that a crucial distinction should be made between a true conditional use process and a similar process. She added that annexation typically took two-plus months, and a conditional use-like process could happen in a month since Council could set the parameters. Councilmember Nenow indicated that her desire to help farms outweighed her water concerns and that she would be willing to vote yes on the matter. Councilmember Carter agreed. Councilmember Nenow made a motion to provide water and sewer pursuant to Town Code Chapter §50-291. Councilmember Carter seconded the motion.

VOTE: Aye: Nenow, Carter, Roseman, Tugman
 Nay: George

Mayor Pro-Tem Tugman and Councilmember Roseman stated that they wished the applicant had pursued a conditional-use permit process. Councilmember George stated that he would always be against extending utility services outside the Town limits without the property owner annexing.

CLOSED SESSION

Upon a motion by Councilmember George, seconded by Mayor Pro-Tem Tugman, Council voted unanimously to enter into closed session at 9:43 p.m. pursuant to:

1. N.C. Gen. Stat. § 143-318.11(a)(3), to consult with the Town Attorney in order to preserve the attorney-client privilege between the attorney and the Town Council and obtain legal advice, consider and/or give instructions to the attorney concerning one or more potential legal claims.

ADJOURNMENT

Nicole Harmon, Town Clerk

Tim Futrelle, Mayor