

# TOWN OF HUDSON REGULAR MEETING

September 17, 2019

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In Attendance:

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**Members Present:** Mayor Janet Winkler, Commissioners: Jonathan Greer, Barry Mitchell, Rick Shew, Ann Smith and Bill Warren

**Members Absent:** Commissioner Larry Chapman

**Others Present:** Town Manager, Rebecca Bentley, Assist. Finance Officer, Michelle Coffey, Town Planner, Teresa Kinney, Police Detective, Scott Lovins, Town Clerk, Tammy Swanson and Town Attorney, Carroll Tuttle

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Call to Order:

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Mayor Janet Winkler called the September meeting to order, and welcomed everyone in the audience to the meeting. Mayor Pro Tem, Bill Warren then led the audience in the Pledge of Allegiance and opening prayer.

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Discuss/Adjust Agenda:

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Janet presented the September agenda. There were no additions or corrections mentioned for the agenda.

**Motion: (Bill Warren/Jonathan Greer) to approve the agenda as presented. Unanimously approved.**

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Approval of Minutes:

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**Motion: (Ann Smith/Rick Shew) to approve the minutes, as presented, for the August 20, 2019 Regular Meeting, the September 4, 2019 Budget Meeting and the September 10, 2019 Budget Meeting. Unanimously approved.**

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Public Hearing: Rezoning RZ-2019-01 Hall Avenue:

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Teresa Kinney addressed the Board to discuss the rezoning request, and she presented the following explanation of the request.

This is a request to rezone three (3) contiguous parcels containing approximately 2.1659 acres at 111, 113, 123G-2 Hall Avenue, located in the Town of Hudson from Highway Business District (HBD) to Residential High Density (R-85). This is a request for change of use to allow bring the residential property into as much compliance as possible. There are plans to build a site built residential structure on the vacant parcel identified at NCPIN: 2757788640 containing 1.37 acres. Please note all parcels are located in the 100-year floodplain –AE Zone and the AEFW Floodway.

## OWNER/APPLICANT

**OWNER:** Brenda Clark

**APPLICANT:** Brenda Clark and her family are the applicants

## PROPERTY INFORMATION



**LOCATION:** 111, 113, 123G-2 and one adjacent vacant property. Specifically NCPINs 2757784565, 2757786601, and 2757788640.

**DIRECTIONS:** North on US 321A also known as Main Street/Norwood St, Hudson, on right before you get to Lenoir City limit sign just past the storage units, across from Swanson Rd. turn right at Clark's furniture onto Hall Avenue.

**SURROUNDING LAND USE:** Property borders Main St. also known as US 321-A (Norwood Dr.), adjacent to City of Lenoir limits, area includes a mix of light industrial, commercial offices, and mixed retail. Floodplain AE-100-year floodplain and AEFW Floodway heavily affect the area.

**SIZE:** The acreage to be rezoned consists of three (3) lots and approximately 2.169 acres.

**EXISTING LAND USE:** The majority of the one parcel is vacant (outbuildings to be removed for the new house); the other two (2) properties contain the dwellings of family members including one duplex (2-dwellings). A large portion of all three (3) properties is located in the AE-100-year floodplain and portions are located in the AEFW (floodway no development allowed). The main purpose of the rezoning is to bring all the residential properties as close to conforming as possible. The owners are aware if the dwellings are destroyed, they must come into compliance with the Flood Damage Prevention Ordinance. The existing storage containers will be removed and the storage building will be demolished to make way for the new dwelling.

**ZONING HISTORY:** Properties were zoned HB-Highway Business during the initial zoning process in the 1980's. The family owns Clark Furniture that faces US321A

**ZONING DISTRICT-PROPOSED:** Section 80.4 R-85 Residential Medium High Density District. The R-85 Residential Medium High District is established as a district in which the principal use of land is for single-family, two-family and multi-family residences. The regulations of this district are intended to provide areas in the community for those persons desiring small residences and multi-family structures in relatively high-density neighborhoods. The regulations are intended to prohibit any use, which, because of its character, would interfere with the residential nature of this district. It is expected that municipal water and sewerage facilities will be available to each lot in such districts.

**OTHER JURISDICTIONAL INFORMATION:** N/A



**OTHER SITE CHARACTERISTICS:** Floodplain with AE-100-year floodplain and AEFW- Floodway which is the channel of Gunpowder Creek.

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES:** None expected.

**TRAFFIC:** The closest traffic count is south on US 321A near Hope Street at 6800 vehicles per day.

**SCHOOLS:** this is existing, single house residential rezoning, and should have no implications on local schools.

**EMERGENCY SERVICES:** N/A

**UTILITIES:** This site is currently served by public water and sewer service.

**REQUIRED REVIEWS BY OTHER AGENCIES:** Possible state Dept. of Public Safety (FEMA) review if owners decide to build in AE-100-year

floodplain.

**LOCAL:** The applicant must provide information that the property can meet all zoning requirements such as building area setbacks, and floodplain will be reviewed at such time.

- Floodplain permit may be needed if the new dwelling is located in the AE-Zone 100-year floodplain.

**STATE:** Other than building code, and possible floodplain permit approval there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

**STAFF COMMENTS:** The *Town of Hudson Land Development Plan-2008 (LDP-2008)* calls for the future land use to remain commercial. Adjacent properties include multi-use commercial, light and heavy industrial residential that is currently zoned Highway Business and Heavy Industrial

**LDP-2008 Future Land Use Map** shows the property to remain commercial (Highway Business). The proposed use of residential is not allowed in the H-B District unless it is a planned unit development. Therefore, the existing residential, and the proposed residential would be considered non-conforming uses. The non-conforming issue is complicated with the existence of the floodplain and floodway locations. If the houses were to be destroyed beyond a certain percentage before, being rebuilt would need to meet the requirements of the floodplain. However, the property owner can always as for a variance from the regulations.

The **LDP-2008** is now 10 years old and needs updating to reflect changing growth patterns in Hudson.

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**PUBLIC PARTICIPATION:** Notifications were sent to surrounding properties, public hearing notices were posted in the Lenoir News Topic, and a sign was posted at the beginning of Hall Avenue.

**BOARD MEETINGS:** Public hearing with the Planning Board is on September 12, 2019, at 6:00 pm. Commissioners are scheduled on September 17, 2019, 6:00 pm, meeting. Advertising took place in the Lenoir News Topic, signposted, and adjacent property owners were notified.

**ACTION NEEDED:** Please review the full report.

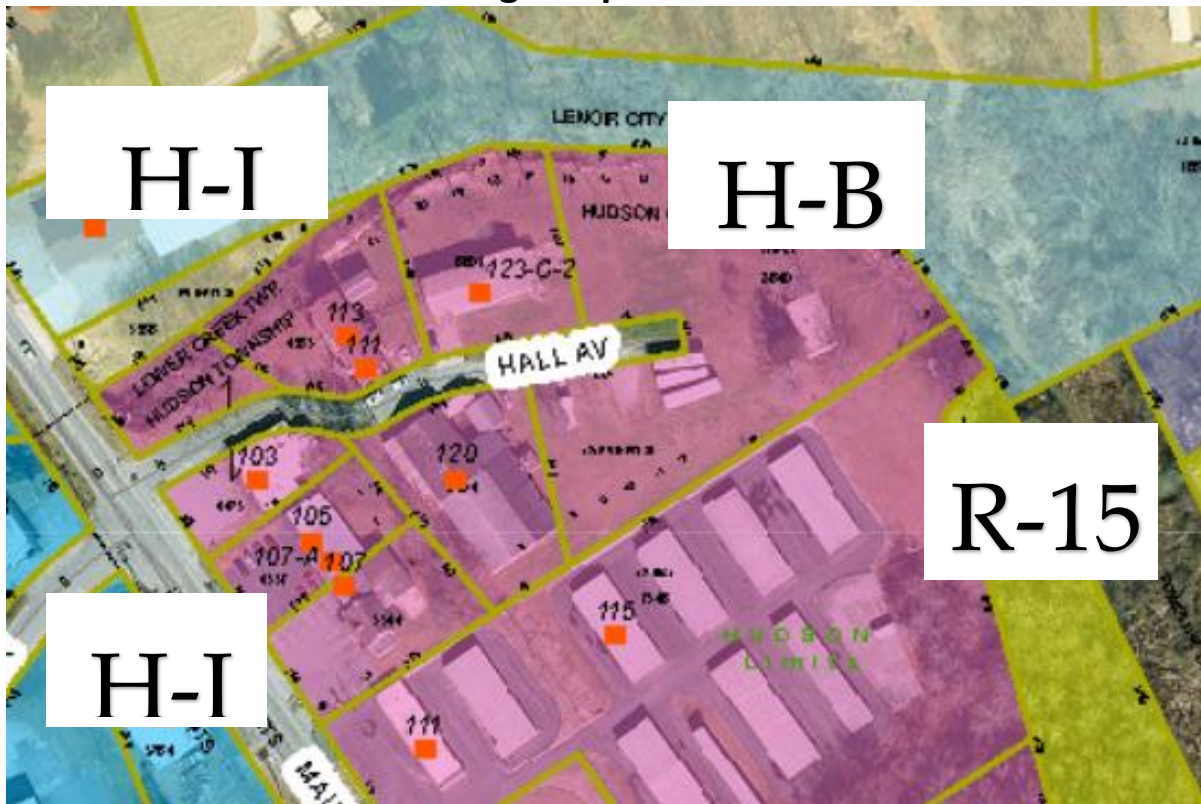
**TO APPROVE:** Motion to recommend in favor of the zoning map amendment with the understanding that the proposed rezoning **is not consistent** with the *Future Land Use Map LPD-2008*. However, the proposed rezoning **is consistent** with the *LDP-2008 Economic Development Strategies* for the promotion of new residential. Staff has no issues with the property being rezoned to R-85 in order to allow for the residential properties a better level of compliance.

### Aerial- Map RZ-2019-1





## Zoning- Map RZ-2019-1



Flood Zones AE-100 FP and AEFW –Floodway  
Shaded X is 500-year Floodplain and not enforceable



**Open Public Hearing:**

**Motion: (Barry Mitchell/Bill Warren) to open the floor for public hearing. Unanimously approved.**

Janet asked that everyone wishing to speak follow our procedures for Public Comments: the speaker is to address the Board Members, give their name and address, and each person is to keep comments to a maximum of 5 minutes. Janet requested that no other conversations go on among the audience members while someone is addressing the Board.

Kenneth Kelly, 111 Hall Avenue, stated that he is the son-in-law of Brenda Clark, and he is planning to build a house on the property. He stated that the plans are to build out of the flood plain, and he showed the Board on the zoning map where the house would be located.

Janet asked if any of the Clark Furniture buildings would be torn down.

Mr. Kelly stated that their plans for building would not affect the business at all.

Valarie Kelly, 111 Hall Avenue, commented that some members of Mr. Kelly's family are having health issues, and they need to move closer to them to help care for them. She also commented that her mother, Brenda Clark, and sister both live on a portion of the property being rezoned. Mrs. Kelly talked about the property, and stated that during the big rain/flood a few months ago, water did not come out of the banks of the creek in the flood plain area.

**Close Public Hearing:**

**Motion: (Rick Shew/Barry Mitchell) to close the public hearing. Unanimously approved.**

**Motion to Approve Rezoning:**

**Motion: (Jonathan Greer/Rick Shew) to approve the Clark rezoning from H-B to R-85 as requested. Unanimously approved.**

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Public Hearing: Text Amendment ZTA-2019-01 Wineries:

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**Open Public Hearing:**

**Motion: (Jonathan Greer/Barry Mitchell) to open the floor for public hearing. Unanimously approved.**

Teresa presented the following information pertaining to the text amendment request.

**TEXT AMENDMENT #ZTA-2019-01**

STAFF PROJECT CONTACT: Teresa Kinney, CZO

**EXPLANATION OF THE REQUEST**

Text Amendment ZTA-2019-01

Wineries with events and food trucks in RA-15 zoning district (see staff report).

Request:

Earlier this year staff received complaints regarding the outdoor events with music and food truck being held at the Twisted Vine Winery (violation letters attached). After conducting research concerning the exemption of wineries, vineyards and events. According to opinions from the NC School of Government (SOG) vineyards, the making of wine (bottling), and associated tasting rooms, are considered exempt under farming activities in Town's ETJ. Anything outside of those uses such as events, food trucks, etc. are considered non-

exempt because those elements have nothing to do with the creation of the product of the wine product. Therefore, the SOG has interpreted that those uses are at the discretion of the zoning administrator and eventually the Planning Board and respective elected board (see attached). Because of issuing a violation letter, the property owners were given alternatives and one alternative was to make application for text amendment for the RA-15 zoning district, appeal the decision of the Zoning Administrator or cease operation of the events and food trucks. Please keep in mind this text amendment is not only for the existing wineries but also for all future wineries that are to be located in the ETJ RA-15 zoning district for the Town of Hudson.

Teresa stated that she explained to the property owners, Tommy and Cynthia Bradshaw, that as Zoning Administrator, her interpretation was that the outdoor events, with or without music, food trucks, and off-street parking are not within the spirit and intent of the RA-15 zoning district. She presented the following options for the property owners to consider.

Option 1: Cease operation of the outdoor events, use of food trucks, and additional off-street parking. The winery may continue with the wine tasting room, production, and sales of the product. You will have thirty days from the receipt of this letter, to comply. Afterward, a civil citation will be calculated at \$50 per day.

Option 2: Apply for a text amendment for the RA-15 Zoning District to allow for these uses, such as special events, hours of operation, tree buffer system; all of this may be done as a conditional use. There are several steps to follow with this procedure including a few public hearings with the Planning Board and Board of Commissioners. There are no guarantees of approval.

If the text amendment is approved, then you may apply for the zoning processes as defined by the new text amendment. This may or may not include at least one or two zoning hearings with the Planning Board, Board of Adjustment or Commissioners dependent upon the language of the text amendment.

Option 3: Appeal the decision of the Zoning Administrator to the Hudson Board of Adjustment. This is a quasi-judicial process (similar to a court proceeding). All sides will present relevant factual testimony, and evidence during this hearing process. If the resulting outcomes are not satisfactory then any interested party can file an appeal, within 30 days to the NC Superior Court for review of the hearing process and relevant evidence.

Option 4: Apply for non-contiguous satellite annexation into the Town of Hudson. Once that has occurred, then a hearing will be held to apply new zoning district with a possible conditional use permit, HB-Highway Business that would allow for all elements with your winery to continue under a conditional use permit. The initial zoning district will be under hearing by the Planning Board then a recommendation to the Town Commissioners. Then the conditional use permit hearing would be under the Zoning Board of Adjustment. Any appeals would need to be filed with NC Superior Court within a 30-day period.

Options 2, 3, and 4 allow for a stay in enforcement as the avenues are pursued.

The property owner chose Option 2 – Text Amendment. Teresa commented that this text amendment is not only for the existing wineries, but also for all future wineries that are to be located in the ETJ RA-15 zoning district for the Town. She commented that any new wineries would be subject to a Conditional Use Permit.

## **DRAFT TEXT AMENDMENT FOR WINERIES, VINEYARDS, TASTING ROOMS WITH EVENTS AND FOOD TRUCKS**

### **Definitions**

**Tasting Room** *“Tasting room” means a facility at which guest may sample and purchase alcoholic beverages, and where retail sales of merchandise related to the products being tasted are sold. Prepackaged foods such as cheese, crackers,*

etc. maybe sold. Nothing shall prohibit a guest from providing their own food and/or snacks to be consumed at the tasting room or winery premises.

**Winery** Wineries established after this date of ADOPTION shall be treated as a conditional use. Winery means an agriculturally related facility for the production and/or packaging of alcoholic beverages for distribution, retail, or wholesale, on or off premises. A winery is specifically designed to include, at a minimum, two or more of the following: vineyards, crushing, fermentation, and barrel/tank aging of wine. A winery may also include any of the following; barrel rooms, bottling rooms, tank rooms, laboratories, and offices. Uses that are clearly incidental to the production of wine are allowed accessory uses to a winery. These may include but are not limited to the following; bottling, case goods storage, retail and/or wholesale sales of wine, tours, tasting and sales rooms when they are accessory to the onsite production facility, and ancillary retail sales, and picnic areas. Additional requirements are found in the Winery-Vineyard RA-15 Site standards.

## **EVENTS.**

### **Winery-Vineyard Events Venue**

#### **WINERY-VINEYARDS Zoning District –RA-15, Site Standards:**

1. Facility must be operated in association with an existing vineyard (bona fide farm) located on the same property, or multiple adjoining properties in the same ownership. Vineyards with winery and tasting rooms established after the adoption of this amendment must have a minimum of eight (8) acres and be located a minimum of five hundred feet (500') from all residential structures. An exception will be provided for residential structures located on the vineyard/winery property.
2. Facility must be located in such a manner that visual impact to adjoining properties used or zoned for residential or agricultural purposes is minimal.
3. All structures, buildings storage areas, etc. (except fences or walls associated with the winery; must be set back a minimum of one hundred feet (100') feet from all property lines or street right-of-way. The Board of Adjustment may require greater setbacks on a case-by-case basis for large-scale wineries.
4. Gift shops, wine tasting/sampling, and other related activities are permitted within or in conjunction with the winery itself.
5. Food trucks are permitted limited to two (2) per event. Permits are required from the Town of Hudson's Zoning Administrator. The property owner may obtain a single annual zoning permit as defined in section in the Zoning Ordinance.
6. Hours of operation including special events.
7. Lighting: Outdoor lights shall be so designed as to minimize light from directly hitting adjacent property or any public right-of-way.
8. Screening and Fencing: All parking and storage areas, as well as the wine tasting room itself, shall be screened from adjoining properties used or zoned for residential or agricultural purposes. Vineyards that are located on site between such properties shall be considered as sufficient screening. If existing topography and natural vegetation does not provide an existing visual barrier, selective screening may be required.
9. Parking. Off Street Parking, impervious surfaces: shall be provided sufficient for the occupancy limits of the tasting room and incidental outdoor seating areas and shall be in accordance to the provisions of the Hudson Zoning Ordinance Article X. One parking space per every 4 occupants. To maintain the natural state of farming gravel or other similar



material may be used for the designated parking areas. It is encouraged that areas remain covered in natural grass where possible. Impervious surfaces including gravel and building spaces may require review for storm water compliance.

10. Operation of the facility with events, outdoor events, noise, lighting, and parking shall not interfere with the comfort and repose of adjoining property owners. Outdoor Events to be held in conjunction with the winery/wine tasting room may occur no more than six (6) times per year on-site. The event will be allowed during normal business hours not to exceed 8:00 PM. Any live music that is performed outdoors shall be directed as such to minimize the negative effects on adjacent properties. Comply with the noise ordinance. Two (2) food trucks/trailers may be allowed on site to serve food at the event with the serving of food not to be conducted after 8:00 PM. Non-profit organizations providing food to raise money for their organization will also be allowed. Nothing in this section may limit any events that are held within the interior of the winery/tasting room.

11. All tanks, crushing and pressing equipment, processing equipment, etc. that is to be used/stored outside shall be at a designated crush/press pad located at the back/side of the winery out of view from the front of the property.

12. Signs provided at the winery shall be in accordance with the Hudson Zoning Ordinance Articles.

Section — Landscaping, Buffers and Screening. Additional Requirement:

1. Associated small-scale processing or catering facilities (i.e. cheese making, restaurant) that are incidental to the winery, but may enhance the overall property in relation to tourism, may be permitted on a case-by-case basis. Associated uses are subject to the above requirements as well.

*Staff Comments:*

Staff recognizes that there are certain elements of agri-tourism especially the winery/vineyard/tasting rooms that are exempt under NCGS in counties and ETJ of cities and towns as bono-fied farms. Events are not considered exempt because they are not attributing to the production of the wine and are characteristically commercial in nature. This is why they have taken on the name of agri-tourism. Agri-tourism is a gray area and is left up to the zoning administrator to interpret.

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*Public Comments:*

Rhonda Carsten, 4615 Blair Drive, addressed the Board to discuss the winery. She stated that she is an adjacent property owner, and she and her husband struggle with the noise from the winery when events are being held. She stated that even when there is no music going on, the people visiting the winery are loud. Ms. Carsten explained that there is a gulley between her house and winery, and the sounds goes directly to her house. She stated that she considers this very invasive to them.

Ms. Carsten stated that she and her husband used to love the winery when it was small; however, the place is now just too big for their comfort. She stated that she had reviewed the text amendment, and she realizes that they are very close to the winery, within approximately 350 ft., but the winery is still in the subdivision. She commented that she understands wineries are typically located on very large pieces of property.

Ms. Carsten also discussed problems with parking. She stated that during the Cinco De Wino event at the winery, there were approximately 100 cars parked around the winery. She stated that they don't have enough parking available for the number of people they attract. She stated that she has noticed that the text amendment calls for one parking spot for every 4 people. Also under #10, it states that operation of the facility shall not interfere with the comfort of adjoining property owners. She asked who would be enforcing these regulations since their property is not located within the Town limits.

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Ms. Carsten commented said that Twisted Vine has really good wine, and she understands their popularity; however, they have just outgrown their space.

Michael Carsten, also of 4615 Blair Drive, addressed the Board. He stated that he has tried to talk things out with Mr. Bradshaw, owner of the winery. He stated that their yard has been used for parking when there is overflow at the winery. He stated that he is not sure to what degree this would affect the value of his home, but the loud music coming from the winery would possibly have to be considered at some point. Mr. Carsten stated that he has also read the text amendment, and he does not see how the winery would be in compliance. He commented that the building does not meet the setbacks or the parking regulations for a winery. He stated that he can sit in his living room with windows closed and still hear the music from the winery. He added that one night, they were having a meal on their porch and heard profanities along with the loud music coming from the winery. He commented that this for sure is interfering with the comfort and repose of adjoining property owners.

Joe Delk, attorney for the Bradshaws, addressed the Board on their behalf. He stated that agri-tourism is becoming a big business. He commented that he realizes most of the Board has visited the winery, and he presented pictures of the winery. He stated that the Bradshaws live across the road from the winery, and they want to be good neighbors and not upset people. He commented that they realize the concerns of the neighbors are valid and Mr. Bradshaw visited the Town Planner to see if there is something that could be done to protect both the business and the neighborhood. Mr. Delk stated that the Bradshaws are asking that the Board consider this text amendment to address both the winery and the neighbors. He stated that because the events have become a problem, the winery has changed its schedule – they are now open approximately 13 hours per week in the winter time, and approximately 20 hrs. per week in the summer. He said that it was their suggestion that the text amendment require no more than 6 events per year.

Mr. Delk stated again, that the Bradshaws are sensitive to their neighbors' concerns; however, the winery is a means for them to make revenue. He added that he believes the answer is a compromise of the winery and the neighborhood, and he and the Bradshaws hope the Board will adopt this amendment to allow the business to be an asset to the community.

Martha Coffey, 4623 Blair Drive, addressed the Board, and stated that she does not hear music during the outside events. She commented that the music is typically acoustic, and it is not a KISS Concert going on. She added that she and her family love the winery – she sees it as a classy establishment. Ms. Coffey stated that she sees the winery as an asset to the community and people are actually jealous of them for living so close to the winery.

Carl Waters, 485 Legion Road, stated that he lives approximately 250 ft. from the winery. He stated that what really disturbs him the most is the traffic. He commented that Legion Road is narrow, and drivers will even run you off the road. Mr. Waters commented that he considers the noise from the winery unbearable. He asked if any of the Board Members would like this noise to be at their houses. Mr. Waters asked that the Board consider not letting this noise happen anymore. He stated that he would like it if the events were held inside the winery only.

Jonathan asked if Mr. Waters was taking about all of the winery's activities, or just the outdoor seating and music.

Mr. Waters stated that he would like to see everything stay inside. He stated that people are talking loudly and have been drinking.

Jerry Ford, 489 Legion Road, stated that he lives parallel to the winery, and he does not have any problems with the winery. Mr. Ford stated that the subdivision is located on property that was once his farm. He

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stated that he has lived there 68 years, and the traffic problem has always been there. He commented that he believes the winery is trying hard to stick to a schedule and to be a good neighbor to the community.

Steve Hildebran, 492 Legion Road, stated that he lives directly across from the winery, and he hears a little bit of noise there. He commented that he has never seen anything out of the way, no trouble. He stated that Mr. Bradshaw keeps everything going good. He stated that he saw a food truck there a few weeks ago, and even visited it to get something to eat. He commented that he was standing very close to the person singing at the winery, and was still able to carry on a conversation with another person there.

Mr. Hildebran stated that he does not know why the Town would want to shut down the winery. He commented that by 7:00 to 8:00 pm the winery is closed in the evenings, and it is just no problem to him.

Janet stated that the Carstens have a video recorded from their property, and they were not able to present it to the Planning Board at their meeting on September 12<sup>th</sup> due to technical problems. The technical problems have been corrected, and the Board wanted to hear the video.

Teresa played two videos of the music from the winery.

Rick asked if these recordings were made from an outside deck.

Mr. Waters said one of them was recorded from his deck and one was from the Carsten's deck.

Janet asked if the Board had questions of Mr. Bradshaw.

Janet also commented that the Town's Chief of Police had voiced some concerns in letter addressed to the Board.

Jonathan stated that after hearing comments from neighbors, if the text amendment is approved, how would Mr. Bradshaw address these issues.

Mr. Bradshaw stated that once they were made aware of the problems, the musicians were asked to tone down the music – trying to keep the decibels between 45 to 55. They have also moved a number of the events inside.

Rick asked when these changes were made.

Mr. Bradshaw stated that the changes were made Memorial Day after they received the letter from Teresa Kinney. He stated that they make sure they are closed by 7:00 pm, and have scheduled no more than 6 events per year.

Barry asked about buffers for the noise.

Mr. Bradshaw stated that there are grapevines planted everywhere around the winery, particularly between the winery, the Waters, and the Carstens. He commented that they had considered putting up some type of fencing or maybe Leyland Cypress trees between the winery and these houses.

Jonathan stated that he understands Mr. Bradshaw has a popular place, and he wanted to know what could be done to improve the parking issue.

Mr. Bradshaw stated that they do not advertise, but people just come. The occupancy limit inside is 49, and there are 36 seats on the patio outside.

Bill asked how the noise from just having people there could be controlled outside.

Mr. Bradshaw stated that people laugh and have fun, without being drunk. He added that they sometimes have birthday parties, and since there are sometimes children there, the behavior of the clientele is watched closely.

Ann asked if some of the parking is no longer allowed on some of the surrounding properties, would there still be enough parking available for the winery.

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Mr. Bradshaw stated that everyone visiting the winery seemed to have a place to park.

Jonathan asked Mr. Bradshaw if he had tried to find a larger place to locate the winery.

Mr. Bradshaw stated that he would like to have a bigger place. He commented that the only time there seems to be a problem with crowds is during special events. The events just bring in people.

Bill asked Mr. Bradshaw if he would be willing to do buffers around the property.

Mr. Bradshaw stated that he wants to do what is allowed. He stated that he would like to talk over his options with the Town Planner. He stated again that screening some of the area could possibly kill some of the vines.

Bill asked Mr. Bradshaw if he would be willing to do acoustical music only outside - such as just guitars and maybe not have groups with drums.

Mr. Bradshaw stated that typically they invite musicians with just two guitars. He commented that they have tried to schedule all the music for inside. He added that putting on events can be very stressful.

Janet recognized Detective Scott Lovins from the Police Dept. to present the letter from Chief Blevins in his absence. Chief Blevins was concerned that the Police Dept.'s Authority does not extend to the ETJ area.

To: Rebecca Bentley, Town of Hudson Manager

Re: Rezoning Case # ZTA-2019-01

I have reviewed the proposed Text Amendment ZTA-2019-01 that sets forth conditions of use for existing wineries as well as future wineries that fall within the Town of Hudson's ETJ.

The Hudson Police Department holds jurisdiction inside the town limits of Hudson and is statutorily empowered to enforce North Carolina Statutory Law as well as the Town of Hudson Ordinances. To that point, we are often called to the scene at the time of the complaint and are the deciding authority in what meets or arises to the level of a nuisance inside the Town. With that comes the authority to police, investigate and take action to enforce those ordinances designed to maintain the peace and provide a respite for the citizens of Hudson. That authority does not extend to the ETJ.

I understand that there is a conflict between the businesses and the surrounding community that is complaining that noise, parking and traffic are interfering with the personal lives of citizens there and their ability to find that period of rest provided for inside the town. I believe that since those citizens do not have the same avenues of relief as those inside the town, there should be some process also in place that polices and investigates complaints and that has jurisdiction over the area in question. In the event of a complaint, the responding law enforcement agency would be the Caldwell County Sheriff's Office. They will take necessary action for the abatement of gross public nuisances, however, they will not have authority to enforce this amendment nor will they be familiar with the specific criteria set forth.

Respectfully,

Richard Blevins



Janet stated that our police force is charged with enforcing the Town's ordinances; however, the enforcement does not extend to the ETJ. If our police were called to testify, they would not have any enforcement rights. Also, because Twisted Vine Winery is located in our ETJ, the law enforcement body would be the Caldwell County Sheriff's Dept., and they are not familiar with our ordinances or this text amendment. Chief Blevins wanted to be sure that the Board understands that the Town's Police Department cannot enforce the Town's laws in the ETJ area. If there are complaints, the Sheriff's Dept. would have to be contacted.

Teresa stated that both she and the Town Attorney would like to request that this public hearing/decision be tabled until next month to allow them more time to discuss the issues involved.

Jonathan stated that he still has a few questions about the regulations, including the requirement that wineries be located at least 500 ft. from all residential structures.

Teresa explained that this text amendment would be fully applicable to new wineries. Existing wineries, on the other hand, would only have to meet screening requirements, etc., which technically would make Twisted Vine a legal non-conforming use. However, if they would prefer, they could reopen as a vineyard, winery and tasting room. Teresa stated that this is a gray area because of the changes in the legislature.

Barry asked if the 500 ft. requirement meant a band/music had to be a minimum of 500 ft. from residential structures or the winery itself.

Teresa commented that these are good questions. She asked for ideas from the Board on how the text amendment could be redefined.

**Motion: (Rick Shew/Jonathan Greer) to continue public hearing ZTA-2019-1 until the October 15<sup>th</sup> Board Meeting. Unanimously approved.**

Janet thanked everyone for coming, and she requested that everyone be patient with the as they try to get this the best it can be for everyone involved.

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Adopt Proclamation – Jan Karon:

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Janet presented the following proclamation.

# Proclamation

## Jan Karon Days in Hudson

WHEREAS, on October 19<sup>th</sup> and 20<sup>th</sup>, 2019, best-selling author Jan Karon comes home to Hudson; and,

WHEREAS, Jan attended Hudson School, current site of The HUB Station Art Center; and,

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WHEREAS, we take pride in having the opportunity to meet Jan and listen as she tells us of her times in Hudson; and,

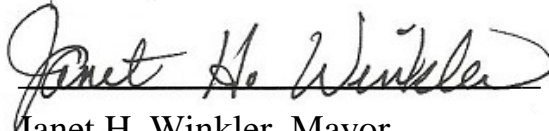
WHEREAS, we express our gratitude to Jan for taking part in a future treasured space in our Town where “Mitford” will come to life.

NOW THEREFORE, I, Mayor Janet H. Winkler, take great pleasure in declaring October 19<sup>th</sup> and 20<sup>th</sup>, 2019, as

## ***Jan Karon Days***


in the Town of Hudson, and I along with our Board of Commissioners, invite everyone to join us in the activities of these two days as we experience a “Mitford Moment” in Hudson.

Adopted this the 17<sup>th</sup> day of September, 2019.



Janet H. Winkler, Mayor

ATTEST:



Tamra T. Swanson, Town Clerk

**Motion: (Ann Smith/Bill Warren) to adopt the proclamation for Jan Karon Days as presented. Unanimously approved.**

Kathy Carroll, Steering Committee, stated that she would send the Proclamation to Jan for final approval.

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Public Comment – Informal Discussion:

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**Request from Hudson Rotary Club to Hold Wine Festival and to use Windmill Logo:** Jim Engelman addressed the Board on behalf of the Hudson Rotary Club. Jim stated that the Rotary Club is requesting permission to hold an annual Wine Festival two weeks after the Butterfly Festival. He stated that they would probably need one “porta potty” and one Police Officer, and will have 6 local wineries represented. The wineries themselves will hold the permits for the alcohol.

Jim stated that the Rotary Club would like to create a glass that says Windmill Wine Festival, and he stated that they would like to use the windmill logo on the glass.

Bill stated that the Windmill logo is not copyrighted, and has been used for many other things through the years.

Jim commented that they have a lobster food truck signed up for the event. He commented that the Rotary Club's insurance information is included with the application for the festival.

Rebecca said that the breakers will continue to be blown by the food trucks. She stated that according to our Maintenance Department, the little appliances used by the trucks is what blows the breaker.

Bill stated it is his understanding that it is not the breakers themselves, but it is the amount of power coming into the building.

**It was the consensus of the Board that the windmill logo could be used for the Windmill Wine Festival glass as requested.**

Rebecca stated that festival applications have to be reviewed by other members of the staff, and she will bring the Wine Festival application to the Board for approval at the next meeting.

**2019 Man & Woman of the Year Banquet:** Janet congratulated Jim on being named the 2019 Hudson Man of the Year, and also congratulated the Hudson Rotary Club on being named the 2019 Civic Organization of the Year. Marlene Hartley was named the 2019 Woman of the Year, and Fowler's Auto Service was named 2019 Business of the Year. Rebecca mentioned that Terry Fowler is also being considered for national recognition through NAPA. The banquet will be held at HUB Station October 10<sup>th</sup>, and tickets are available at both Town Hall and HUB Station.

**Upcoming Events:**

- Jan Karon Days – October 19<sup>th</sup> & 20<sup>th</sup> Carroll has designed a Jan Karon Agreement that will be signed by the Mayor.
- Dinner Theater – October 17<sup>th</sup> -19<sup>th</sup> and 24<sup>th</sup> -26<sup>th</sup> Tickets are available online and at HUB Station
- Ribbon Cutting – Yellow Submarine – Oct. 14<sup>th</sup> at 9:00 am

**Budget Revision:** Rebecca presented a copy of the Budget Revision that was approved for street repairs at the September 10<sup>th</sup> budget meeting. Rebecca stated that she is still waiting on word from the State about reimbursement. She commented that the State is very busy at this time working with the storm damage in the eastern part of the State, and it may be a while for them to get to us.

The budget revision was approved as follows:

<b>Date:</b>	September 11, 2019			
<b>Department:</b>	Powell Bill			
<b>Dept Head Signature</b>				
<b>Purpose:</b>	Move money into engineering to cover cost of engineering cost of easement assistance \$5,000 plus additional requested hourly costs; and cost of construction for low bidder Mountain Crest, LLC on Hickman Avenue of \$281,400. and cost of construction for low bidder Hickory Sand on Holly Hill St. of \$146,500			
<b>Revenue:</b>				
<b>Account Number</b>	<b>Account Title</b>	<b>Current Budget</b>	<b>Change to Budget</b>	<b>Amended Budget</b>
10-390-3991	Approp. FB - Powell Bill	173,645	\$ 50,000	\$ 223,645
10-390-3990	Approp. FB - General Fund	\$ 150,000	\$ 384,000	\$ 534,000
				\$ -
	<b>Total</b>		<b>\$ 434,000</b>	
<b>Expense:</b>				
<b>Account Number</b>	<b>Account Title</b>	<b>Current Budget</b>	<b>Change to Budget</b>	<b>Amended Budget</b>
10-570-2460	Engineering	\$ 52,000	\$ 6,000	\$ 58,000
10-570-3730	Capital Outlay, Construction	\$ 25,000	\$ 428,000	\$ 453,000
				\$ -
				\$ -
	<b>Total</b>		<b>\$ 434,000</b>	
<b>Finance Department Use Only:</b>				
Amendment #	20-02			
Date Approved by Manager:	09/10/2019			
Date Approved by Commission:	09/10/2019			



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Closed Session to Consult with Attorney: (NCGS 143-318.11(a)(3))

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Janet stated that the Board was going into closed session in accordance with N.C.G.S. 143-318.11(a)(3) – to consult with the Attorney.

**Motion: (Ann Smith/Rick Shew) to go into closed session. Unanimously approved.**

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Return to Regular Session:

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**Motion: (Bill Warren/Rick Shew) to return to regular session. Unanimously approved.**

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Meeting Scheduled – Hickman Ave. Property Owners:

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A meeting was scheduled for Wednesday, September 25, 2019 at 6:00 pm. to meeting with the engineer and Hickman Avenue property owners to discuss the plans for repairing the street. The property owners will be notified of the meeting by certified mail.

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Adjournment:

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**Motion: (Bill Warren/Rick Shew) to adjourn the meeting Unanimously approved.**

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Tamra T. Swanson, Town Clerk