

MINUTES OF  
CITY OF CREEDMOOR – BOARD OF COMMISSIONERS  
WORK SESSION  
SEPTEMBER 14, 2009  
5:30 P.M.

**PRESENT:**

Mayor Pro-tem Tim Karan, Commissioner Jimmy Minor, Commissioner Otha Piper, Jr., Commissioner Larry Robinson and Commissioner Herman Wilkerson. Also present were Tom Mercer, City Manager, Sandra Harper, City Clerk and Attorney Tom Currin. Absent was Mayor Darryl Moss.

**QUORUM:**

Mayor Pro-tem Tim Karan called the meeting to order at 5:30 p.m. in the Commissioner's Room at City Hall.

**INVOCATION:**

Commissioner Piper

**PLEDGE OF ALLEGIANCE:**

Commissioner Wilkerson

**SPECIFIC ACTION ITEMS:**

**Boating on Lake Rogers:**

Mayor Pro-tem Tim Karan expressed that at the August 25, 2009 Board of Commissioner's meeting the vote failed by a 3-2 vote on the first reading.

Attorney Currin expressed that any affirmative vote tonight would be a sufficient vote.

Moved by Commissioner Minor and seconded by Commissioner Wilkerson to adopt the ordinance as previously considered. The vote passed by a 3-2 vote.

Aye votes: Commissioner Karan, Commissioner Minor and Commissioner Wilkerson

No Votes: Commissioner Piper and Commissioner Robinson

**Playground Agreement with HOA:**

Mayor Pro-tem Tim Karan said that this item was for consideration was a Playground Use and Maintenance Agreement with Home Owner's Associations.

Attorney Currin said that the agreement would allow the City to enter into a long term establishment and maintenance of playgrounds that would have public access in areas that have been reserved. These playgrounds may have been maintained or not well maintained by a Home Owner's Association. He expressed that things to consider are; 1) that the City would be undertaking to spend money and establishing to maintain the equipment and services; 2) the City would be achieving public access to what is now private recreational facilities. The proposal would be that the City enters into an agreement with the Home Owner's Associations to extend for a period of twenty-years. During that twenty year period the City would place and maintain the equipment and receive public access to the facilities. Attorney Currin expressed that this form was probably developed for non North Carolina specific uses and could be tweaked for North Carolina language.

Commissioner Karan said that this was developed for Greenbelt, Maryland which is a sister city of ours with the KaBoom Playful City USA project. Greenbelt was honored last year as a guided principal of Kaboom to have access for play spaces. He noted that the 75% for continual maintenance could be changed. The land acquisition would be the biggest alleviation for the City. There are only three HOA's in the City at this time; Whitehall, Paddington and Golden Pond. This would be a great opportunity for Golden Pond and also would allow other citizens use of the park.

Commissioner Minor inquired about specific areas of coverage and asked if it would be blanket coverage for liability.

Mr. Tom Mercer, City Manager/Finance Officer said that they would look at the amount of real estate to make a determination.

Attorney Currin said that the City would have an easement for twenty-years, which would be recognized as a real estate interest and would not be taken away. He advised that to be insured this would have to be a listed use. There are different rules for a city maintained park and a private park. He said that this needed to be written as a city park. Each should be negotiated on a case-by-case basis. Attorney Currin said that the City would need to consider factors such as location of the equipment in certain areas and also neighborhood parking.

Commissioner Wilkerson had concerns of liability.

Attorney Currin said that it would be the same liability as they have at the lake playground.

Commissioner Wilkerson said that he did not feel that the City should pay for equipment to be placed at subdivisions that were to already have playground equipment and did not comply.

Commissioner Karan expressed that this would not pertain to subdivisions that do not comply with the one thirty-fifth of an acre rule. He said that not having to purchase land for play spaces would be a great benefit.

Commissioner Minor asked if the Home Owner's Association would be required to have liability insurance.

Attorney Currin said that the City could create an obligation in the agreement that they indemnify the City from any loss as a result of an injury occurring at any facility. He advised that most of the HOA's only own common areas.

Upon discussion, Commissioner Karan said that this issue would be given further review.

### **COMMITTIES:**

#### **Finance and Administration:**

Commissioner Robinson had nothing further to report.

#### **Traffic Infrastructure:**

Commissioner Wilkerson inquired about the timeframe for the pavement of North Main Street.

Ms. Scottie Wilkins, Business Development & Transportation Project Manager said that this project was to be let the end of September. NCDOT is to notify her of the dates.

Commissioner Wilkerson expressed that Cozart Street needed the ditches cleaned out and was in need of repair.

Mr. Steve Colenda, City Inspector advised that the school buses caused a lot of the problem.

Commissioner Minor expressed that Mr. Joey Kapherr requested a work order last June to eliminate a drainage problem on Mill Street and inquired about the status.

Mr. Tom Mercer, City Manager said that the City had dug out the ditch and tomorrow they are going to force water through the culvert.

Commissioner Minor noted that the ditches on Helen Street also need to be cleaned out.

#### **Community and Economic Development:**

Commissioner Piper said that he received a phone call from a citizen in reference to posting of the speed limit. He expressed that it was a concern of visitors from out of town not

knowing that the speed limit is 25 mph. Commissioner Piper suggested that there be a speed limit sign posted on each street.

Mr. Steve Colenda, City Inspector said that there is a speed limit sign posted at every entrance into Creedmoor.

Commissioner Piper reminded everyone that the Music Festival was scheduled for Saturday, September 19, 2009 from 9:00 a.m. until 3:45 p.m. He said that there were over 60 vendors signed up and the City had been blessed this year with sponsors donating funds and door prizes.

Commissioner Karan expressed that the unveiling of the BB&T benches, trash receptacles and planters was also scheduled during the festival.

**Energy, Environment & Natural Resources:**

Commissioner Karan had nothing further to report.

**PUBLIC SAFETY:**

Commissioner Minor said that he had nothing further to report.

Commissioner Wilkerson inquired about the bushes at Lake Rogers. He said that the bushes at the front were cut back and the ones at the dam were not.

Mr. Steve Colenda, City Inspector said that they have to be careful using chemicals around the water side.

Moved by Commissioner Piper and seconded by Commissioner Robinson to adjourn. The motion received a unanimous vote.

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Mayor Pro-tem

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City Clerk