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Shopping center parking in limbo

Mediation fails to settle feud between property owners

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Article Text:

CHAPEL HILL -- Parking at The Courtyard shopping center on West Franklin Street still stinks.

In addition to the gravel piles and yellow "Caution" tape that have blocked many of the parking spaces off Roberson Street in recent months, a posse of more than a half dozen garbage cans stood in the shadow of two Dumpsters recently. The receptacles are being used to separate spaces belonging to Courtyard owner **Spencer Young** from those belonging to adjacent land owner P.H. Craig, and there is an unavoidable smell.

More than two weeks after the Chapel Hill Downtown Partnership helped arrange mediation between feuding property owners Young and Craig, this is the present state of Courtyard parking.

The Downtown Partnership first discussed offering to pay for mediation during an Aug. 15 executive committee meeting, eventually deciding to offer up to 10 session hours at \$75 per hour. Executive Director Liz Parham confirmed that the agency paid \$750 for one day of mediation with Mark Morris, executive director of the Alternative Dispute Resolution Institute at the N.C. Central University School of Law.

But as Parham wrote 3 Cups coffee shop owner Lex Alexander on Aug. 30 in an e-mail, "Mediation did not bring resolution today. I expect it will be blocked again. Not the news that we were hoping for. Mediation went on all day long."

Neither Young nor Craig responded to calls for comment. According to e-mail records, an agreement

Feuds With Everyone

was struck to keep the mediated negotiations confidential.

The two parties have clashed consistently since Young purchased The Courtyard in 2005. He and Craig have never come to terms on the use of more than 50 parking spaces that Craig owns adjacent to the commercial center, with each man claiming that the other is at fault.

In February, Young sent an e-mail to Alexander -- copied to more than 20 town of Chapel Hill officials, real estate agents, lawyers and bankers -- threatening physical harm upon the tenant in response to perceived "under-minded subversive dirty tricks."

Earlier this year, Craig complained to town officials that Young was using his lot as a staging area for construction equipment. In July, Craig barricaded entrances to his lot to keep Courtyard customers and employees out.

Looking for solutions

Lousy Landlord

Town And Others
Tried To Help

The continuing situation has left tenants, officials and feuding parties stretching for new solutions.

In an e-mail shared earlier this month with Chapel Hill Mayor Kevin Foy, council members Bill Strom and Cam Hill, Town Manager Roger Stancil, Parham and other Courtyard tenants, Alexander bemoaned a conflict seemingly without end.

He wrote that conversations with Craig indicate that "he has given up on Spencer ever doing the right thing and paying the rent ... the tenants have given up on Spencer as well."

Alexander wrote that tenants used their own manpower to work with the town for parking relief and offered a risky solution: "withhold rent and use the money to lease the parking directly from P.H. Craig. This is our only chance to maintain our customer base which is rapidly in decline."

Town officials formulated a different approach, reserving 30 metered spaces on Cameron Avenue between Ransom Street and Merritt Mill Road for Courtyard employees. That still leaves a shortage of customer parking, a problem that Young addressed in an e-mail to Parham.

"As I have told Kevin Foy, Bill Strom, Aaron Nelson, you and other local leaders, parking is a municipal issue, and eminent domain is the only viable solution to revitalizing downtown Chapel Hill, and since no one would be usurped from their homes, this should be a no-brainer, but this requires demonstrative leadership -- otherwise we can all expect a continued blighted downtown, driven by a checkerboard of 'old coot slumlords' (not my words)," Young wrote.

It's unlikely that Young will get his wish.

"I know that we have that power," said Strom. "But it is not a power that we are ambitious to use to settle a private property dispute. That's ridiculous to even consider it. Spencer knows that -- that the town is never going to employ an eminent domain power in this situation.

"It's a non-starter for me, it's a ridiculous notion."

Parham has continued working for a solution, but as of Friday she said nothing had changed since the attempt -- likely the only attempt -- at mediation.

"I'm not sure what's going to happen to change that," she said.

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