

**Beatties Ford Road Widening Project
Tuesday Morning Breakfast Forum
West Charlotte Recreation Center
2401 Kendall Dr.
Charlotte, NC 28216
Tuesday, December 9, 8:30 a.m.**

Due Diligence by Council Member James Mitchell

- (See attachment)

Resolution by the 2012-2013 Council to Address Paul Holmes / King Funeral Home

- Install a driveway
 - Overall compensation for the land acquisition from Mr. Holmes was \$12,225; estimates for driveway improvements on his property are \$4000.
 - The funding originated from the 2010 Street Bonds.
- During the September 23, 2013, Council Business Meeting, Mr. Holmes spoke to the Council thanking them for their efforts in getting his issues resolved.
- The City provided an opening for Mrs. King, which was restricted to funeral processions.

Concerns under Council Member Al Austin

- Mr. Holmes met with new City Council member Al Austin and opposed the median

Due Diligence by Council Member Al Austin

- Met with previous City Councilmembers that served on the 2011-2013 council to determine was a resolution reached concerning Paul Holmes and the Beatties Ford Road widening. These individual meetings

included: Claire Fallon, Mayor Pro Tem Michael Barnes, David Howard, LaWana Mayfield and Patsy Kinsey. Each advised that that they believed this issue was resolved on September 23, 2013.

- Met (phone and in-person) with former City Councilman James Mitchel to determine background on the project, issues and concerns. He indicated the issue was resolved in as well on September 23, 2013
- Met with key city staff individually: City Manager, Ron Carlee, Assistant City Manager, Debra Campbell, CDOT Director, Danny Pleasant. Again, they believe the issues were resolved, but I asked them to explain the project and what resolves we had been reached.
- Personally reviewed the City Council Meeting that aired on September 23, 2013 to determine if all of the above were true. Certificates were passed out and Mr. Holmes gave "thank yous" and stated that this issue was 90% complete.
 - http://charlottenc.granicus.com/MediaPlayer.php?view_id=2&clip_id=2500
 - Note dialogue at 1:19:20 mark
- Met with Chair of the Transportation Committee, Vi Lyles – City Council; goal was to gain insight on the transportation guidelines, safety regulations concerning median use.
- Met with Mayor Dan Clodfelter to review constituent concerns and gain insight from a state level.
- Met with May Dan Clodfelter and Mayor Pro Tem to discuss final resolve to the Beatties Ford widening.

To Gain a Clear Understanding from the Constituent:

- Met with Paul Holmes early on after my swearing into office at McDonald cafeteria; he indicated that he still did not want the median along Beatties ford Road.
- Met with a small group of residents at the King Funeral Home sight – This meeting include P. Holmes, Ms. King, Mrs. Funderburke, John White, and Tom Sulnace
- Convened a second small meeting with group of residents and other concerned citizens; this meeting included: P. Holmes, Ms. King, Ms. Funderburke, Toria Burch, Tommy Burch and City staff
- Met with Paul Holmes to take the ride along Beatties Ford Road to share that he still did not want the median
- Met with Paul Holmes to take the ride along East Boulevard to show me that medians located on this street
- Met with Ms. King and County Commissioner Ella Scarborough (close friend of Ms. King) to determine concerns around the access to the facility and other options.
- Convened a second meeting with Ms. King and County Commission Ella Scarborough and Ms. King's Nephew to share resolve on the restriction around funeral processions.

Resolution by Council Member Al Austin

- Mrs. Funderburke was concerned for her safety in leaving her property and making a U-turn at Slater Road. I met with CDOT staff first and then individually with Mrs. Fundreburke to attempt to meet her needs and concerns. We resolved to put a flashing light at Slater Road and a much need signalized light at Capps Hill Mine Road.
- Returned to CDOT staff and Manager Ron Carlee to remove the restriction of only funeral processions into the King Funeral Home

Facility. **Ms. King's businesses have total unencumbered access in and out of the facility.**

- The very small median portion in front of the building would have to remain to restrict other drivers not going into the King Funeral Homes Business from making a U-turn.

Beatties Ford Road Widening Project

Staff meetings and contact with Mr. Paul Holmes, 3840 Beatties Ford Road

May 2012 to November 2013

- 5/21/12 Real Estate Agent (Agent) sent introductory letter to Mr. Holmes.
- 5/25/12 Agent received phone call from Mr. Holmes.
- 6/1/12 Agent met with Mr. Holmes. Agent discussed overall project. His expressed concerns were the median, the loss of some of his buffer trees, and lack of symmetry of his fence when his fence was replaced after construction. Agent left agreements for him to review.
- 9/10/12 Agent called to touch base with Mr. Holmes.
- 10/4/12 Agent left Mr. Holmes a voicemail to make appt. to meet regarding appraisal.
- 10/5/12 Mr. Holmes returned call and left a voice mail. Agent returned call also.
- 10/8/12 Agent spoke and made an appt. for 10/9/12.
- 10/9/12 Agent met with Mr. Holmes. When agent arrived, Mr. Holmes was coming back from a neighbor's house who had called Action 9 about the project. He was still very upset about the median. Agent presented the appraisal and the Special Provisions agreement to him. He seemed in agreement with the Special Provisions agreement. Agent later that evening emailed the information from the public meetings that had taken place in 2010 and the median information provided to us by CDOT per his request.
- 10/17/12 City staff and Councilman Mitchell met at Mr. Holmes' home to address the median concern. Agent was not requested to attend meeting.
- 10/19/12 Agent received email from Mr. Holmes expressing his concern and disagreement with the median.
- 1/14/13 A meeting took place at Mr. Holmes residence with Councilman Mitchell and the project team members to further discuss the median issue. Councilman Mitchell was to have the project team do some more research and present him with some information and he will render a decision on 1/29/13. .

- 2/1/13 Agent called Mr. Holmes and explained that Councilman Mitchell had been given the information he had requested be analyzed and it had been determined that the median would remain and a painted median will not be done as requested due to his safety, the safety of the community and the travelling community's safety. He told the agent he planned to speak to Councilman Mitchell first.
- 3/1/13 Agent called Mr. Holmes and left voicemail explaining that per the agent's project manager, a decision had been made regarding the median. It would remain. Agent asked to meet again with Mr. Holmes.
- 3/4/13 Agent mailed Notice of Condemnation letter per the project deadline as instructed.
- 3/6/13 Agent received email from Mr. Holmes disputing the offer amount, the median and upset about receiving the letter.
- 3/7/13 Agent emailed Mr. Holmes responding her willingness to continue to negotiate with him and receive his counteroffer which he has not submitted. A formal offer letter was attached for his records.
- 3/8/13 Agent received phone call from Mr. Holmes and appt. was set up for 3/11/13.
- 3/11/13 Agent met onsite with Mr. Holmes to review the appraisal information again and discuss the easements. Agent emailed the appraisal summary information for Mr. Holmes again.
- 3/18/13 Agent spoke with Mr. Holmes who requested that the agent come back out and measure the easements with a measuring tape. The agent suggested getting the easements staked for easier identification.
- **3/25/13 Mr. Holmes speaks to City Council regarding Agenda Item 52-V: 3840 Beatties Ford Road.**
- 3/30/13 Agent called Mr. Holmes to make appt. to meet onsite to review staked easements.
- 4/3/13 Agent met with Mr. Holmes, reviewed staked easements, and discussed the median, his landscaping loss and his counter offer.
- **4/8/13 Mr. Holmes speaks to City Council regarding Agenda Item 34-O: 3840 Beatties Ford Road.** Staff met with Mr. Holmes in the lobby of the Government Center, prior to the Condemnation action by Council. This followed an earlier phone conversation with Staff and Mr. Holmes.

- 4/10/13 Agent called Mr. Holmes to set up meeting to get agreements signed.
- 4/11/13 Agent and Laura Rushing (City Real Estate Manager) met onsite with Mr. Holmes to once again review the overall request for property the City had made for the Beattie's Ford Rd. Widening Project. City Staff reviewed the project, the field staking, the plans, and answered questions again for Mr. Holmes. Staff discusses his request for the City to add back additional plantings after construction and again discussed the median. Agent and Laura Rushing to revise Special Provision agreement.
- 4/17/13 Agent emailed Mr. Holmes to request a time to meet to sign agreements with revised Special Provisions agreement.
- 4/18/13 Agent called Mr. Holmes twice to request a time to meet to sign agreements with revised Special Provisions agreement. Mr. Holmes returned the agent's call requesting that she send the revised agreement for him to review first. The agent emailed the agreement to him.
- **4/22/13 Mr. Holmes speaks to City Council.**
- 4/29/13 Mr. Holmes signed all Real Estate Agreements. Compensation was \$7,525 for fee simple right of way, storm drainage easement, temporary construction easement, and utility easement.
- 6/17/13 CM Mitchell requested Kim Oliver of the City Manager's Office to send a status update and his stance on the project to his Council colleagues.
- 6/20/13 Kim Oliver sent an email to her staff as a heads up referencing the 6/24/13 meeting where Ruffin requested Willie Ratchford) of the Community Relations Committee/CRC) be present as a 3rd party and impartial witness to the meeting.
- 6/24/13 Meeting held between Paul Holmes and CM Mitchell with Willie Ratchford present.
- **6/24/13 Mr. Holmes speaks to City Council.**
- 7/23/13 Jeb, Danny, and Mayor Pro Tem had a field meeting with Mr. Holmes at the site in question. (At the time, per Danny Pleasant, Mr. Holmes seemed most concerned about the timing of future Council actions with the desire for items to be on the Council agenda after late September.)
- 7/31/13 Meeting held on the 15th floor between various Engineering and CDOT staff members and Kim Oliver to brief Ruffin Hall about the project.

- 8/23/13 The agent received an email from Laura Rushing detailing her recent onsite visit with City staff and Mr. Holmes to discuss additional requests and concerns of Mr. Holmes.
- 9/20/13 The agent received an email from Julie Millea (City Real Estate Staff) discussing further developments in resolving issues with Mr. Holmes including what terms were originally agreed upon between Laura/City and Mr. Holmes. The agent called Laura and discussed in detail the status of negotiations with Mr. Holmes. The agent prepared the Right of Entry Agreement and the Receipt and Release document.
- 9/23/13 Mr. Holmes speaks to City Council regarding Agenda Item 36: Beatties Ford Road Widening Advance Grading Project.
- 11/6/13 Mr. Holmes signed additional Real Estate Agreements. Additional compensation was \$4,700 to implement a landscaping plan after road construction is complete to include placement and replacement of trees and shrubbery; remove, replace, and relocate fencing; additional utility easement; and construction of a new driveway to align with Capps Hill Mine Road.

