

Unitarian Universalist Church of St. Petersburg
Town Hall Meeting
February 26, 2017

The purpose of the Town Hall Meeting is to ensure that everyone knows the Board of Trustees has read all the ideas put forth at the round table discussions held in the last few weeks. Some new ideas and options have been presented and are included today. Howard Taylor has been generous enough to put together a simplified Pro's/Con's chart and a simplified financial options chart, which has been sent to everyone via InfoNet and we have copies here today.

Teresa Kelly was the Moderator.

George Rahdert, real estate attorney, was here to answer legal questions.

Paul and Teresa both stressed that this meeting is not about making any decisions. We are in "information mode" only.

Part I - Questions for Mr. Rahdert

Q: Can we subdivide the property, sell part to WJA, and "mandate" our use of the remaining property?

GR: Yes. But have to be cognizant of setbacks. WJA saying they're the only ones who can waive setback requirements. We'd have to calculate the setbacks and see what's left to build on.

Q: Map indicates parking available under the townhomes. Will that work?

A: Contracts have a way of changing. Have to retain ownership of record in Pinellas County to insure you have continued parking. Laurie clarified that map is misleading. There's no church parking under the townhomes. GR: Any parking spaces can be changed by usage, get lost, etc. He advises the "condo concept" which is to sell the rights for what's on the surface.

Q: If we kept the lot, are we likely to run into legal problems, open to being sued?

GR: If somebody gets hurt on your property, whether invited or trespassing, whether you were negligent or not, there will be a claim filed. The only recourse is to have adequate insurance. Paul: we have 3 million. GR: that's adequate.

Q: Any way to accomplish selling half with the right to later retain rights?

GR: If you relinquish part of the property and have a contract saying you can get it back, all you'll get is a legal battle.

Q: How does the idea of condominium ownership work and how can we keep guaranteed parking spaces?

GR: There are two ways to do this: retain the deed with parking rights, and condo ownership. Condominium ownership should be required. It gives you record title, no arguments. However, there are a lot of detail, like setting and collecting condo fees.

Q: How secure would it be to condominiumize?

GR: Devil's in the details. It would require strong guarantees regarding the structure of the condo.

Q: How well does shared parking work?

GR: Horribly! You're buying an argument if not a lawsuit.

Q: Concern that once the property is sold, many things can happen – construction plans may be changed, etc. What rights would we have if the contract is not fulfilled?

GR: Once you give something up, you give up control.

Q: What are the procedures for deciding if something to be built is compatible with the historic district?

Lori replied that, although we are designated a historic building, we are not in the City's historic district so there are no requirements about types of building.

Q: If we sold on open market, how would demanding we can keep 31 parking spaces affect the price or encumber the property?

GR: Keeping the parking would lower the value. Offering price would have to be significantly lower than the assessed \$690,000.

Q: Is there a standard price for parking spaces?

GR: I've heard \$10,000 per space but developers would have to look at their costs and constraints.

Q: Could we make money by turning it into a fee lot for non-church users during the week?

GR: Yes, but you have to consider ad valorem tax. UUSP is exempt if we use the property over 50% of the time. Otherwise, UUSP would have to pay property tax.

Teresa indicated that the church would have to report any money received as unrelated business income on the church's 990 so it may be subject to income tax as well.

Q: If church kept property as is and the City came after us, how does that process work? Do they warn us or do they level fines immediately?

GR: There is a legal issue but it depends on if you come to their attention. GR believes in "better to ask forgiveness than permission".

Q: IF WJA bought "air rights" to the parking lot, how would this impact the setbacks required?

G: There are ways to design a structure to accommodate rights for which air rights were designed. It comes down to what the City wants to do.

Q: In your legal opinion, is it better to keep the lot and face whatever comes from the City or better to sell the lot and deal with possible loss of parking spaces?

GR: Those are the two extremes.

Q: It seems we have to recognize that if we try to go in the middle between those two we have to be ready for a legal challenge.

GR: Yes

Q: Who takes care of the alley? Who is responsible for maintenance and legal issues?

GR: Anything that happens there, you'll get sued.

Q: Can we ask the City to vacate the alley?

GR: Yes. If you're on both sides of the alley, generally you can get the alley vacated if you have a long

term use in mind. If want to vacate the alley though, you have to consider where the utility lines are. The City would make you relocate utilities at your expense.

Q: If we retain the deed to the property and let WJA develop it, will we keep our parking rights?

GR: That would depend on how well the retention is written.

Q: Explain condo rights more. In my condo, we have the right to use specific spots but we don't own them. Can you explain how that would work here.

GR: In the WJA proposal, you get to use the parking lot on a first come, first served basis during the week but have full parking rights on Sundays. This will cause problems. There will inevitably be cars parked there on Sundays. You will have to tow them to stop it. You have to either enforce the rules or waive them. Don't have to have separate ownership because will have different uses.

Q: Doing nothing is bad idea. My car was seriously damaged in the parking lot. I chose not to sue the church but someone else might.

Q: Is WJA saying we can't use the lot during the week for weddings, meetings, etc.?

GR: You can use it first come, first served. But that's a changing concept. Having a use that's only recognized on Sunday is a terrible thing to do.

Q: What is the legal process to have a portion of the ally vacated?

GR: First, you need a feasibility assessment regarding the utilities. The power company could retain easement/ file petition with the City which would hold hearings at which everyone involved would be invited to speak. Final approval or disapproval would be up to the City Council.

Q: When we talk about "first come, first served" who are we competing with?

GR: Residents of the townhouses will want to choose the best and most convenient spaces. Also they are always there first since they park overnight.

Q: If we sell, can we guarantee continuation of the Friday Picnic in the contract? I doubt the townhouse residents would really want 100 plus homeless around every Friday.

GR: It definitely won't be a selling point for the townhouses.

Q: Would a change in the use pattern increase our liability?

GR: That's an insurance underwriting question. Church Mutual has a very good reputation.

Part II – Discussion about the current options

Option 1- Keep the parking lot as it

Discussion of Pros

- I question the validity of 31 spaces, I counted 38, plus we could add more in current greenspace.

Paul: We're already using more spaces than code permits. City code requires a certain size parking space, partly based on setback requirements, etc. Also, Pinellas County has allowed us 62 extra spaces on Saturdays and weekend evenings, which are outside county office hours.

GR: A legal parking structure would require green space and etc.

- If we sell this now and something big happens later, we have nothing left to sell.

- It wouldn't make us attractive to functions like weddings, etc. to not have parking available.

Discussion of Cons

- Parking lot as it is is very hazardous.

- It's an "attractive nuisance" – poorly lit, poorly supervised, we track in a lot of dirt from the lot,

irrigation systems keep on being vandalized.

- Doing nothing puts us at the mercy of the City. It would be better to be proactive.
- It is unattractive for both our church and the neighborhood.
- As members of an ethical community, to knowingly continue to violate a legal requirement just because we can get away with it is not right.

Option 2 - Keep the parking lot and pave it ourselves

Pros

- If we were someday to have a day care center or rent out part of Conway, we would have parking available.
- If we pave it and maintain it, we'd increase the value of the overall facility.
- We could have a fund drive and subtract whatever we get from the fund drive from the ? to mitigate our invasion of the Endowment.
- We'd have more control over enhancing our environment and keeping green spaces.
- We would be more likely to remain in covenant and not face a split in the community.
- Having our own parking lot would enhance our growth.
- We have not embraced planning for the future. That's where we need to go: where are we and where do we need to go? Let's come together and plan for our future and keep us in covenant with each other.
- 100 years ago people raised money to build this church, ordinary people. They entrusted us to keep it whole.

Option 3 – Develop the parking lot into a natural outdoor event area

Teresa skipped this because we need to focus today on just selling or not selling.

Option 4 - Sell parking lot to WJA

Pros

- The parking lot is part of our "front door" and it's not attractive.
- We're benefiting from neighbors being willing to let us use their parking. We need to be good neighbors to them also.
- We wouldn't lose the green esthetics by developing with WJA. Beyond that, from a city planner's position, we'd be building more densely within the city rather than the suburbs, urban walkability depends on having an attractive aesthetic, safety and interest factors would go up. Now we have a very unaesthetic area around Mirror Lake; the City built too many parking lots instead of houses, we can change that.

Cons

- We're not good stewards of our money. How will we raise that much cash?
- Have to consider visitors to the townhouses as well as residents, will squeeze parking even more
- Gut feeling: selling is a bad idea
- We have urban planners here, maybe we can call on them to look at new ideas, make something really beautiful
- Put a lot of money into remodeling our home, will never get that investment back but it's our home, it makes us happy and that's enough. The church is like our home.
- It would be more exciting to have a capital campaign to build up the Endowment Fund. People would give to that rather than to build the parking lot.
- Townhouse residents can get parking passes on the street. Need to talk to City about waiving the 2-hour street parking restrictions, especially on Sunday.

- If we sell and use the Endowment, there will be no more Endowment. We need to educate our congregation on the use of the Endowment. Have to educate people about radical generosity.
- We are a very generous congregation. Members bought new pew cushions. We give away a lot of money to social service agencies. We can raise the money for the parking lot if we have to.
- If we sell to WJA and they want to sell it, can we retain the right to buy it back? Mr. Rahdert said it could result in a lawsuit.

Option 5 – Sell half the parking lot to WJA

This is dropped because WJA is absolutely not interested.

Option 6 - Sell parking lot on open market

Pro

- We could possibly get a loan from a UU organization or possibly get an extension from the City. Darren: we went to banks for a loan for the AC but were turned down because don't have the financial papers to back the church's value (e.g., an appraisal). Theresa: UUA loan program is tightened up, very specific, probably wouldn't work for us.

General Discussion

- WJA has come up with a number of wonderful designs. Darren is flabbergasted by the design changes and possibilities. If we sell, we can have no idea of what the final outcome would be.
- Endowment has had a thorough discussion about this and sees the profits made from the sale would be gone very quickly and we'd be left without any assets.
- We can design the parking lot to meet our needs and values and enhance our potential for growth. We could build a handicap entrance at the back.
- Paving the parking lot is more likely to maintain our covenant to each other.
- If we consider a capital campaign, there are many important needs that UUSP has to address and that should take priority over the parking lot.
- Will the final decision be made by congregational vote or by the BOT?
Paul: by the congregation.
- What's the next step?
Paul: The BOT will mark out a path at its next meeting on March 9. Everyone is encouraged to attend.
- Paul: this meeting has been a celebration of the democratic process. Our goal is to not leave any concern unaddressed.