

**Call to Order:** Supervisor Collin Walls called the April 7, 2008 Special Meeting of the Springfield Township Board to order at 7:30 p.m. at the Springfield Township Civic Center, 12000 Davisburg Road, Davisburg, MI 48350.

**Roll Call:**

**Board Members Present**

Collin W. Walls	Township Supervisor
Nancy Strole	Township Clerk
David Hopper	Township Trustee
Roger Lamont	Township Trustee
Marc Cooper	Township Trustee
Dennis Vallad	Township Trustee

**Absent**

Jamie Dubre	Township Treasurer
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**Others Present**

Father Norman Dickson, Corporate Officer of the Detroit Conference of Jesuits  
Jim Roll, Attorney for the Jesuits  
Mike Bylen, Managing Director of Shepherd's Hollow Golf Course

Supervisor Walls thanked those from Colombiere and Shepherd's Hollow for coming to the Special Meeting. Walls explained that he was unable to attend the August 2, 2007 Planning Commission meeting personally and that the minutes from that meeting indicated very little information expressed in reference to the property that is owned by the Jesuits, which tonight will probably be referred to as Colombiere and Shepherd's Hollow interchangeably. But the intent is to refer only to the portion of the Colombiere property that is used as a golf course. The Township understands the property is owned by the Jesuits.

Supervisor Walls said that the indication by the Jesuits, from the August 2, 2007 Planning Commission minutes, was the change of zoning would be unfair. The Board received more information at the March 13, 2008 Township Board meeting than he was able to read in any of the records from any of the minutes in reference to this particular proposed rezoning. Walls said that he was able to meet with Colombiere a little over a year ago, so he had more information than other Board members.

Supervisor Walls asked Father Norman Dickson, Corporate Officer of the Detroit Conference of Jesuits, to explain their plans for the property and the current situation with Shepherd's Hollow. Also, what is the church's vision for the property?

Father Dickson reviewed briefly their understanding of the process since the August 2, 2007 Public Hearing at the Planning Commission meeting. He said they were about the 18<sup>th</sup> persons to speak at the Public Hearing and the three to four persons who spoke before them were all against the proposed rezoning of their particular property, so those from Colombiere didn't think there was much reason to go into detail.

Father Dickson explained the history of the process and their attendance of Planning Commission meetings following the Public Hearing. Father Dickson continued that they came to the March 13, 2008 Township Board meeting and presented their case, which is: the property belongs to the Jesuits; it was given to them by benefactors over 50 years ago; and it's an asset they are using for their ministry purposes, so they need the full value of the property today, regardless of their intentions. The golf course generates income for them, which helps them to do what they are called to do.

Jim Roll, attorney for the Jesuits, explained that the property is not owned by individuals but by an organization, the Jesuits, that has been around for over 500 years. The Jesuits will continue to be around for many more years. The property today may be used now as a golf course, but in 200 years they may want to use it for something more apropos for the mission of the Jesuits. Jesuits' planning is much longer than 50 or even 75 years, but really in perpetuity as far as this property is concerned. The rezoning of this property will affect the Jesuits much more than other property owners. It will affect everyone in the Jesuit organization. Mr. Roll continued that he doesn't feel that this property is correct in the proposed rezoning to Parks and Recreation. The Parks and Recreation definition states that its primary purpose is for passive use and could only be used as a golf course through a special use. The property is a rental property. It is being leased by Shepherd's Hollow, and it is a commercial venture and doesn't meet the definition of Parks and Recreation. Mr. Roll expressed that the proposed rezoning would deprive the Jesuits of great value of this property, depriving them of not only their use of the best purpose 20 years from now but perhaps even 200 years from now.

Supervisor Walls stated that it is more important to deal with where we are now, rather than the past and what got us to this point. The Township Board desires to hear from the Jesuits to help the Board make a decision.

Mr. Roll said he agrees with that.

Trustee Lamont referred to the minutes of the March 13, 2008 Township Board and quoted from comments by Mr. Roll in the minutes: "If this rezoning takes place it will diminish the value of the property and also possibly diminish the ability of the Jesuits to carry out the mission they have been instructed to carry out through various benefactors and generous individuals." Trustee Lamont asked Father Dickson to further explain the main mission. Lamont is not asking for details, but what could possibly happen? What, in general, is their mission?

Father Dickson said they help people in a comprehensive sense with schools, retreat houses, health care facilities. Any income they receive goes into a common pot, and they have foundations and funds that are regulated for specific uses. The Colombiere property is an asset that they might sometimes use to borrow against for more funding. This proposed rezoning would depreciate the value of the property. Father Dickson said they want to preserve the value of the property to preserve their obligations to the benefactors.

Jim Roll indicated that there are many organizations that are Jesuit organizations such as Jesuit colleges, high schools or elementary schools. Mr. Roll feels it is important to understand the foundations that the Jesuits have in the United States and around the world.

Clerk Strole asked Father Dickson and Jim Roll if the Township Board should try to plan out for the next 200 years? In other words, that 40-50 years is not sufficient, but that the Township Board should try to anticipate what potential uses might be 200 years from now?

Father Dickson, said no, not at all. Colombiere is an asset they currently have and they don't want that diminished now.

Clerk Strole said she is trying to equate this situation with many, many other non-profit organizations that might hold the same position as the Jesuits do, and then what does the Township do as far as planning? Clerk Strole referenced the lease agreement between the Jesuits and Shepherd's Hollow Golf Club, noting that an extraordinary amount of thought and care was put into that agreement regarding how the Jesuits want that property used for the next 50 years. Clerk Strole's question is, not trying to forecast 200 years ahead but dealing with the next 40, 50 or 60 years, would it be reasonable to conclude that a 50 year agreement such as this, with a possible 10 year extension to the year 2057, reflects the Jesuit's current plans for that property and at least in the immediate future of 50 – 60 years?

Father Dickson responded that he was not sure. Father Dickson said he would like to continue the agreement but he doesn't see Clerk Strole's point.

Clerk Strole said that the lease agreement represents the Jesuits current plan and at least, in Father Dickson's shorter term, the next 40-50 years.

Father Dickson said not necessarily; they have other options that are possible. Father Dickson said that is presently the written agreement with Shepherd's Hollow, but that the Jesuits and Shepherd's Hollow could enter another agreement, so long as it is in conformance with current zoning.

Clerk Strole asked Father Dickson if there are other plans for the property.

Father Dickson said not yet.

Clerk Strole said it would be difficult to break the agreement without mutual consent.

Jim Roll said that if Mike Bylen and the Province decided to work out a different arrangement with the property, they could do that. They are not discussing or considering anything like that now, but it could happen in the future. While the Jesuits do have a very good contract with Shepherd's Hollow and that contract is for 50 years, it doesn't mean that they couldn't sit down together and contemplate another use. It could also mean that Mike Bylen could approach the Jesuits and ask them to consider something different. The Jesuits feel they have more flexibility with the current zoning than with the proposed Parks and Recreation.

Clerk Strole asked if the proposed zoning by the Planning Commission is consistent with the current and planned future use of the property as set forth by the agreement for the next 40 to 50 years?

Father Dickson said he doesn't know what the future use will be for the property.

Clerk Strole repeated the question, stressing the "as set forth by the agreement". Would they concur that it is consistent?

Father Dickson said things can change quickly.

Jim Roll said he feels that a golf course use is actually an exception to the proposed Parks and Recreation zoning district that, the primary use is for passive recreation. Reading through the Parks and Recreation requirements, a golf course requires additional meetings and a separate approval to be allowed. So to answer Clerk Strole's question, Mr. Roll said "no" he doesn't feel it is consistent.

Trustee Vallad asked if the Jesuits have information that would support a claim of property devaluation with this proposed rezoning?

Father Dickson asked Trustee Vallad if he didn't think it would?

Trustee Vallad said, no. The property does have value as a golf course. He doesn't see where a change in the current zoning from residential to Parks and Recreation would devalue that asset.

Jim Roll presented a scenario where Mike Bylen of Shepherd's Hollow might approach the Jesuits and tell them that the golf course is not doing well, and the business venture cannot continue. If this proposed rezoning went through to Parks and Recreation, then they are sitting there with a property restricted to the Parks and Recreation district. If it doesn't make it as a golf course, then they would still like to have the flexibility that the residential district offers. And especially if they decided to sell the property, the value would be much less zoned Parks and Recreation than Residential.

Trustee Vallad asked for thoughts from Mike Bylen.

Mr. Bylen explained that he has two other properties that are both leased from municipalities: City of Rochester Hills and the Township of Shelby. He has appraisals for those two properties, and they are appraised using lease income. Mr. Bylen feels that there is no doubt that the Parks and Recreation zoning would devalue the property.

Supervisor Walls asked Mike Bylen if a zoning change would have an impact on his borrowing and cash flow management? Mike Bylen said, no, his ability to borrow is based purely on his cash flow.

Supervisor Walls then clarified that for Shepherd's Hollow's business, a zoning change would have no impact on business or Shepherd's Hollow's ability to live up to their agreement with the Jesuits.

Clerk Strole reflected on the Jesuit's desire to maintain maximum flexibility and asked them if the Board should allow any type of use on their property. Mr. Roll said no, they desire to continue to be able to use it within the zoning they received it in and the zoning it currently has. They are not asking for any expansion of the zoning, just simply asking that the zoning not change.

Trustee Hopper asked if they understand they could apply later for a different zoning. Therefore, Trustee Hopper has trouble seeing how the proposed rezoning would negatively impact the property very much, as they could apply for a rezoning if circumstances change anytime within the next 50 years.

Father Dickson responded that they will take that chance and repeated their desire to have flexibility.

Jim Roll said that if the proposed zoning to Parks and Recreation went through and in five years the Jesuits decided they wanted to rezone it back to R-2, what inclination do they believe the Board would have to allow them to rezone the property?

Supervisor Walls clarified that this is the first time this Board has discussed this, as it has been with the Planning Commission up to this point. Supervisor Walls said the Board's desire was to gain insight and he feels the Jesuit's opinion has been expressed clearly.

Mike Bylen requested to speak. He said, up to this point, only the worst case scenario has been considered, as to whether the Jesuits and Shepherd's Hollow might consider a different agreement. Bylen said that is not the case; he is hopeful for the economy to improve and other opportunities may exist. Nothing is being considered at this time. But, clearly, any future opportunities would be impacted by the proposed change. The Jesuits are looking for the protection of the rights they already have, no expansion of those rights.

Mike Bylen asked, if this property is left as an R-2 zoning, is there some punitive damage or sanction that would occur to Springfield Township? Supervisor Walls said, no. Zoning is purely a local matter, unless it would end up in the courts.

Supervisor Walls briefly reviewed the many different areas all over the Township that the Planning Commission looked at for rezoning and what happened since the August Public Hearing. It really was an effort on the part of the Planning Commission to look at the entire Township. There was no desire to single out Shepherd's Hollow.

Mike Bylen said if the rezoning is not a requirement, and clearly the property owners don't want it, then why would the Township want to go forward and possibly create a contentious

relationship, where none has existed and would most certainly end up in that place we don't want to be. He doesn't understand why the Township would rezone if it is not a requirement.

Supervisor Walls said that a statement was made at the Planning Commission that he feels is very valid, because there is a group of people who are not sitting here this evening, for the most part. There are people who don't yet live in our community, and another group who live in the community, who have certain expectations or the right to certain information in reference to what might happen in neighborhoods around them. One of the thoughts the Planning Commission had on making some of the changes was to make the map changes more closely align with their current uses and restrictions. So if someone wanted a piece of property in the northwest part of the Township that was next to a property that was already restricted, then it could be seen it was Resource Conservation rather than residential.

Mike Bylen said he could understand the connection but this property is not restricted.

Supervisor Walls said that, for him, it was restricted by the time left on a 50 year lease. The Board has now received much more information this evening and from the March Township Board meeting, but prior to those meetings he assumed that it was restricted by the lease, the same as other property might be restricted by a conservation easement. There is a valid point to be made that prior to these discussions at the Township Board, every Board Member here as well as all the Planning Commission would assume from information that was previously received that there was a long term lease on that property that restricted it in a manner very similar to other restrictions.

Trustee Lamont, who is also Chair of the Planning Commission, concurred with Supervisor Walls.

Jim Roll reflected on comments made by Supervisor Walls regarding people moving into the area. If they are considering property near Colombiere, they should do due diligence and see that the property is zoned R-2, and homes could be built instead of it continuing to be a golf course. Roll feels that those who are already living here are the ones that need to be considered, not those who may, at some time in the future, move into the Township.

Dr. James O'Neill, 7755 Holcomb Rd. (Independence Twp.) made comments regarding the history of the Jesuits, the Magna Carta and Kings. He feels the Township shouldn't change anything; the Board should protect the property owner's right. Dr. O'Neill asked: What does the law say? What does the Township's lawyer say? Is it a taking?

Supervisor Walls responded that they have had no reason to consult with the Township's attorney, because they haven't started deliberating yet.

Dr. O'Neill said he thinks the Township should check with their attorney ahead of time instead of after. The Township should think about what an Oakland County jury would think of this situation. Dr. O'Neill stated that the Jesuits do a lot of good throughout the world.

Len Gorz, 7687 Brook Lane, (Springfield Twp.) referenced Dr. O'Neill's comments. He talked further regarding the high cost related to legally defending a case like this. Mr. Gorz talked about his own property and Bordine's properties as related to the proposed rezonings that were part of the August 2, 2008 Public Hearing. Mr. Gorz said if this Board moves forward they are being reckless. He feels Colombiere has a reasonable expectation of an R-2 use on the property, especially since no one knows what the future holds and if the golf course had to leave, the Jesuits need to know they have the value of it being R-2 zoned.

Dr. O'Neill addressed property values in this Township and that they are going down.

Mr. Roll said they consider this proposed rezoning an affront to their rights, and they will protect them.

Supervisor Walls said the Thursday, April 10<sup>th</sup> Township Board agenda is already set and suggested that the information from today's meeting be reviewed and absorbed by the Board along with the minutes from this meeting and set this item for the May 8, 2008 Township Board meeting to determine if the Board will publish for Second Reading. Walls clarified that this discussion is considered a Continuation of the First Reading and it will be a Continuation of the First Reading at the May 8 meeting.

Father Dickson asked when does the agenda and minutes appear on the internet?

Clerk Strole said the agenda is done a week before the meeting.

Father Dickson said since the agenda is done for April 10, is it on the internet?

Clerk Strole said she hopes it is. The Clerk's Office passes it on to the individual who is responsible for putting it up on our website, so it could be a few days before the meeting, as the person who does that did not work today and she works part-time.

Father Dickson asked about minutes for January, February and March as he said they are not on the website now.

Clerk Strole said only approved minutes will be on the website, so March's minutes for sure would not be on the website. The Clerk's Office is not responsible for putting them on the web; we forward them to the individual who does that after they are approved. Supervisor Walls will check on that.

Father Dickson asked how they will know when Shepherd's Hollow will be on an agenda?

Supervisor Walls said that those on the agenda are mailed an agenda.

Father Dickson said he will give the Clerk a new address of record. Clerk Strole said that he should give that information to the Assessing Department. We can only use the address of record per the Assessing Department. Supervisor Walls told Father Dickson that he will see that

the address change gets to the proper location. Father Dickson said that the owner is the Detroit Province of Society of Jesus with their headquarters in Detroit, it's not Colombiere or Shepherd's Hollow. Father Dickson said they want to be at any meeting that involve them. Supervisor Walls says he will personally see that they receive an agenda anytime Colombiere or Shepherd's Hollow appear on the agenda, until his term is up.

Trustees Lamont and Vallad thanked everyone for coming to the meeting.

**Public Comment:   None**

**Adjournment:**

Hearing no other business, Supervisor Walls adjourned the meeting at 8:40 p.m.

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Collin W. Walls, Township Supervisor

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Nancy Strole, Township Clerk