



# Rochester Hills

## Minutes - Draft

### City Council Special Meeting

1000 Rochester Hills Dr  
Rochester Hills, MI 48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Susan M. Bowyer Ph.D., Ryan Deel, Dale A. Hetrick, James Kubicina,  
Jenny McCardell, Stephanie Morita and Mark A. Tisdell*

*Vision Statement: The Community of Choice for Families and Business*

*Mission Statement: "Our mission is to sustain the City of Rochester Hills as the premier community of choice to live, work and raise a family by enhancing our vibrant residential character complemented by an attractive business community."*

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Monday, December 11, 2017

5:30 PM

1000 Rochester Hills Drive

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In accordance with the provisions of Act 267 of the Public Acts of 1976, as amended, the Open Meetings Act, notice was given that a Special Rochester Hills City Council Meeting would commence at 5:30 p.m. on Monday, December 11, 2017, to consider a resolution to adjourn to Closed Session immediately following the Special Meeting to consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, namely, Penberthy v Kaltz Excavating, et al, Oakland County Circuit Court Case No. 2016 154978 ND; and to discuss written attorney/client privileged communication.

## CALL TO ORDER

*President Tisdell called the Special Rochester Hills City Council Meeting to order at 5:33 p.m. Michigan Time.*

## ROLL CALL

**Present** 7 - Susan M. Bowyer, Ryan Deel, Dale Hetrick, James Kubicina, Jenny McCardell, Stephanie Morita and Mark A. Tisdell

## Others Present:

*Tina Barton, City Clerk  
John Staran, City Attorney*

## PUBLIC COMMENT

*None.*

## LEGISLATIVE & ADMINISTRATIVE COMMENTS

*None.*

## ATTORNEY MATTERS

**2017-0586** Adoption of a Resolution to Adjourn to Closed Session immediately following the adjournment of the Special Meeting held Monday, December 11, 2017 at 5:30 p.m. to consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, namely, *Penberthy v Kaltz Excavating, et al*, Oakland County Circuit Court Case No. 2016-154978-ND; and to discuss written attorney/client privileged communication

**Attachments:** [Resolution \(Draft\).pdf](#)

**A motion was made by Morita, seconded by Bowyer, that this matter be Adopted by Resolution. The motion carried by the following vote:**

**Aye** 7 - Bowyer, Deel, Hetrick, Kubicina, McCardell, Morita and Tisdell

Enactment No: RES0384-2017

**Resolved**, that the Rochester Hills City Council hereby agrees to meet in Closed Session, as permitted by State Statute MCL 15.268 on Monday, December 11, 2017 at 5:30 p.m. Michigan Time, at the Rochester Hills Municipal Offices, 1000 Rochester Hills Drive, Rochester Hills, Michigan. The purpose of the Closed Session is to consult with its attorneys regarding trial or settlement strategy in connection with specific pending litigation, namely, *Penberthy v Kaltz Excavating, et al*, Oakland County Circuit Court Case No. 2016-154978-ND; and to discuss written attorney/client privileged communication.

## ADJOURNMENT

*There being no further business before Council, President Tisdell adjourned the meeting at 5:35 p.m.*

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MARK A. TISDELL, President  
Rochester Hills City Council

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TINA BARTON, MMC, Clerk  
City of Rochester Hills

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MARY JO PACHLA, CMMC  
Administrative Secretary  
City Clerk's Office

*Approved as presented at the (insert date, or dates) Regular City Council Meeting.*