



MINUTES  
Town of Indian River Shores  
Special Called Town Council Meeting  
Reuse Water Issue  
Thursday, September 10, 2020  
4:30 p.m.

6001 N. STATE ROAD A1A, INDIAN RIVER SHORES, FL 32963

1. **Call to Order**

- a. Invocation
- b. Pledge of Allegiance
- c. Roll Call

Vice Mayor Auwaerter called the Special Town Council Meeting regarding COVB Reuse Water to order at 4:30 PM. Councilman Carroll performed the invocation. Vice Mayor Auwaerter said we are one day before 9/11 and asked that everyone keep their thoughts on those who passed away that day, especially those that were on the flight over Western Pennsylvania who heroically gave their lives to prevent an even greater disaster on the ground in Washington D.C. The Pledge of Allegiance was then recited by all.

Town Clerk Laura Aldrich called the roll follows: ELECTED OFFICIALS Mayor Tom **Slater** (Zoom), Vice Mayor Bob **Auwaerter**, Councilman Sam **Carroll** (Zoom), Councilman Brian **Foley**, and Councilmember Debbi **Peniston**. Others present included STAFF members: Town Attorney Chester **Clem**, Town Manager Joe **Griffin**, Town Clerk Laura **Aldrich**, Town Treasurer Heather **Christmas**; RESIDENTS Tom and Sue **Ether** (The Shores), Nancy **Auwaerter** (Ocean Colony), Chris **Hendricks** (Marbrisa), Mike **Ochsner** (The Estuary); and Dylan **Reingold** (Peppertree – IRC Attorney).

2. **Discussion - Counsel Representation in City of Vero Beach Reuse Water Matter** (4:31 PM)

Mr. Griffin stated that due to some recent events he petitioned the Council to hold a Special Call Meeting and thanked them very much for doing so. He said as everyone knows, Mr. Vocelle has been the Town's legal representative during the recent legal struggles with the City of Vero Beach (COVB) regarding reuse water. We received a letter from him dated September 8<sup>th</sup> requesting to withdraw his services from representation. Mr. Griffin's recommendation to Council is to accept that request, and asked the Council for direction as to how they wished to proceed.

Councilmember Peniston said she agrees and accepts the recommendation of our Town Manager. Councilman Foley agreed as well, adding that he does not believe we have to accept that he resigned since Mr. Vocelle made a recommendation in the letter, as part of the public record. Councilman Foley stated that he knows they have some other potential candidates with whom he would like to speak so that he has a context from which to make a decision on how to move forward, and expressed a desire to move forward with all due speed.

Mayor Slater said they should accept Mr. Vocelle's resignation and that they should interview the firms he had recommended to them, including someone from his office. There may be other local counsel for which Town Attorney Clem's guidance would be helpful. The Mayor reminded the Council that this is essentially a local issue between the Town and the COVB, so we do not have to deal with the Public Utilities Commission as we had to with the

electric company situation. It would be his guidance that Council try to find strong local representation who knows the other players involved as well as the legal community in the area.

Councilman Carroll agreed with the comments made by his three colleagues so far and stated he thinks it would be wise to have the Town Manager and whoever is available from the Council to participate in this exercise to select an attorney to represent us.

Vice Mayor Auwaerter said he agrees with all the comments as well, and believes that good local representation is important. Like Councilman Foley, he would like an opportunity to speak with any candidates, which would obviously be done separately per Sunshine Law.

Town Attorney Clem added that Council delegating the responsibility of locating and contracting with an attorney to the Town Manager would be the proper way to avoid any violations of the Sunshine Law. If Council does it this way, they will not need to have another meeting in order to obtain new counsel. Vice Mayor Auwaerter stated that he would like some input on the decision, but agreed that the authority should be delegated to Mr. Griffin.

**3. Recommended Action/Motion**

**Mayor Slater made a motion to delegate the decision-making authority for contracting with outside counsel for the reuse water issue to Mr. Griffin with input from the Council members, who may interview the candidates, which motion was seconded by Councilman Foley and passed unanimously.**

**4. Call to Audience**

No comments.

**5. Adjournment**

The meeting adjourned at 4:39 p.m.

Respectfully submitted,

/s  
Laura Aldrich, Town Clerk

*Approved by the Town Council at the  
9-24-20 Regular Town Council Meeting.*