



MINUTES  
SPECIAL CALL TOWN COUNCIL MEETING  
**TOWN OF INDIAN RIVER SHORES vs. THE CITY OF VERO BEACH (Federal Case)**  
TUESDAY, OCTOBER 25, 2022, 9:15 A.M.  
Town of Indian River Shores  
6001 N. State Road A1A, Indian River Shores, FL 32963

1. **Call to Order**

a. Roll Call

Mayor Foley announced the purpose of the meeting was to discuss the litigation between the Town of Indian River Shores and the City of Vero Beach, also known as the Federal Case. He noted for the record that the Invocation and the Pledge were done at the preceding Town Council meeting.

The Town Clerk called the roll. Those present for roll call were Brian Foley, Mayor; Sam Carroll, Vice Mayor; Bob Auwaerter, Council Member; Mary Alice Smith, Council Member and James M. Altieri, Council Member.

2. **Request for Attorney – Client Strategy Session**

- a. Request by Peter Sweeney, Town Attorney, to Hold a Strategy Session seeking to Obtain Council Advice Related to Litigation between the Town of Indian River Shores versus the City of Vero Beach Federal Case in accordance with Section 286.011 (8), Florida Statutes

Attorney Sweeney stated for the record that the special Town Council was meeting was being held based on his request to Council seeking advice relating to proceedings in the federal lawsuit between the Town of Indian River Shores and the City of Vero Beach.

Mayor Foley then announced that the Town Council would recess to Attorney Client session in accordance with FS 286.011 in the case of the Town of Indian River Shores vs. the City of Vero Beach in the District Court for the Southern District of Florida, Fort Pierce Division Case Number 2:21-CV-14354-Cannon.

Mayor Foley announced that the session would last no more than one and one-half hours; those present would include the Town Council; Town Manager, James Harpring; Town Attorney, Peter Sweeney; Special Counsel Kevin May, Special Council Bruce May and a Court Reporter. He added the Attorney Client session would be closed to the public

3. **Convene the Closed Meeting**

Mayor Foley recessed the open meeting at 9:17 a.m.

4. **Reopen as a Public Meeting**

Mayor Foley reconvened the open session at 9:40 a.m.

5. **Discussion of Proposed Settlement Agreement**

Mayor Foley invited further discussion on the proposed Stipulation Agreement between the Town of Indian River Shores and the City of Vero Beach. There being none, Mayor Foley opened the floor to Public Comment.

6. **Invite Public Comment**

There being no public comment, a motion was then made by Council Member Auwaerter to approve the Stipulation Agreement between the Town of Indian River Shores vs. the City of Vero Beach in the District Court for the Southern District of Florida, Fort Pierce Division Case Number 2:21-CV-14354-Cannon. The motion was seconded by Vice Mayor Carroll and the roll was called. All Council Members voted in the affirmative; the motion passed unanimously.

7. **Adjournment**

There being no further business to come before the Town Council, the meeting adjourned at 9:43 a.m.

Approved: November 17, 2022

  
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Janice C. Rutan, Town Clerk

