

Town of Grant-Valkaria  
Interim Council Meeting Minutes  
Wednesday, August 23, 2006 at 7 PM  
South Mainland Community Center

A. **CALL TO ORDER** – By Tim Reynolds, Interim Council Chair, at 7:08 PM

B. **PLEDGE OF ALLEGIANCE**

C. **ROLL CALL**

Bonnie Allan – present  
Denni Burr – present  
Lisette Kolar – present  
Tim Reynolds – present  
Jim Tonti – present

D. **ADDITIONS AND DELETIONS TO AGENDA**

Unfinished business: F. 21. – Updated insurance binder

New business: G.7. – Emergency Operations Center Contact  
G.8. – Site plans coming up for review in the County  
G.9. – Other revenue sources  
G.10. – Range Riders  
G.11.– Myregion.org  
G.12.– Refund due to people for rezoning fees  
G.13.– Occupational licenses

E. **CONSENT AGENDA:**

1. Approval of 8/9/06 minutes

Discussion by Interim Council of the agenda item entitled “Public Comment” which was removed based on allowing public comment before the end of each agenda item. It was suggested that the public comment section of the agenda would allow the public to speak to the Interim Council on topics not specifically covered as agenda items. Motion made to adopt the 8/9/06 minutes as written and to add into future agendas a section entitled “Public Comment”.

MOTION BY ALLAN; SECONDED BY TONTI  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Reynolds, Interim Council Chair, signed the 8/9/06 minutes.

2. Approval of 8/16/06 minutes

Motion made to accept the 8/16/06 minutes as written.

MOTION BY KOLAR; SEONDED BY BURR  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Reynolds, Interim Council Chair, signed the 8/16/06 minutes.

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**F. UNFINISHED BUSINESS:**

1. Second reading and adoption of Ordinance 2006-1 amending Charter Section 6(8)(c), Candidate Qualifying Period

Reynolds, Interim Council Chair, read Ordinance 2006-1 by title only. Reynolds then opened up any public hearing on the ordinance and asked that comments be limited to ten minutes. The public hearing was closed with no public speakers addressing the ordinance through the public hearing process. Motion was made to accept Ordinance 2006-1 amending Charter Section 6(8)(c), Candidate Qualifying Period.

MOTION BY KOLAR; SECONDED BY ALLAN

Kolar explained to the public that public law allows the candidate qualifying period to be changed by the Council and how the original timing included in the charter had to be changed to allow the Supervisor of Elections to secure a final candidate list and to have ballots printed in time for the general election in November.

ROLL CALL VOTE, UNANIMOUS:

Kolar	aye
Tonti	aye
Allan	aye
Burr	aye
Reynolds	aye

2. (Allan) – Follow-up on service address/account inventory from Roberta Griffith, Special Projects, for identifying FPL franchise fee revenue base

Allan spoke with Roberta Griffith at the Property appraiser's office on Monday and she isn't sure we can get a complete list. The file would be on CD at a cost of \$54 and we would have to sort out what we needed. Allan reported that she then e-mailed Peggy Busacca to see if we could get a list from the County but has received no response yet. Also, Susan Kabana, Malabar Town Clerk, was contacted and she had never heard of such a list and suggested we speak with Sandy Sanderson of FPL. Sandy said he would work with us to get this resolved and provide a follow-up call on Wednesday. That call stated he would work on a parallel course with the FPL Franchise Fee agreement and meet with Allan and Del Yonts to finalize the FPL list from the boundary map to provide the listing before the second reading of that required ordinance on 9/13/06.

3. (Kolar) – Contact with Sandy Sanderson, Area Manager for FPL, for recognition of accrued FPL franchise fee revenues

Kolar reported that obtaining the service addresses, passing the required ordinance, and getting an acceptable agreement were all underway. Per Sanderson, the revenue collected since 7/25/06, the date of incorporation, until now is still being sent to the County under their agreement with FPL. Sanderson's legal department told him that as soon as Grant-Valkaria has three meetings of its Council, the revenues stop going to the County. FPL will not collect a franchise fee from Town residents/customers once the County's agreement is terminated. The collecting of the fee will start again for the

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Town once an agreement between FPL and Grant-Valkaria is in place. Sanderson suggested the Town may need to approach the County to collect the fees paid to the County between 8/25 and the date FPL stops collecting the fees and sending them to the County. Kolar provided a letter to Sanderson which included (i) a statement of belief that as of July 25, 2006, the date of incorporation, that the revenue should accrue to the Town, (ii) the Town requests FPL provide an accounting of the fees paid to the County since July 25, 2006 for the area known as Grant-Valkaria, (iii) the Town's understanding a Franchise Fee Agreement must be generated between the Town and FPL and the Town has initiated that process, (iv) the Town's understanding that the service address inventory will be provided to FPL, and (iv) requesting the Town Attorney, Mr. Karl Bohne, be provided a Franchise Fee Agreement from which to begin his review. Reynolds signed this letter detailed above.

4. (Burr) – List of other available franchise fees provided by the County Manager

Del Yonts started assembling information regarding a list of the franchise fees the County currently collects that could be transferred to our Town. Ed Washburn at the County had asked Stockton Whitten, Assistant County Manager, to work the franchise fee issue. Whitten provided an e-mail on 8/23/06 identifying Brighthouse and Comcast as the County collected franchise fees besides FPL (which the Town is already aware of). Whitten stated he could not determine the estimated fees for these sources as they are part of the Communication Service Tax, which must be implemented by Ordinance and the distribution to local governments is dependent on the local communications service tax rates. A possible basis for estimating the amount which may be received by the Town was provided which showed 4.8% or about \$41,000 per year applicable to Palm Shores with a tax rate of 15.5 mils. Whitten did suggest the Town purchase a handbook that lists the types of revenue which can be applied for by local governments and he will send the application for the book later. Ray Kolar also added that a web-site exists to aid towns in identifying and obtaining revenue.

5. (Kolar) – Report on Save Brevard Charter Amendments from 8/23/06 meeting

Kolar attended the meeting today on the Save Brevard Charter Amendments. The prior opinion by two attorneys had been that the amendments did not pass the legal review and should not be put on the ballot. The Supervisor of Elections needed to know whether these amendments would be on the ballot by 9/5/06 for printing of those ballots. An alternative amendment was proposed and submitted by attorney for SaveBrevard, Leslie Blackner. The Commissioners did not address this proposal. The meeting ended with the decision that the proposed SaveBrevard amendments could not be placed on the ballot and with no continuing steps identified related to the issues identified by SaveBrevard other than the cities pledged to be cooperative with the County on growth management issues. Kolar stated she provided no comment on the proposed amendments at the meeting since the nature of her interim position did not empower her to speak for the Town yet she did take the opportunity to thank the County, County staff, and commissioners for their assistance to the Town in its start-up process.

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6. (R. Kolar and Folts) – Re-drafted e-mail procedures  
Folts stated that the re-drafted e-mail procedures have already been implemented and summarized them by stating any e-mails sent to or coming from a Town e-mail address (e.g. [xxxxx@grantvalkari.org](mailto:xxxxx@grantvalkari.org)) will automatically create an archive in the present system. Only e-mails received or sent from non-Town addresses require manual archiving by sending a copy to [archive@grantvalkaria.org](mailto:archive@grantvalkaria.org). The details of the established Town distribution lists are included in the re-drafted procedure. Ray Kolar might be able to assist any Interim Council Member establish a Town e-mail account on their computer to facilitate access directly on the Town e-mail upon using their current e-mail software. Motion made to adopt the re-drafted e-mail procedure.

MOTION BY KOLAR; SECONDED BY BURR  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

7. (Allan) – Draft process for public comments/speaking  
Discussion covered the use cards for speakers and time limits deemed reasonable to agenda items and overall public comments. The use of speaker cards and adequate time limit was discussed as of most importance related to ordinances. Allan will document the process and time limits discussed with the draft process to be provided at the 8/30/06 Interim Council meeting.
8. (Kolar and Bohne) – Receipt of franchise fee agreement by Bohne for his review and FPL franchise fee agreement review status  
Kolar reported that Bohne and Sandy Sanderson, Area Manager for FPL, had communicated and a final version of the franchise fee agreement for West Melbourne had been provided to Bohne. Bohne provided minor changes to which Sanderson incorporated into the agreement sent to Kolar on 8/23/06. Bohne suggested the Town go forward with the agreement, which is an ordinance, with the first reading to be at the 8/30/06 meeting and advertising the second reading and adoption to be an agenda item at the 9/13/06 meeting. Bohne said he would like to explore with FPL whether they can pay the accrued revenue to the Town from the date of incorporation. Motion made to move ahead with Ordinance 2006-2 to grant Florida Power & Light Company directions for providing monthly payments to the Town of Grant-Valkaria.

MOTION BY TONTI; SECONDED BY BURR.  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

9. (Reynolds) – Letter to code enforcement and the sheriff, and coordination with Bohne on actions required  
A letter has been sent to code enforcement. (See agenda item F.18. for Bohne's actions).

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10. (Burr and Allan) – Settlement as to dates, locations, and forum formats for the three candidate forums

There will be three Candidate Forums of which each candidate is required to attend the minimum of two forums.

Candidate Forum #1 will be set-up as a Meet-and-Greet format. Each candidate will have a table and chair and can pass out candidate information, visit with the public or circulate as desired. The forum will be conducted at Sunrise Elementary School on Babcock Street on 9/14/06 from 7-9 PM.

Candidate Forums #2 and #3 will follow a question and answer format. These forums will be moderated by a member of the League of Women Voters (LWV). A 2-5 minute speaking period with a closing statement will be allocated each candidate. Each candidate will answer questions posed by the LWV moderator, with many questions being previously provided the moderator by audience members. Candidate Forum #2 will be 10/5/06 at Sunrise Elementary School from 7-9 PM. Candidate Forum #3 will be on 10/26/06 at Sunrise Elementary School from 7-9 PM.

Remaining considerations/actions required for these Candidate Forums include:

- (i) acceptance of the submitted application for the use of the Sunrise Elementary School;
- (ii) meeting with Principal Pitchard to see facilities and discuss set-up of microphones, etc.;
- (iii) advertising the Candidate Forums;
- (iv) notify the candidates, newspapers, GVPC or Town e-mail list as well as posting to the Town website;
- (v) invite the Press to attend the forums and write articles; and
- (vi) to provide: candidate name tags, 3x5 index cards and pencils, volunteers to assist at each forum, and refreshments for the Meet-and-Greet Forum on 10/5/06.

Motion made to adopt the Candidate Forum planned dates, location and forum as documented by Burr.

MOTION BY KOLAR; SECONDED BY ALLAN  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

11. (Kolar) – Listing of permits required for the Grant Seafood Festival for confirming needed permit issuances by the County

Jack King provided a package of applications submitted for the 2005 Grant Seafood Festival for permitting. These applications were submitted in January 2005 so this could be taken up by the elected Council. King said it might be prudent to start the

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process a little earlier this year so Kolar will visit those issuing said permits after she reviews the list provided.

12. (Reynolds) – Report on permanent or temporary signage for the next few months  
Reynolds stated he finally thinks he got through to the right voice-mail this afternoon but did not receive a call-back yet.
13. (Kolar and Allan) – Covered presentation box assessment for meeting notices and agenda posting in additional locations(s)  
Kolar said she would discuss being able to position a covered presentation box at the Grant Community Center until January 2007. Present meeting notices and agendas are posted at the Grant Grocery Store and at the Citgo station across from the store and on the front door of the Grant Community Center.
14. (Tonti) – Scanning process for Town’s public records  
A web-search has been performed yet no prices exist on these sites. The Range Riders provided a list of sources to contact. Reynolds stated that Municode offers on-line service for maintaining charters, ordinances, etc. for municipalities, but the cost is unknown. Reynolds mentioned he has a multi-page scanner and something like that might provide a reasonable scanning system for the current public records.
15. (Reynolds) – State and County Revenue Sharing update  
All paperwork has been sent to the Florida Department of Revenue. The bank account has been established and the Electronic Fund Transfer information has been sent to Tallahassee.

The first revenue due in is the Local Option Gas Tax which should cut checks about 8/24/06. Payments will be mailed to the Town address.

The Communications Service Tax requires an ordinance of which the draft would be sent to Bohne for review. The threshold date for this revenue has passed for this year so the Town would not be receiving any revenue from this source until about this same time next year. This revenue would continue to be paid to the County, so the Town may need to specify in the ordinance the re-payment of those revenues from the County to the Town.

The ½ Cent Sales Tax will not start coming to the Town until 12/1/06.

Reynolds stated he would update the monthly revenue stream estimates in the next couple days.

16. (Allan) – Future Interim Council meeting places  
Allan reported that an application of the use of Sunrise Elementary School has been submitted with a response due back in 7-10 days. The projected beginning date for use

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of the school would be Thursday, October 5, 2006, to coincide with the First Candidate Forum, with the ending date to be 12/31/06. At that time, the approved application can be re-written if the elected council should so request. All meetings between the 10/5/06 and 12/31/06 dates would be held on Thursdays from 7 PM to 9 PM as the school reserved a standing meeting time and day of week. Meeting would be held in the cafeteria/auditorium.

Allan reported that John and Laurie Chase are still considering renting the building due south of Grant Motorsports which is approximately 2,500 square feet. They would set the rent at \$1 per square foot or \$2,500 per month. The building could probably be subdivided into three offices. The Interim Council cannot commit to this, yet it could be considered by the elected Council in November as a potential/temporary Town Hall.

Allan to check into the availability of the Grant Community Center for the week of 9/20/06 based on the Q-Fest on 9/23/06. Availability for that meeting place to be provided to the Interim Council at the 8/30/06 meeting.

17. (Kolar) – Council/Mayor election status)

Twenty-one candidate packets have been requested, seven qualifying appointments have been made for the position of council member, and one qualifying appointment has been made for the position of mayor.

On 8/17/06, a seminar for the potential candidates was conducted by Susan Kabana, Malabar Town Clerk, and Cathy Wysor, Melbourne City Clerk. Eight potential candidates and five qualifying volunteers attended. A separate meeting for qualifying volunteers was held on 8/22/06 at the South Mainland Library to go through and understand all the required forms. The Grant Community Club will be asked if their facility could be used for qualifying on evenings in which three or more candidate appointments are scheduled.

Susan Kabana also suggested using a form she uses in which the candidate affirms that he/she has the qualifications for running for office in the Town (including residency). The form states the person comes before an officer who is authorized to administer oaths. Bohne stated that the Qualifying Officer and the Clerk are both authorized to administer such an oath. The Qualifying Officer will report findings of the qualifying procedure to the Interim Council and will request the Council approve the qualifications at the 9/6/06 meeting.

18. (Bohne) – Follow-up, if applicable, on ordinance for code enforcement

Bohne (through e-mail) stated he has prepared an ordinance for the Town to implement a special master process that bootstraps the County process. Bohne is awaiting input from the County and an adoption of the ordinance allowing the process of code enforcement to be enforced by the County as well as awaiting a draft interlocal agreement from them.

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19. (Bohne) – Possibility of reimbursing payment of expenses by resident  
Bohne (through e-mail) stated that on 8/18/06 he sent an e-mail on the Town’s ability to get a short-term “loan” from its residents. Reimbursing for these expenses should be accounted for as a short-term loan. The loan must be unsecured and be short-term (less than 12 months).
20. (Bohne) – Conditional Use Permit (CUP) update: Marco Nicolo  
Bohne (through e-mail) stated the Interim Council has no authority to grant a CUP and if they do, it is subject to challenge or by charter, subject to rejection by the elected council.

The Interim Council discussed being able to explore alternative mechanisms the Winners Sport Bar business owner might pursue to obtain temporary permitting. James Plasterer, a resident in the neighborhood of Winners Sports Bar, Ozzie’s Crab House and RJ’s, said he was surprised to only hear positive remarks from the Interim Council on behalf of the business owner. He said he lives in the area and has made repeated complaints based on excessive noise, outdoor music, bar fights, etc. to no avail based on police refusing to enforce regulations and that he was not in favor of the CUP for Winners Sports Bar to add more potential noise, music, and fights. The Interim Council reiterated that they had no authority to grant a CUP, but they felt they had an obligation to inform Mr. Nicolo of the options he might have, if any.

21. (Added agenda item) – Updated insurance binder  
Updated insurance binder showing the 7/31/06 date was given to the Interim Clerk.

**G. NEW BUSINESS:**

1. (Kolar) – Request from Grant Community Club re: naming of boat ramp  
The Grant Community Club Board and members requested the Town’s support in naming the new boat ramp after the Christenson family who has lived and fished in Grant for many generations. They propose to name the boat ramp “Christenson’s Landing”. They voted to support the proposed name and to submit the name “Christenson’s Landing” to the appropriate county committee and eventually go forward to the County Commission for approval. The next meeting of the South County Boat Ramp Referendum Committee will be 9/20/06 and a resolution from the Interim Council to support this would be greatly appreciated by the members of the Grant Community Club.

The Interim Council agreed after some discussion that such a resolution does not fall under any of the powers of the Interim Council as delineated in the Charter, as well as they cannot speak to the wishes and preferences of all of the residents of Grant-Valkaria. Kolar was to inform the Grant Community Club of the lack of authority to make such a resolution based upon their request.

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2. (Kolar) – Oak Wood Charter School: status of annexation and building permit

Lee Feldman, City Manager of Palm Bay, indicated that the Palm Bay attorney has determined that the special act incorporating Grant-Valkaria supersedes the annexation of approximately eight acres just north of Country Beginnings Day Care on Babcock Street. Currently the owner of this parcel has constructed a modular building on it and is awaiting final inspection and issuance of a Certificate of Occupancy (CO) to start using the library and classroom for the gifted students. The issue is who is to complete the permitting process through CO given Palm Bay issued all the building permits and performed all inspections to-date, yet Palm Bay does not think they can issue the CO on property in Grant-Valkaria which is governed by the County permitting and code enforcement presently.

Mr. Chris Glatz, owner of Country Beginnings Day Care and manager of the Royal Palm and Oak Wood Charter Schools, addressed the Interim Council on this issue. He said he has a possible violation with the school board and doesn't want to loose children based on inadequate facilities and rotating the gifted children between temporarily unused classrooms throughout the day. He said he requests a letter from the Town Attorney to move ahead with the interlocal agreement allowing Palm Bay to complete the permitting process. Glatz also commented on the zoning changes made on that property during this same period.

Bohne has spoken to Ed Washburn, Assist County Manager, and they had agreed that in order to expedite the process for the property owner, it was best if Palm Bay would complete the permitting process. Palm Bay is willing to do the final permitting but requests an interlocal agreement to show Grant-Valkaria will accept Palm Bay's building codes for this particular parcel only. Motion was made to pre-approve Palm Bay completing the permitting through the CO based on approval and method advised by Mr. Bohne for the Royal Palm Charter School, based on the specific nature of this property annexed into Palm Bay prior to the Grant-Valkaria incorporation and the Grant-Valkaria incorporation superseding the annexation.

MOTION MADE BY ALLAN; SECONDED BY BURR.  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Reynolds to speak with Bohne on this issue.

3. (Reynolds) – Report regarding 8-30 meeting with County regarding financial issues

Reynolds will be meeting with Commissioner Voltz and financial personnel in this 8/30/06 meeting. Revenue sharing and Truth in Millage Statements will be discussed. Reynolds will report on this meeting at the 8/30/06 Interim Council meeting.

4. (Reynolds) – Eligibility of Interim Council Members to run for elected office

There has been a statement heard that Interim Council Members are prohibited from running for the first elected offices of the Town. Although the Charter does not

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disallow Interim Council Members from running for elected office, Reynolds stated a member would not have enough time to adequately campaign for the elected position. The fact is that all of the Interim Council Members have voluntarily chosen not to run.

5. (Reynolds) – Truth in Millage (TRIM) Statements

Reynolds explained that each property owner gets a Truth in Millage Statement (TRIM) showing taxes for last year, taxes without changes for the current year, and taxes for the current year with changes included. The deadline for this year's information to the state has passed. Per Commissioner Voltz's office, the County will do this for Grant-Valkaria this year. Reynolds stated a fifty page booklet guide on creating these TRIM statements describes the process and these statements will have to be issued by the Town in each year forward.

6. (Reynolds) – Adoption of ordinance concerning Local Communications Service Tax (for State Revenue Sharing)

An ordinance is needed to be eligible for Local Communications Service Tax revenues. These revenues will not be available until about this same time next year. Reynolds is to forward the information to Bohne and introduce it at the 8/30/06 Interim Council meeting.

7. (Added agenda item) Emergency Operations Center Contact

Tonti provided Bob Lay, Brevard County Emergency Operations Center, contact information for himself and Allan, both CERT trained, as points of contact in the event of an emergency.

8. (Added agenda item) Site plans coming up for review in the County

Kolar suggested that the Interim Council select a member to review the site plan process and request the County inform the Town of any site plans affecting property in Grant-Valkaria. Burr volunteered to look into the process and report back.

9. (Added agenda item) Other revenue sources.

Kolar provided a slide used at the last GVPC Town Meeting to illustrate other sources of revenue available to and currently used by Melbourne Beach, Indialantic, and/or Malabar. Burr stated her opinion that the Town should not create any new fees as that was not in the spirit of how the Town was formed. Kolar stated that no new fees had to be created but if the County already charges the fees, the Town should get a cut of those revenues. Revenue sources shown on the slide included fines and forfeitures, Waste Management recycling, County occupational licenses, and alcoholic beverage licenses.

10. (Added agenda item) Range Riders

Susan Kabana, Malabar Town Clerk, has forward the Interim Council Members information on the Range Rider Program as provided by Malabar Mayor, Tom Eschenburg. The Range Riders Program offers professional advice, counseling and

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guidance without cost to cities and counties and their managers through a program utilizing former managers. Range Rider contact information was included.

11. (Added agenda item) Myregion.org

Myregion.org is a consortium of Central Florida counties looking at regional grown issues and regional planning. An 8/31/06 meeting in Brevard is planned. Reynolds will post the date and link on the Town web-site.

12. (Added agenda item) Refund due to people for rezoning fees

An informational agenda item was presented by Kolar related to application fees paid for processing Grant-Valkaria rezoning applications in August and September 2006 in which the Board of County Commissioners lost authority to grant those rezonings or similar actions within the limits of Grant- Valkaria as of 7/25/06, date of the Town incorporation. Related to four applicants, the county is considering (i) full refund for the entire application fee, (ii) refund application fee minus processing expenditure, or (iii) no refund.

13. (Added agenda item) Occupational licenses

Allan had been asked if requests for occupational licenses will run into permitting problems if submitted to the County and then need to be directed to the Town. The Interim Council stated the requests will be handled directly through the County as before the Town incorporation.

**H. PUBLIC COMMENT:**

Del Yonts stated the Valkaria Airport Advisory Board will meet on 9/12/06 in Viera and on 9/18/06, working paper #3 for the Master Plan Process will be issued. Valkaria Airport scheduled meetings and master plan progress can be accessed via the County web-site as well as through a link set-up on the Town web-site.

**I. ADJOURNMENT:**

Motion made to adjourn.

MOTION BY KOLAR; SECONDED BY ALLAN.  
VOICE VOTE ON THE MOTION CARRIED UNANIMOUSLY.

Meeting adjourned at 9:42 PM.

BY:

\_\_\_\_\_  
Interim Council Chairperson

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ATTEST:

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Karlene Folts  
Interim Clerk

DATE: \_\_\_\_\_