



**MINUTES**  
**SPECIAL CITY COUNCIL MEETING**  
**WEDNESDAY, FEBRUARY 1, 2023, 6:00 P.M.**  
**NEPTUNE BEACH CITY HALL**  
**116 FIRST STREET**  
**NEPTUNE BEACH, FLORIDA 32266**

Pursuant to proper notice, a Special City Council Meeting of the City Council of the City of Neptune Beach was held on Wednesday, February 1, 2023, at 6:00 p.m., at Neptune Beach City Hall, 116 First Street, Neptune Beach, Florida 32266.

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**Attendance:**

**IN ATTENDANCE:**

Mayor Elaine Brown  
Vice Mayor Kerry Chin  
Councilor Lauren Key  
Councilor Nia Livingston  
Councilor Josh Messinger

**STAFF:**

City Attorney Zachary Roth  
Police Chief Richard Pike  
Grants and Resiliency Coordinator Colin Moore  
City Clerk Catherine Ponson

**Call to  
Order/Roll  
Call/Pledge**

Mayor Brown called the Special Meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

**Water Tank  
Discussion**

Mayor Brown explained that the Neptune Beach Plaza Water Tank is the topic of discussion.

**Neptune Beach  
FL Realty LLC**

Andrew Greene, representing Neptune Beach, FL Realty LLC, gave a timeline and history of the property. He reminded everyone that after Lucky's bankruptcy, Publix wanted to take over that lease. Publix was also undertaking a full renovation of the store. Neptune Beach, FL Realty, the property owner, came in with the improvements that are almost complete, which is the exterior, landscape and plaza areas. Publix had the scope of work that is the interior. A development agreement was entered into with the City of Neptune Beach in March, 2021. There is a process of testing the City's water system as part of the renovation. He introduced the engineer who performed the flow tests.

**Fire Protection  
Engineer  
Report**

Fadi Ghumrawi, co-owner of G&P Engineering, LLC, stated his firm is the fire protection engineering firm that worked on the fire sprinkler system for the Publix and worked with the civil engineers on the shopping plaza as a whole.

Mr. Ghumrawi explained that there is a piping network connected to a sprinkler heads inside the store. That piping network is connected to the City's water supply outside. Water is brought in through the underground piping in through the riser. The sprinkler system is designed based on different Code requirements. When a design is started, there is a fire hydrant flow test. Gauges and equipment are hooked up to the fire hydrant to test the pressure and water flow. There are two separate data points. From that data, a curve is generated to get how much water and pressure there is at any given point coming out of the system.

The original test was in February, 2021, and was done by a local contractor. Those results were lower than what they are used to seeing. He decided to come perform the test himself. He conducted three additional flow tests on three separate sets of hydrants. He also coordinated with Public Works. He confirmed there was a supply issue with not having adequate pressure to service the needs of the fire hydrants and sprinkler system for that site.

Mr. Ghumwari continued that additional opportunities were discussed with Public Works to improve the pressure. He was made aware of a cross-connection between Neptune Beach and Atlantic Beach, but was told that was not plausible as it was for emergencies. After all efforts were exhausted, the only solution would be to introduce the fire pump, which provides the additional pressure, and the water storage tank, which provides the additional capacity. The size is based on the demands of the hydrant and sprinkler systems. Based on the Fire Codes, there is a table that tells how much water is needed and for how many minutes.

Councilor Key asked technical questions regarding the testing times, dates and results. Mr. Ghumwari answered and advised he had put together a fact sheet with the information.

Vice Mayor Chin questioned why is there a need for the tank now when Lucky's was there and the strip mall was occupied by many businesses.

Mr. Ghumwani speculated that he had old, historical flow tests, including the one from the Publix next door when it was constructed in 2010. There are also flow tests from 2017 and 2019. He reported that the water supply was significantly better. His speculations are that over time as the development has grown and the demand has increased, the infrastructure has not been maintained to keep up with that demand. Ultimately, one component is if more people are using more water, and the City is not providing the water needed. The second component is buildup and corrosion on the water pipes. A six-inch pipe may, after a certain amount of time, have an opening that is actually four inches. A combination of both of those components has possibly led to the water supply issue.

Vice Mayor Chin questioned if it was possible to try to identify a bottleneck or some other issue that could be preventing flow from getting to where it needs to go.

Mr. Ghumwari advised that one of the first assumptions was that a valve could be partially closed or water being turned off for maintenance. He stated he was told by staff that there was nothing going on at the time of the tests to artificially deflate the numbers.

Councilor Livingston asked were the historic reports from the Publix next door or from actual site.

Mr. Ghumwari stated the 2010 report was from the Publix next and the 2017 report was from the same set of hydrants on the northeast corner of the Kmart coming off of Lemon Street and A1A. The 2019 report was from a few blocks south at 102 Magnolia Street.

Mr. Ghumwari answered Councilor Livingston's inquiry that his firm was hired by Publix. The 2019 report was done by a local firm for a project nearby.

Councilor Livingston questioned why is this something being tested for and being done at this time.

Mr. Ghumwari explained that once changes are being made to a building, it now has to meet all of the current code requirements that have been adopted at this time. There may have been something different for the original project was done. His suspicion is that the water supply was significantly better at that time. He reported that the results are 60% to 70% off of what is required.

Mr. Ghumwari confirmed Councilor Livingston's question that if not for this project, the tests would not have been done and he added that the fire department would not get adequate water and pressure from those hydrants.

Councilor Messinger asked if the Code requirements are a state, county, or city requirement and he also inquired about insurance requirements.

Mr. Ghumwari specified the Code in reference are the National Fire Protection Association and those Codes are adopted by the State of Florida and the local jurisdictions. There were no additional requirements from the county or the City of Neptune Beach. He added that Publix is self-insured. The fire hydrant demand is triggering this requirement.

Mayor Brown asked after all of the tests had been done, who made the recommendation as to how to solve the problem of getting proper water pressure.

Mr. Ghumwari responded that his firm had made the recommendation. He added that he was told that using the cross connection with Atlantic Beach was not possible in that capacity. He stated that from his design frame, the next step when there is not adequate water, you talk about a fire pump and a water tank.

Neptune Beach  
FL Realty

Mr. Greene relayed that he was notified by Publix that the water flow and pressure issue had been identified. Publix also had identified the water tank and pump as the solution. He stated that he expressed, as property owner, that there has to be something else that can be done to fix the problem.

Mr. Greene reported there was an onsite meeting in September of 2021 with the City Manager, Public Works Director, Fire Marshal, fire protection engineer, representatives of the developer, and general contractor. Options were discussed, including offsite improvements. He stated that Public Works did not feel like there were any viable options on the City's end to avoid the use of the tank and pump.

Mr. Greene expressed that at that point the responsibility for the construction, permitting, and building of the pump and tank was with Publix as the tenant. They came through with permits for the pump house and civil plans for the tank. That process went through the spring of 2022, up to early December 2022, then to the January 5, 2023 stop work order. The general contractor has not done any further work on the tank. This is a fire code requirement for Publix to open. This also would serve the other tenants in the building. They are eager to find a path forward and work towards a solution.

Mr. Greene stated he had met with neighbors and a proposal that was discussed was to enhance the vegetative screening on the rear side of the property. Discussion also included addressing the existing pines.

Mr. Greene said that he hears the concerns of the residents. He added that his concerns are that approximately \$600,000 has been invested in this tank and pump system to install it. This was an avoidable cost if the infrastructure was there. There was extensive conversation with City staff looking for options.

Discussion ensued including how to move forward and a hydraulic study being done.

Mayor Brown asked what is involved with a hydraulic study.

Mr. Ghumwari advised that a hydraulic study is typically done by a civil engineer. The objective is to figure out how to maintain a certain amount of pressure throughout the City's infrastructure.

Mr. Greene pointed out that he does not think moving the tank would not work in terms of timing. He also stated that the development agreement does not apply in this case and the tank was properly permitted. The hydraulic study is needed and he is at a loss how to reach a solution. The City has taken action with the stop work order.

Mayor Brown stated that the stop work order would stay in place and the City should not incur the costs of a solution. She said there is an impasse and she requested Mr. Greene come back with a plan.

Councilor Key expressed that the City does have an issue with failing infrastructure and the hydraulic study should be done. She added that she has communicated with the neighbors. A solution could be reached with leaving the tank up but knowing that there is a guarantee that the tank will come down. She suggested starting with that as a place of mutual agreement

Mayor Brown expressed that the residents have been a pleasure to work with. She added that they would like to see the tank moved and she would like to see it moved for them. She asked to hear more from Mr. Greene on how to go about doing that.

Resident  
Comments

Mayor Brown invited residents to come forward and speak.

Rob Vannoy, 625 Cherry Street, Neptune Beach, stated that a fire would be an emergency in order to connect to Atlantic Beach. He added the vegetative shielding is not a long term solution. He said the neighbors are willing to work and move forward.

John Cicchino, 629 Cherry Street, Neptune Beach, stated that if there is a concrete plan, that is fine. There is a structure built on false information. He asked where is the due diligence that has to occur to do basic problem solving.

Susan Cicchino, 629 Cherry Street, Neptune Beach, expressed she is hopeful that there will be a long term solution.

City Manager  
Search

City Manager Search. Jim Hanson, FCCMA Senior Advisor, gave a summary of how this program would assist in the City Manager search. He reviewed the steps involved. The only cost would be advertising and expenses. They assisted the City in 2019 and received 48 applications.

Councilor Messinger supports using the senior advisors for the City Manager position. He suggested using a staffing firm for the other open positions.

Vice Mayor Chin requested Mr. Hanson provide information on search firms that specialize in filling positions specific to what we have open.

Councilor Key stated that she is open to using a staffing firm to fill them and she feels strongly about getting positions filled.

Councilor Livingston commented that she would like to see the costs of working with a staffing firm before moving forward.

**PUBLIC COMMENT**

Public  
Comment


Chuck McCue, 1908 Third Street, Neptune Beach, spoke regarding who is managing the City and added that the City needs to fix the infrastructure.

Pat Hazouri, 207 Florida Boulevard, Neptune Beach, stated that this Council is focused on development and that is apparent by the development begin discussed. She proposed a two-year commercial building moratorium in the Beaches Town Center.

Shellie Thole, 124 Margaret Street, Neptune Beach, agreed with a moratorium on new construction in our commercial district. Publix has the water they need, but that will not cover the water needs of pending hotels or restaurants. The water tank is a small example of our water woes to come.

Adjournment

There being no further business, the Special Meeting adjourned at 8:08 p.m.

  
Elaine Brown, Mayor

ATTEST:

  
Catherine Ponson, CMC  
City Clerk

Approved: 03-06-2023

