



**Maguire Land Corp**  
**9 Anastasia Boulevard**  
**City Code, Chapter 17, Section 17-67**  
**Operating a business without a use permit**

Mr. Andrade reported the following:

- The case was continued from last month for the respondent to submit additional information regarding backflow preventers
- Asked Director of Public Works, Martha Graham, to address the Board

Martha Graham told the Board that questions arose regarding the requirements and responsibilities of the City related to utility cross connections. She introduced Les O'Brien, an expert instructor on the faculty at the University of Florida in Gainesville, and a member of the technical advisory board for cross connections rules, for the Florida Department of Environmental Protection Agency (EPA). He was also involved with the Committee for American Water Works Association and wrote 14 manuals that were used by the City for regulation on backflow protection.

Les O'Brien, 4303 Northwest 21<sup>st</sup> Drive, Gainesville was sworn and stated the following:

- The American Backflow Prevention Association was working with the EPA encouraging them to take a more aggressive stance on protecting public drinking water

- An EPA study reported that 50% of cross connections that occurred were caused by distribution system outbreaks
- Cross connections were a leading cause of problems
- EPA agreed that each community water system on average experienced a water main break once a week
- When a break occurred public water supply could be contaminated due to the drop of pressure in the system
- Described different types of backflow preventers and their purpose
- Purveyors were responsible for the quality of the public water supply to its customers
- If a private citizen contaminated the water supply and that contamination continued thorough the City's system the City would be liable
- All communities in Florida must have a backflow preventer program in place after November 1977 or could be penalized up to \$10,000 per day
- Upon discovery of a prohibited cross connection the state required disconnection of service to that site
- Installation of a backflow preventer for a small system might cost approximately \$200-\$400
- EPA ruled that if a customer had a usable auxiliary source on the property (such as a well), they must have the highest level of protection at the meter
- It was difficult to monitor private properties that might connect to an alternative water supply

Dave Chatterton asked what a backflow preventer would cost for the situation at 9 Anastasia Boulevard.

Ms. Graham estimated under \$500.

City Attorney Ron Brown made the following comments:

- The City was ultimately responsible for the quality of the public water supply
- The City had the right to take an aggressive stance to insure quality of the water supply
- There was no sure way of preventing property owners from connecting to alternative sources
- The question of potential cross connection was explained by Mr. O'Brien and that included a well on site
- The presence of a well on site presented the potential for a hazard and cross connection
- In regard to case 2009-4309 there was justification for the requirement of the backflow preventer
- The City was responsible for the water supply and the City would take every step possible to insure quality

Mr. Andrade explained that there may be two potential issues with the case; the well and a beauty salon, used chemicals that threaten the water supply without a back flow preventer.

Bruce Maguire, 297 St. George Street, was sworn and made the following remarks:

- The presentation had not addressed his situation
- Gave no definition for the word "potential"
- The well on his property existed for a long time and provided lawn irrigation
- The well was not connected to the building and if it was, he would have installed the backflow preventer
- Agreed that the City could be more restrictive with its requirements than the state
- The governmental agency was mandating something that made no sense
- Asked what triggered the requirement for the review

Mr. Brown asked Mr. Maguire if he agreed that there was a well on the property, and if there was any reason why the well could not be connected to the water supply.

Mr. Maguire confirmed that there was a well on the property, and that there was no reason why it could not be connected to the water supply.

Mr. Brown asked if there was a current system to allow a back pressure to prevent chemicals from getting into the city water supply.

Mr. Maguire said there was not, but, he understood that the issue was the well and not the chemicals used at the salon. He maintained his position that a backflow preventer was not required by law.

Mr. Brown read from the Florida Administrative Code regarding the definition of Cross Connection Sub Section 22, of 62-550.200, definition for public water systems; "Cross Connection - any physical arrangements whereby public water supply was connected directly or indirectly with any other water supply system."

Mr. Maguire said that making a cross connection would be illegal and the city could not regulate with the assumption that someone might, in the future, break the law. He added that according to the testimony given by Mr. O'Brien a backflow preventer was overkill for his situation.

Mr. Brown asked Mr. O'Brien if ground water wells posed the kind of risks of contamination that the state and federal laws were designed to prevent.

Mr. O'Brien replied possibly and continued that the American Water Works policy stated that the water purveyor had a duty to protect the public water supply under all foreseeable circumstances.

Mr. Brown asked Mr. O'Brien if there was anything in the law prohibiting the City from mandating cross flow connectors on all properties.

Mr. O'Brien said the city had the authority to require more than the statutes minimum requirements. He said most communities require backflow preventers on all non-residential uses.

Mr. Andrade asked Mr. O'Brien which device he would recommend for this case.

Mr. O'Brien said a Reduced Pressure (RP) device would be best for the property.

Howard Davis, 128D San Marco Avenue, was sworn and asked if a backflow preventer was required for all wells.

Mr. Knight explained that because there was a change of use, the property was subject to a new evaluation. He said that time the Public Works Department recognized that there was a well on the property and requested a back flow preventer on the building, not on the well.

Mr. Maguire said there was no violation because the Code did not require the backflow preventer, and the license should have been issued.

Megan Mason, 86 Hanna Cole Drive, was sworn and testified that she ran a chemical free salon, and her products could not contaminate the water supply.

## **MOTION**

**Mr. Rosenthal moved to find the case in violation, allowing the respondent thirty days to obtain a Business Tax Receipt/Business License, or a fine of \$250 per day would be imposed. The motion was seconded by Ms. Brown and approved by a unanimous voice vote.**

**Item 4(b)** **2009-4300**  
**Echo House Inc.**  
**100 Martin Luther King Avenue**  
**Unsafe building**  
**City Code, Chapter 8, Section 8-30156**

Mr. Andrade reported the following:

- The case had been continued from March 9, 2010
- There had been no action taken and no communication between him and representatives of the Echo House
- The building remained in an unsafe condition and security had recently been breached
- There were five items required for completion in November 2009, and they had still not been completed
- Reminded the Board that the property was a danger to the public and had been for many months
- Recommended that the Board authorize an abatement of the property by the City

Colin Bingham, 30 Fullerwood Drive, was sworn and made the following comments:

- The restoration plan was complete
- St. Paul's Church AMC received and recorded the deed to Echo House
- Representatives of the Church decided they could not commit to the financial obligation to bring the property into compliance
- He was unable to make contact with Reverend Rawls

There was no public comment.

**MOTION**

**Mr. Davis moved to find the case in violation allowing the Respondent thirty days to correct the violation by repair or demolition or the City was authorized to abate the property. The motion was seconded by Mr. Rosenthal and approved by a unanimous voice vote.**

Ms. Brown asked to be excused and left the meeting at 5:00 PM.

**Item 4(c)** **2009-4297**  
**Harold Simmons.**  
**90 Oneida Street**  
**Unsafe building**  
**City Code, Chapter 8, Section 8-301**

Mr. Andrade reported the following:

- The Case had been continued from March 9, 2010
- The respondent was supposed to have a progress report and a letter from an engineer regarding the safety of the building

Mr. Howard Davis, reported the following:

- He was a friend of Harold Simmons and decided to help him on the project
- Had been through the building and thought it was salvageable
- Did not believe the building was so unsafe that it should be torn down



