



**BALTIMORE CITY COUNCIL
PUBLIC SAFETY AND GOVERNMENT OPERATIONS
COMMITTEE**

Mission Statement

On behalf of the Citizens of Baltimore City, the Public Safety and Government Operations Committee will be responsible for matters concerning public safety, including, but not limited to; emergency preparedness, police services, fire/EMS, and the executive, administrative, and operational functions of the city government and libraries.

**The Honorable Mark Conway
Chair**

PUBLIC HEARING

**Wednesday August 23, 2023
1:00 PM**

CLARENCE "DU" BURNS COUNCIL CHAMBERS

**Resolution 23-0180R
Informational Hearing – Summer 2023 Baltimore City Pool Closures**

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Antonio Glover
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Staff: Anthony Leva

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Staff: Marguerite Currin



SYNOPSIS

Committee: Public Safety and Government Operations

City Council Resolution: 23-0180R

Informational Hearing – Summer 2023 Baltimore City Pool Closures

Sponsor: Councilmember Cohen

Introduced: July 17, 2023

Purpose:

FOR the purpose of inviting representatives from the Department of Recreation and Parks, Department of General Services, the Mayor’s Office of Infrastructure Development, the Office of the City Administrator, and any other relevant parties to (1) report why Cherry Hill Splash Park, Lake Clifton Pool, and Patterson Park Pool have not yet opened for the 2023 season; (2) discuss the impact of these closures on City residents and the ability of the City to secure funding for future infrastructure improvements; and (3) discuss solutions to prevent future closures.

Effective: n/a

AGENCY REPORTS

Recreation and Parks	Will be present at hearing
General Services	Defers to Recreation and Parks
Mayor’s Office of Infrastructure Development	Defers to Recreation and Parks
City Solicitor	Approves
City Administrator	
Office of the Comptroller	No Objection

ANALYSIS

Bill Summary

This bill is intended to conduct an informational hearing regarding the closure of three public pool facilities in the city. The impact of these closures on residents and the ability of

the City to secure funding for infrastructure improvements will also be discussed. As well as solutions to prevent future closures. The Departments of Recreation and Parks, and General Services as well as the Offices of the City Administrator, and the Mayor's Office of Infrastructure Development are being asked to attend.

Background

Three public pools in Baltimore the Cherry Hill Splash Park, Clifton Park, and Patterson Park facilities have been closed for repair this summer.

Funding for the pools:

- The Maryland General Assembly has allocated 3.5 million in funds to fix Patterson Park Pool.
- The City has allocated 10 million in ARPA funds pools.
 - This represents a one-time investment – according to reports Rec and Parks gets less than the average funding for cities of a similar size to Baltimore. Media reports cite a 2019 study from the University of Baltimore that document this.
- The yearly budget for city pools has been:
 - FY22 2,513,107 (actual spent)
 - FY23 2,892,103 (budget)
 - FY24 2,943,655 (budget)

Pool infrastructure:

- Baltimore has 23 pools in its Recreation and Parks systems. 16 of which are currently open, and 6 are currently in some renovation phase. Clifton Park was recently opened on July 21st, 2023, after repairs were made to its mechanical system.
- Paterson Park has had long-standing issues with maintenance.
 - Repairs to the pool were supposed to take place in 2022 – but the Department of Recreation and Parks was not able to find a contractor.
- Pools are supposed to be inspected daily during the open season. Once the pools close for the season they are drained, inspected, and readied for the winter.
- In the spring the pools are inspected again, and needed repairs are effected to make the pool ready for the season.

Maintenance for pools:

- The two currently closed pools include:
 - Patterson Park – which has been closed all summer. Originally maintenance on the pool had been deferred to allow the pool to open to residents during the summer '23 season.

- According to media reports – the pool was not able to handle heavy rain and flooding issues forced the pool to be closed for the summer anyway.
- The pool also has a broken motor – which also kept Clifton Park Pool closed.
- Cherry Hill Splash Park – is closed with maintenance issues. Reported as leaking pipes and has been recommended to replace the entire piping system.
 - Residents in the area have the option of swimming in the indoor pool at the Middle Branch Fitness and Wellness Center.

ADDITIONAL INFORMATION

Fiscal Note: None

Information Source(s): 23-0180R 1st Reader, [Baltimore Brew](#), [Fiscal 2024 Agency Budget Detail, Volume II](#)

Analysis by: Anthony Leva
Analysis Date: July 24, 2022

Direct Inquiries to: 410-396-1091

**CITY OF BALTIMORE
COUNCIL BILL 23-0180R
(Resolution)**

Introduced by: Councilmember Cohen
Introduced and read first time: July 17, 2023
Assigned to: Public Safety and Government Operations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, City Administrator, Department of Recreation and Parks, Department of General Services, Office of Infrastructure Development, Fire Department, Department of Human Resources

A RESOLUTION ENTITLED

1 A COUNCIL RESOLUTION concerning

2 **Informational Hearing – Summer 2023 Baltimore City Pool Closures**

3 FOR the purpose of inviting representatives from the Department of Recreation and Parks,
4 Department of General Services, the Mayor’s Office of Infrastructure Development, the
5 Office of the City Administrator, and any other relevant parties to: (1) report why Cherry Hill
6 Splash Park, Lake Clifton Pool, and Patterson Park Pool have not yet opened for the 2023
7 season; (2) discuss the impact of these closures on City residents and the ability of the City to
8 secure funding for future infrastructure improvements; and (3) discuss solutions to prevent
9 future closures.

10 **Recitals**

11 Public pools are a beloved, taxpayer-funded public amenity. They are critical recreational
12 havens and outlets for Baltimoreans of all ages. Public pools offer youth free, safe, and
13 enjoyable recreation and are a critical part of Baltimore City’s youth violence prevention
14 network.

15 As of July 12, 2023, the Lake Clifton Pool and the Patterson Park Pool have not yet opened
16 for the summer and the Baltimore City Department of Recreation and Parks (BCRP) has
17 announced that Cherry Hill Splash Park will be closed for the summer.

18 In State fiscal years 2022 and 2023, the Maryland General Assembly allocated \$3.5 million in
19 capital funds to fix known, deferred maintenance needs in the Patterson Park pool and bathhouse;
20 however, to date, the necessary repair work has not been completed. The repair work was
21 initially scheduled to begin this summer, but BCRP agreed to delay the maintenance so the pool
22 could open for the summer. Despite this agreed-upon maintenance delay, the opening date of the
23 pool, originally scheduled for May 27, has been postponed multiple times due to technical
24 challenges related to the deferred maintenance.

25 The failure to open public pools is a major disappointment to City residents, reduces trust in
26 City government, and, if grants are not used in a timely manner, may impact the City’s future
27 ability to receive capital funding for similar projects. City government should ensure that pool
28 closures are rare, last resort occurrences, and take decisive steps to limit and prevent future
29 closures of these valued public amenities.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

Council Bill 23-0180R

1 **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BALTIMORE**, That the City
2 Council invites representatives from the Department of Recreation and Parks, Department of
3 General Services, the Mayor’s Office of Infrastructure Development, the Office of the City
4 Administrator, and any other relevant parties to: (1) report why Cherry Hill Splash Park, Lake
5 Clifton Pool, and Patterson Park Pool have not yet opened for the 2023 season; (2) discuss the
6 impact of these closures on City residents and the ability of the City to secure funding for future
7 infrastructure improvements; and (3) discuss solutions to prevent future closures.

8 **AND BE IT FURTHER RESOLVED**, That a copy of this Resolution be sent to the Director of the
9 Department of Recreation and Parks, the Director of the Department of General Services, the
10 Mayor’s Infrastructure Czar, the City Administrator, and the Mayor’s Legislative Liaison to the
11 City Council.

**PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

**23-0180R
AGENCY REPORTS**

CITY OF BALTIMORE

BRANDON M. SCOTT,
Mayor



DEPARTMENT OF LAW
EBONY M. THOMPSON,
ACTING CITY SOLICITOR
100 N. HOLLIDAY STREET
SUITE 101, CITY HALL
BALTIMORE, MD 21202

August 22, 2023

The Honorable President and
Members of the Baltimore City
Council
Attn: Natawna B. Austin, Executive
Secretary Room 409, City Hall, 100 N.
Holliday Street Baltimore, Maryland 21202

Re: City Council Bill 23-0180R– Informational Hearing-Summer 2023
Baltimore City Pools Closures

Dear President and City Council Members:

You have requested the advice of the Law Department regarding City Council Bill 23-0180R. City Council Bill 23-0180R is for the purpose of inviting representatives from the department of recreation and parks, department of General Services, the mayor 's office of infrastructure development, the office of the city administrator, and any other relevant parties to: (1) report white Cherry Hill splash park, lake Clifton pool, and the Patterson park pool have not been opened for the 2023 season; (2) discuss the impact of these closures on city residents and the ability of the city to secure funding for future infrastructure improvements; and (3) discuss solutions to prevent future closures.

In general, Art. III, § 9 of the City Charter and Art. 1, §'s 1-4, gives the City Council authority to call before it, department heads and other City officials, to inquire about the status of the City pools and how pool closures effect the surrounding neighborhoods. The bill also asks for dialogue regarding why the pools are in their current state of disrepair and what strategies are in place to prevent future closures. As such, City Council Bill 23-0180R is an appropriate resolution to discuss with experienced officials the nature of the problems with the City pools and how to restructure the City's approach to repairs and maintenance to keep pools open.

The Law Department approves this bill for form and legal sufficiency as it is a valid method of inviting the appropriate City officials to discuss matters related to maximizing the availability of City pools to the citizens.

Sincerely yours,

Elena DiPietro

Chief Solicitor

cc: E b o n y Thompson, Acting City Solicitor
Stephen Salsbury, Deputy City Solicitor
Matthew Bradford, Chief of Staff
Nina Themelis, Mayor's Office of Government Relations
Sophia Gebrehiwot, Mayor's Office of Government Relations
Tiffany A. Maclin, Deputy Director, Legislative



MEMORANDUM

To: The Honorable President and Members of the City Council
c/o Natawna Austin, Executive Secretary

From: KC Kelleher, Director of Communications & Policy, Office of the Comptroller

Date: August 21, 2023

Re: 23-0180R Informational Hearing - Summer 2023 Baltimore City Pool Closures

The Office of the Comptroller is responding to the request for a report on City Council bill 23-0180R Informational Hearing - Summer 2023 Baltimore City Pool Closures, which is for the purpose of inviting representatives from the Department of Recreation and Parks, Department of General Services, the Mayor's Office of Infrastructure Development, the Office of the City Administrator, and any other relevant parties to: (1) report why Cherry Hill Splash Park, Lake Clifton Pool, and Patterson Park Pool have not yet opened for the 2023 season; (2) discuss the impact of these closures on City residents and the ability of the City to secure funding for future infrastructure improvements; and (3) discuss solutions to prevent future closures.

The Office of the Comptroller has reviewed the bill, and we will be present at the hearing to answer any questions that are relevant to our operations.

CC:

Celeste Amato, Chief of Staff, Comptroller's Office
Nina Themelis, Mayor's Office

FROM	NAME & TITLE	Berke Attila, Director
	AGENCY NAME & ADDRESS	Department of General Services 200 N. Holliday Street, Rm 800
	SUBJECT	City Council Bill 23-0180R

CITY OF
BALTIMORE
MEMO



DATE:
August 8th, 2023

TO The Honorable President and Members of the City Council
City Hall, Room 400, 100 North Holliday Street

Position: Defer to BCRP

The Department of General Services (DGS) is in receipt of and reporting herein on City Council Bill 23-0180R: Informational Hearing – Summer 2023 Baltimore City Pool Closures. DGS defers to the Department of Recreation and Parks (BCRP) and other relevant agencies assigned to this bill.

Legislation Background

This purpose of this resolution is to bring together key City agencies to discuss why certain Baltimore City pools have yet to open for the 2023 season and to discuss necessary infrastructure improvements moving forward to prevent opening delays and closures.

Comments

DGS is not involved in the maintenance, renovations, opening, or closing of Baltimore City pools. We therefore respectfully request to defer to BCRP’s comments.

If you have any questions, please do not hesitate to contact DGS’ Legislative Liaison Annie Fullas at annie.fullas@baltimorecity.gov or at 667-208-0380.

Sincerely,
Berke Attila

Berke Attila
Director, DGS

FROM	NAME & TITLE	Matthew Garbark, Director	CITY of BALTIMORE MEMO	
	AGENCY NAME & ADDRESS	Mayor's Office of Infrastructure Development		
	SUBJECT	City Council Bill 23-0180R: Informational Hearing – Summer 2023 Baltimore City Pool Closures		

DATE:

TO

The Honorable President and
 Members of the City Council
 City Hall, Room 400

August 21, 2023

The Mayor's Office of Infrastructure Development (MOID) is herein reporting on City Council Bill 23-0180R, Informational Hearing - Summer 2023 Baltimore City Pool Closures, the purpose of which is to: (1) report why Cherry Hill Splash Park, Lake Clifton Pool, and Patterson Park Pool have not yet opened for the 2023 season; (2) discuss the impact of these closures on City residents and the ability of the City to secure funding for future infrastructure improvements; and (3) discuss solutions to prevent future closures.

MOID respectfully defers to the Baltimore City Department of Recreation and Parks (BCRP) to report on the details of specific pool repairs. While there are no current federal programs available that could support Baltimore City pools, MOID has listed a few sources below for the Council's awareness of options to secure funding for future infrastructure improvements on City pools. BCRP is already aware of and applies to these opportunities, and can speak more specifically to each grant and how they use them:

- The National Park Service sponsors the **Outdoor Recreational Grant Program**, which has Park districts as well as local government agencies apply for grants to acquire land and plan and develop recreational areas for the public. Eligible projects include swimming pools, picnic areas, campgrounds, bike and walking trails, tennis courts and soccer fields. Water facilities, restrooms and roads are constructed using funds as well as equipment purchases. Grants cover up to 50 percent of the project costs.
- The Department of Housing and Urban Development has the **Community Entitlement Grants program**. Grants are available to construct, renovate or improve community swimming pools in urban areas. The Community Entitlement Grants program awards grants to cities and counties with over 50,000 and 200,000 residents respectively to fund community projects to improve economic development and the living conditions of their residents. Other eligible projects include land acquisitions, construction and rehabilitation of residential and nonresidential structures; the projects help businesses create jobs to advance economic development.
- Maryland Department of Natural Resources has the two grant opportunities.
 - **Community Parks and Playgrounds program** which provides funding to allow the State to focus on restoring existing and creating new park and green space systems in Maryland's cities and towns. The program provides flexible grants to local governments to respond to the unmet need for assistance to rehabilitate, expand or improve existing parks, create new parks, develop environmentally oriented parks and recreation projects, or purchase and install playground equipment in older neighborhoods and intensely developed areas throughout the state.

City Council Bill 23-0180R: Informational Hearing –
Summer 2023 Baltimore City Pool Closures
Page Two

- **Program Open Space – Local** provides \$89.2 million in grant funds to Maryland's counties and Baltimore City to acquire and develop land for public recreation and open space uses. Program Open Space - Stateside includes an additional \$10 million as a direct grant to Baltimore City for projects.


MOID is happy to respond to the Council's inquiries.

Thank you,



Matthew W. Garbark
Director, Mayor's Office of Infrastructure Development

cc: Reginald Moore, Director, Department of Recreation and Parks
Nina Themelis, Interim Director, Mayor's Office of Government Relations

F R O M	Name & Title	Reginald Moore Executive Director	<i>Jamie Smith</i> Chief of Staff	CITY OF BALTIMORE	
	Agency Name & Address	Baltimore City Department of Recreation & Parks 3001 East Drive, Baltimore, Maryland (MD) 21217		MEM O	
	Subject :	City Council Bill Informational Hearing – 23-0180R Summer 2023 Baltimore City Pool Closures			

DATE: August 15, 2023

TO: The Honorable City Council President Nick Mosby
Members of the City Council
14336905086146569502.docCity Hall
100 North Holliday Street
Baltimore, MD 21202

FOR the purpose of inviting representatives from the Department of Recreation and Parks, Department of General Services, the Mayor’s Office of Infrastructure Development, the Office of the City Administrator, and any other relevant parties to: report why Cherry Hill Splash Park, Lake Clifton Pool, and Patterson Park Pool have not yet opened for the 2023 season; discuss the impact of these closures on City residents and the ability of the City to secure funding for future infrastructure improvements; and discuss solutions to prevent future closures.

Representatives of Baltimore City Recreation & Parks will be on hand to present to, and respond to, members of the Committee.

If you have any questions, please contact Jenny Morgan at jmorgan@baltimorecity.gov



Patterson Park Pool: Comprehensive Timeline

- Fall 2019: Issued consultant task for Pool Conditions Assessment of entire BCRP inventory to Floura Teeter
- Spring 2020: Received Pool Conditions Assessment report including analysis of Patterson Park Pool
- FY21 (July 2020): Received \$110,00 in City Bonds for Patterson Pool Design
- 6/19/2020: Issued RFP for design task to GWWO Architects for renovations to Patterson Park and Ambrose Kennedy Pools
- FY22 (July 2021): Received \$1,950,000 in City Bonds for Patterson Pool Construction
- 11/12/2020 – 1/25/2021: Negotiated Scope of Work with GWWO over 5 proposal submissions.
- 2/26/2021: Issued design task to GWWO, Aquatic Design Group, and MK Engineering for Patterson Park and Ambrose Kennedy Pools
- March 2021 – September 2022: Design & Engineering of both sites; Coordination with DPW stormwater management review
- 9/23/2022: Advertised for construction with due date of 11/2/2022.
- 10/18/2022: Issued Addendum #1 to extend the due date to 12/14/2022; At that point, there were no prospective bidders (i.e., no plans purchased)
- 12/14/2022: One bid received from Mainline for \$3,848,000
- December 2022 – April 2023: Reviewed bid for compliance (Audits, MWBOO, etc); As there was only one bidder, Mainline was offered the chance to cure their documents and get into full compliance.
- 4/5/2023: Awarded contract to Mainline with City Bonds from Patterson Pool, Ambrose Kennedy Pool, and surplus funding from Parkview Rec Center, with construction to begin Spring 2023.
- 4/17/2023: CM Cohen & 46th District send a letter to Dir Moore, requesting that Patterson Pool be opened for the 2023 Pool Season.
- 5/3/2023: 1st Patterson Park Flood resulting in the loss of the pool motor and the pool house flooding.
 - Repairs
 - Patriot Pool initiated the repair to the main pool's surface, caulked and patched up cracks and holes in the liner.
 - Fountain Craft installed the new 25 hp pool pump.



Patterson Park Pool: Comprehensive Timeline

- 6/5/2023: Issued Notice to Proceed to Mainline for the start of construction; Mainline immediately mobilized to Ambrose Kennedy to start work; By request of CM Cohen and the 46th, Patterson construction was put on hold until after Labor Day with the hope that it could be pieced together for the Summer 2023 swim season.
- 6/27/23: 2nd Patterson Park Pool Flood due to leaks in the pump room from the main pool and the rainwater.
 - Repairs
 - Denver Elek contracted EGA to:
 - Pump out more than 1,200 gallons of flood water from the pump room
 - Hydro-blast the wastewater drain.
 - Fountain Craft, set up a small tent around the new pump to dry out the pump motor, which took two days.
 - When the pump motor dried out, the pump was turned on
 - The pump operated over the weekend.
- 7/8/23: 3rd Patterson Park Pool Flood
- **7/11/23: CAO Leach informed CM Cohen the pool would remain closed for the 2023 Pool Season**
 - Associated costs attempting to reopen Patterson Park - \$100,684
 - Pump purchase and replacement - \$32,284
 - Pump repair and drying - \$4,500
 - Pool paint and caulking - \$51,900
 - Flood draining and jet blast - \$12,000
- As of Today, we are working with the consultants to stabilize the site, update the scope of work, and to establish a new construction timeline.



CITY COUNCIL RESOLUTION: 23-0180R
RACIAL EQUITY IMPACT STATEMENT
INFORMATIONAL HEARING – SUMMER 2023
BALTIMORE CITY POOL CLOSURES

TO: The Honorable Nick Mosby, President, Baltimore City Council
FROM: Dana Petersen Moore, Director, Office of Equity and Civil Rights
DATE: 08/21/2023

COMMITTEE
Public Safety and Government Operations

RESOLUTION SUMMARY

City Council Resolution 23-0180R was introduced for the purposes of inviting representatives from the Department of Recreation and Parks, Department of General Services, the Mayor’s Office of Infrastructure Development, the Office of the City Administrator, and any other relevant parties to: (1) report why Cherry Hill Splash Park, Lake Clifton Pool, and Patterson Park Pool have not yet opened for the 2023 season; (2) discuss the impact of these closures on City residents and the ability of the City to secure funding for future infrastructure improvements; and (3) discuss solutions to prevent future closures.

RACIAL EQUITY STATEMENT

While the closing of any city pool places a burden on surrounding communities, it is incumbent upon us to recognize that our Black and Brown children and families have endured a disproportionate share of city pool inadequacies for far too long. BCRP taking the steps to rectify the deferred maintenance, outdated systems, and making city pools accessible to all will improve access to quality and safe recreational aquatic facilities for Black, Latine, and other residents of color in Baltimore City. Baltimore City can transcend the historical inequalities that have plagued these community amenities. Such a commitment resonates not only with the principles of justice and fairness but also paves the way for a stronger, more cohesive, and vibrant city that truly values the well-being of all its residents.

Content Warning: The document you are about to read is a Racial Equity Impact Statement (“REIS”), a careful and organized examination of how the topics discussed in City Council Resolution 23-0180R have impacted ethnic groups in Baltimore City. We hope that this assessment sparks a conversation that is brave, empathetic, thoughtful, and open-minded.

Trigger Warning: The following REIS touches on racism, segregation, otherness, and the general harm inflicted upon Black people and other communities of color. Some or all these issues may trigger a strong emotional response. The Office of Equity and Civil Rights encourages you to use this knowledge in the way that is most helpful to you.

<p>Analysis by: Ty’lor Schnella, Legislative Liaison, Office of Equity and Civil Rights (Direct inquiries to Tylor.schnella@baltimorecity.gov)</p>



CITY COUNCIL RESOLUTION: 23-0180R
RACIAL EQUITY IMPACT STATEMENT
INFORMATIONAL HEARING – SUMMER 2023
BALTIMORE CITY POOL CLOSURES

ANALYSIS

There may be omissions of relevant information related to these topics. We encourage you to dive further into research on your own or by using the footnotes as a starting point.

Historic Discrimination and Inequities in Public Swimming Pools

According to social historian Jeff Wiltsie, as outlined in his book "Contested Waters: A Social History of Swimming Pools in America," a pattern emerged during the 19th and early 20th century in the northern United States where municipal authorities constructed numerous swimming pools within low-income neighborhoods predominantly inhabited by indigent, immigrant, and working-class White communities.¹ During the 19th and early 20th century, urban planners notably steered clear of constructing swimming pools in neighborhoods inhabited by Black residents. However, a dramatic shift occurred in the 1920s and 1930s where there was an unprecedented wave of pool construction.² Many of the newly constructed pools were larger than football fields and in-laid in palatial surroundings—plush lawns and concrete sundecks. Paradoxically, at the same time, local government administrators made decisions that would racially segregate pools in many municipalities across the United States, including but not limited to, Baltimore City.³

Black people were typically relegated, if a pool was provided at all, to a small pool that was not nearly as appealing as the large, outdoor resort pools that were provided for White people. For example, the 100 feet by 105 feet “Druid Hill Park Pool No. 2”, as it was originally known, was built in 1921 to meet the recreational and competitive swimming needs of Baltimore City’s sizeable population of Black city residents.⁴ Despite being nearly half the size of the nearby, whites-only Pool No. 1, Pool No. 2 proved so popular that the crowds had to be admitted in shifts. Elsewhere in the city, six separate public pools were well-maintained but off-limits to Black city residents.⁵

Rev. Dr. Martin Luther King, Jr., summed up the toxicity of segregation in the following quote, “Segregation is the adultery of an illicit intercourse between injustice and immorality”.⁶ Immigrants and people of color were frequently denied access to a variety of public facilities used by White people. Often, Black people were targeted as “non-desirables” in communities across the United States. They were excluded, discouraged and in many cases totally prohibited, “legally or extralegally” from using public amenities that included public swimming pools and beaches.⁷ This occurred across the country.

¹ Wiltse, J. (2014). The black–white swimming disparity in America: A deadly legacy of swimming pool discrimination. *Journal of Sport and Social Issues*, 38(4), 366-389.

² Ibid.

³ Wiltsie, J. (2015). America’s swimming pools have a long, sad, racist history. Retrieved from [Washington Post](#).

⁴ Schultz, J. (2013). Lest we forget: Public history and racial segregation in Baltimore's Druid Hill Park. In *Representing the sporting past in museums and halls of fame* (pp. 231-248). Routledge.

⁵ Ibid.

⁶ Ayres, A. (1993). *The wisdom of Martin Luther King, Jr.* New York: Plume Publishing.

⁷ Scott, D. (2014). Race, ethnicity, and leisure services: Can we hope to escape the past? In M. Stodolska, K. Shinew, M.F. Floyd, & G.J. Walker (Eds.). *Race, Ethnicity, and Leisure: Perspectives on Research, Theory, and Practice* (37-50). Champaign, IL: Human Kinetics.



CITY COUNCIL RESOLUTION: 23-0180R
RACIAL EQUITY IMPACT STATEMENT
INFORMATIONAL HEARING – SUMMER 2023
BALTIMORE CITY POOL CLOSURES

The Supreme Court Dives In

Following the 1954 landmark *Brown v. Board of Education*, the U.S. Supreme Court decision integrating public schools, and the 1955 U.S. Supreme Court affirmation of Baltimore City pool desegregation in *Dawson v. Mayor and City Council of Baltimore*, there was a growing body of precedent that, in theory, demonstrated that state and municipal recreational facilities, including swimming pools, should operate on a desegregated basis.⁸ In reality, swimming pools were never truly integrated. Although courts ordered desegregation of the pools, the effect was a transfer of use of public pools from White people to Black people as most White people fled to private neighborhood pools owned by White ‘civic or neighborhood’ groups.⁹

Reaction by municipalities to the integration of Baltimore’s public beaches and pools in the Dawson case was overwhelmingly negative. White swimmers fled desegregated public pools to private neighborhood pools or commercial recreational parks and facilities that remained segregated through the 1960s. In the South, post-*Brown* and *Dawson* Supreme Court decisions, many cities reacted to pool integration litigation by simply closing public swimming facilities rather than operating desegregated pools. Florida’s Attorney General declared, “The idea of children of mixed races in swimming pools is against the public attitude”.¹⁰ Therefore, from the mid-1950s and throughout the 1960s following the Dawson case saw Black people move to litigate pool desegregation and the courts agreed that public pools should be desegregated. Unfortunately, legal victories often led to the unintended social consequence of public pool closings when cities were faced with court-ordered desegregation. The White power structure was not willing to submit to legal precedent and integrate public swimming facilities and instead chose to discontinue providing public pools rather than have the races intermingle in these intimate settings.¹¹

Finally, in the 1971 case of *Palmer v. Thompson*, the U.S. Supreme Court directly addressed the issue after a protracted legal struggle over the closing of the municipal pools in Jackson, Mississippi. In 1962, the city of Jackson, Mississippi maintained public parks, a zoo, golf courses, other public facilities and five public swimming pools. The five public pools were operated on a racially segregated basis, four used by Whites only and one by Blacks only. Black plaintiffs brought an action in the United States District Court seeking a declaratory judgment that this government-enforced example of segregation violated both the Thirteenth and Fourteenth Amendments. The District Court found that state-enforced segregation did indeed deny equal protection of the laws and the Court of Appeals affirmed.¹² In response, the City of Jackson desegregated its public parks, auditoriums, golf courses, and the city zoo. The swimming pools were another matter. Rather than intermingle the races in the intimate setting of public pools, the city of Jackson decided to cease operation of the four public pools it owned and surrendered the lease on the fifth, denying all citizens the use of the pools. In response several Black citizens of Jackson filed a new action to force the

⁸ *Dawson v. Mayor of Baltimore*, 220 F.2d 386 (4th Cir. 1955) (per curiam). Retrieved from [Casetext](#).

⁹ Banks, T. L. (2014). Civil rights and civil justice: 50 years later: Still drowning in segregation: Limits of law in post-civil rights America. *Law & Inequality: A Journal of Theory and Practice*. 32(3), 215-255.

¹⁰ *Ibid*.

¹¹ *Ibid*.

¹² *Clark v. Thompson*, 206 F.Supp. 539 (SD Miss. 1962). 313 F.2d 637 (CA5), cert. denied, 375 U.S. 951 (1963).



CITY COUNCIL RESOLUTION: 23-0180R
RACIAL EQUITY IMPACT STATEMENT
INFORMATIONAL HEARING – SUMMER 2023
BALTIMORE CITY POOL CLOSURES

city to reopen the pools and operate them on a desegregated basis. The Federal District Court and 5th Circuit Court of Appeals held for the city and its contention that operating desegregated pools was justified due to the perceived threats of violence and because the pools could not be operated economically on a desegregated basis.¹³

The U.S. Supreme Court, in a divided 5-4 decision, affirmed the lower court's rulings and agreed the city of Jackson could discontinue operating public swimming facilities rather than integrate the pools. The majority agreed with the city that closing the pools based on hypothetical fears for public safety and potential economic losses did not constitute a violation of the Equal Protection Clause. The city's decision to shut down all public swimming facilities was a weakly disguised attempt to stall integration of the pools, but the court held Jackson did not have an affirmative duty to operate public pools and their closing denied both Black and White people equally.¹⁴

The long-term effects of the Supreme Court's lack of compulsion to recognize the right of maintaining public pools on the same footing as its other decisions involving schools, parks, other public facilities, and marriage, encouraged the decline of municipal pools and White flight to private swim clubs. Palmer led to fewer opportunities for Black parents to teach swimming to their children due to lack of access resulting from fewer facilities. Unfortunately, working class families in urban areas who should have been served by municipal pools were still the group most negatively impacted with limited access to swimming facilities.¹⁵ The legacy of the civil rights era litigation championed in *Brown* was not extended to public pools in Palmer. The Supreme Court was not willing to acknowledge the discriminatory intent behind the closing of the public pools in Jackson, which resulted in diminished access for Black people to public pools for decades thereafter. Because the Supreme Court did not view pools as essential public facilities, the problem persists today.

Challenges to Sustaining Public Pools Across the Country

While substantial strides have been taken in the past 50 years to mitigate inequitable, discriminatory, and segregatory practices surrounding public swimming pools, it is evident that challenges persist. The combined efforts of legal interventions, governmental oversight, and improved recreation planning have undeniably enhanced access to public swimming pools and opportunities for swimming education. However, there remains an undeniable imperative for more significant strides toward achieving true equity in this realm.

Of the myriad obstacles that continue to impede progress, the recurrent closure of existing swimming pools emerges as a poignant concern, particularly for communities of color. Pools that have historically catered to Black and Latino communities now grapple with a host of predicaments: waning attendance, deteriorating infrastructure, violations of health department regulations, and the compounding effect of municipal budget cuts that hamper operational capabilities and vital capital improvements (as noted by the

¹³ Palmer v. Thompson, 419 F.2d 1222 (5th Cir.1969).

¹⁴ Palmer v. Thompson, 403 U.S. 217 (1971).

¹⁵ Banks, T. L. (2014). Civil rights and civil justice: 50 years later: Still drowning in segregation: Limits of law in post-civil rights America. *Law & Inequality: A Journal of Theory and Practice*. 32(3), 215-255.



CITY COUNCIL RESOLUTION: 23-0180R
RACIAL EQUITY IMPACT STATEMENT
INFORMATIONAL HEARING – SUMMER 2023
BALTIMORE CITY POOL CLOSURES

Centers for Disease Control and Prevention in 2016).¹⁶ In many instances, the question no longer revolves around the feasibility of constructing new pools; rather, it centers on how communities can optimize the utilization of existing pool facilities to meet the recreational aquatic needs of their constituents.

Furthermore, establishing a regimen of monitoring pool usage becomes an indispensable administrative practice in the pursuit of equity. With Baltimore City Recreation and Parks already engaged in such monitoring efforts, other municipalities can glean valuable insights from this practice. Monitoring not only serves as a mechanism to ensure fair and inclusive utilization but also functions as a catalyst for informed decisions regarding renovation and maintenance.

In the broader context, achieving comprehensive equity in public swimming pool access entails a multipronged approach. This encompasses targeted investments in pool maintenance and upgrades, community engagement initiatives to bolster attendance and involvement, partnerships with local organizations to support pool operations, and the cultivation of a renewed sense of pride and ownership within these communities. Importantly, these efforts must recognize the historical injustices that have created disparities and prioritize the empowerment of marginalized communities throughout the process.

Baltimore City Pools – Beyond Repair

Baltimore City is currently grappling with a staggering accumulation of 50 years' worth of deferred maintenance on its public pools. This situation has resulted in a multitude of challenges, as many of these pools now exhibit outdated and inefficient systems. The consequence of this is a cycle of exorbitant breakdown repairs and short-term fixes that strain the city's resources.

It is incumbent upon us to recognize that our Black and Brown children and families have endured a disproportionate share of these inadequacies for far too long. The persistent lack of investment in these vital recreational facilities has perpetuated a glaring disparity in access to essential resources. Continuing to ask these communities to accept subpar conditions is simply unjust and unsustainable.

Short-term fixes often provide only temporary relief. Such was the case with Patterson Park Pool, where an unfortunate incident occurred on May 5, 2023, leading to flooding of the pool house and subsequent loss of the pool motor. The city took immediate action by contracting Patriot Pools to address the issue. Repairs were executed on the main pool surface, including caulking and patching holes in the lining. Additionally, Fountain Craft installed a new 25 horsepower pool pump to ensure proper operation.

However, challenges persisted. On June 27, 2023, Patterson Park Pool faced another flooding episode due to leaks in the pump room stemming from both the main pool and rainwater. Once more, the city enlisted contractors to remove more than 1,200 gallons of floodwater from the pump room and perform hydro-blasting on the wastewater drain. Unfortunately, the newly installed pool pump from May suffered damage, necessitating Fountain Craft to establish a protective tent around the pump for a two-day drying process.

¹⁶ Centers for Disease Control and Prevention (2016). Thousands of public pools, hot tubs closed due to serious violations. Retrieved from <https://www.cdc.gov/media/releases/2016/p0519-public-pools.html>.



CITY COUNCIL RESOLUTION: 23-0180R
RACIAL EQUITY IMPACT STATEMENT
INFORMATIONAL HEARING – SUMMER 2023
BALTIMORE CITY POOL CLOSURES

Only after the motor was thoroughly dried and assessed did the pump regain operation, briefly running over the weekend.

The situation repeated itself on July 8, 2023, marking the third instance of flooding at Patterson Park Pool. Consequently, the decision was made to close the pool for the remainder of the 2023 pool season. The financial toll of these efforts was substantial, with the city expending over \$100,000 in attempts to maintain the operational status of Patterson Park Pool throughout the season.

Amid these challenges, it's important to note that these extensive endeavors were pursued while other communities experienced the disappointment of their pools remaining unopened for the entire 2023 season. BCRP is collaborating with consultants to stabilize the pool site, ensuring more enduring solutions moving forward. This commitment to both rectifying the issues at Patterson Park Pool and addressing disparities in access to pool facilities highlights BCRP's dedication to the well-being and enjoyment of all communities within Baltimore City.

Baltimore City Rec & Parks – An Equitable Future Forward

As of August 21, 2023, 77,000 people have made their way to city pools, marking a successful 2023 pool season. Even during the fall and winter months, Baltimore City Recreation & Parks (BCRP) held 8 lifeguard training sessions, resulting in the addition of 92 new lifeguards. In a similar vein, the city hosted 7 teen pool parties, drawing participation from approximately 2,300 young people.

These accomplishments stand as a testament to the remarkable capability of BCRP and its partner agencies to cultivate enriching experiences for city residents, especially the youth, despite challenges. The unwavering commitment to providing accessible and engaging recreational opportunities exemplifies the resilience and adaptability of our city in the face of adversity.

The significant number of visitors to city pools throughout the 2023 season underscores the positive impact of these initiatives on the community. By fostering a safe and enjoyable environment, BCRP and its partners contribute to the physical well-being, social connectivity, and overall quality of life for Baltimore residents. The substantial effort put into training new lifeguards not only ensures the safety of pool-goers but also created valuable job opportunities for young people within the community.

The success of the teen pool parties highlights the ability of the city to tailor events that resonate with the interests of young people. These gatherings not only offer recreational outlets but also nurture a sense of belonging and engagement among the youth population. Amid challenges and obstacles, BCRP's dedication to facilitating such events reinforces its commitment to fostering a positive and vibrant atmosphere for all.

In the larger context, the achievements of the 2023 pool season, the expansion of the lifeguard team, and the popularity of teen pool parties collectively reflect the proactive approach of BCRP and its partners in fulfilling the recreational needs of Baltimore's diverse communities. These successes not only create memorable experiences but also contribute to the growth, health, and happiness of the city and its residents as they stride forward, undeterred by difficulties.



CITY COUNCIL RESOLUTION: 23-0180R
RACIAL EQUITY IMPACT STATEMENT
INFORMATIONAL HEARING – SUMMER 2023
BALTIMORE CITY POOL CLOSURES

Baltimore City's commitment to providing its residents with access to high-quality recreational activities is commendable. The announcement made by Mayor Scott in February 2022 reflects the city's undaunted dedication to improving the well-being and quality of life for its residents. The \$120 million vision for world-class recreation underscores the city's recognition of the importance of creating vibrant and healthy communities that foster physical activity, social engagement, and a sense of belonging.

One of the key components of this ambitious initiative is the allocation of \$41 million in American Rescue Plan Act (ARPA) funding towards the establishment of twenty new playgrounds. These playgrounds not only serve as spaces for children to engage in safe and imaginative play but also act as hubs for families to gather and connect with one another. By constructing these new playgrounds throughout various neighborhoods, the city will ensure that all residents can enjoy the benefits of these recreational spaces.

Moreover, the commitment to adding seven new basketball courts and six new pools demonstrates Baltimore's understanding of the diverse recreational needs of its residents. Basketball courts offer a platform for friendly competition, physical fitness, and community interaction, while pools provide an avenue for water-based activities and relief during the hot summer months. These additions not only enhance the recreational options available to residents but also contribute to the overall social fabric of the city by encouraging interactions and relationships among its diverse population.

Baltimore City's determination to provide these recreational amenities sends a powerful message about its commitment to equity and inclusivity. By distributing these facilities across various neighborhoods, the city ensures that all residents, regardless of socioeconomic background, have equal opportunities to enjoy and benefit from the resources provided. This approach aligns with the city's overarching goal of fostering community cohesion, promoting healthy lifestyles, and improving the overall quality of life for its residents.

Baltimore City's \$120 million vision for world-class recreation, with its emphasis on new playgrounds, basketball courts, and pools, reflects a resilient dedication to ensuring that its residents have access to top-notch recreational opportunities. By investing in these facilities, the city not only improves physical spaces but also strengthens the social bonds that make Baltimore a vibrant and thriving community. This commitment sets an inspiring example for other cities aiming to prioritize the well-being of their residents through strategic and thoughtful investment in recreational infrastructure.

FROM	NAME & TITLE	Faith P. Leach, Chief Administrative Officer	CITY of BALTIMORE MEMO
	AGENCY NAME & ADDRESS	Office of the Mayor 100 N. Holliday Street, Room Baltimore, MD 21202	
	SUBJECT	City Council Resolution 23-0180R Informational Hearing – Summer 2023 Baltimore City Pool Closures	

DATE: August 23, 2023

TO The Honorable President and Members of the Baltimore City Council c/o
Natawna Austin, Executive Secretary

The Office of the City Administrator has completed its review of City Council Bill 23-0180R.

Under the current administration, Baltimore City Recreation and Parks (BCRP) has taken a proactive approach to equitably address the deteriorating conditions of Baltimore City public pools, many of which were constructed in the 1960s and 1970s and have received little to no investment over their lifetime.

In an effort to address aging infrastructure, BCRP engaged consultants to conduct a comprehensive assessment of all City pools in 2019. They have utilized the findings from the nearly 300-page assessment to identify priorities and develop a plan for enhancing all 23 indoor and outdoor pools within the next five years.

Currently, nine pool locations are funded and actively progressing through design, bidding, or construction—Ambrose Kennedy, Patterson Park (Main and Kid pools), Walter P. Carter, Coldstream, Towanda, Greater Model, City Springs, and North Harford.

As of August 21st, BCRP has had over 77,000 visitors at the pools for the 2023 pool season. During the fall and winter months, BCRP held eight lifeguard training classes yielding 92 new lifeguards. Additionally, we hosted seven teen pool parties, resulting in approximately 2,300 attendees.

Nonetheless, the closures of Cherry Hill, Clifton Park, and Patterson Park pools have garnered the most attention as it relates to City pools this summer. While it may be unexpected to the public, it should not be surprising to City leaders. Several of the pools in our current inventory of pools are beyond their useful life after experiencing more than 50 years of deferred maintenance. Outdated and inefficient systems result in leaks that require constant refilling, offer a poor user experience, and are expensive to start up every year.

The Scott Administration is making unprecedented investments in BCRP. In February 2022, Mayor Scott announced a \$120 million vision for world-class recreation which includes \$41 million in ARPA funding for 20 new playgrounds, seven new basketball courts, and six new pools.

**PUBLIC SAFETY AND
GOVERNMENT OPERATIONS
COMMITTEE**

**23-0180R
PUBLIC TESTIMONY**

August 23, 2023

Re: 23-0180R: Informational Hearing - Summer 2023 Baltimore City Pool Closures

Dear Chair Conway and members of the PSGO Committee,

My name is Kimmy Sauer and I am a resident of district one. I live near the Patterson Park pool. The Patterson Park pool is one of the most widely visited pools in Baltimore City, particularly on the east side. Year after year, families come to spend the day as an enjoyable activity for youth and babies, escape the extreme heat, attend planned events like the late night swims and the planned teen swim, get swim lessons or take exercise classes, and more. Over the years, as several of the smaller community pools continued to close, Patterson Park pool became more popular as the alternative.

While I was saddened by the fact that the Patterson Park pool would not open this summer, my biggest concern was the nonexistent communication with the public and the lack of regard for the communities who rely on this pool to escape the extreme heat. Daily, I would break the news that the pool was closed to those families who took the time to load up their cars with their pool stuff and children; families who, in their pool attire, took the bus and would be walking with their kids only to find out it was closed.

Even as of August 8th, BCRP had not updated their website to indicate the Patterson Park pool was closed. (See screenshot of the website below). The families and communities who rely on this pool (as most of the pools on the east side are closed) are incredibly frustrated by this lack of communication as anyone with children knows that it is not a small feat to prepare for a day at the pool and then having to deal with the disappointment of it being closed, but not finding out until you get there.

Additionally, during the time that BCRP did fill the pool, there was zero signage on the building to indicate that it was closed, causing mass confusion as parents scrambled to figure out whether it would be open later or if they should just leave.

BCRP has a responsibility to the public to provide, accurate, up-to-date, and clear communication regarding the closure of its facilities however failed terribly at doing so. This lack of communication caused confusion, frustration, and stress on families with a significant negative impact on the communities.

I hope that my written testimony provides some insight as to how the surrounding communities were deeply impacted. I hope that there is a review of their communications strategies, that leadership holds accountable those who dropped the ball, and that appropriate corrections are made so this does not happen again.

Respectfully submitted,

Kimmy Sauer
District 1 Resident



8:07 📶 100

wish to wear aqua shoes must present a doctor's note stating the need for aqua shoes.

POOL CLOTHING RULES

All persons on the pool deck, while swimming in the pool, are required to wear proper swim attire. All swimwear must have a liner. All swimwear must be in good condition. All swimwear must be clean and free of any tears or holes.

Why do I have to wear proper swimwear?

- Swimwear is designed to protect you from sunburn and other harmful rays.
- Swimwear is designed to protect you from getting lost in the water.
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- Swimwear is designed to protect you from getting lost in the water.

It is also a concern for liability in pools.

Swimwear that is torn, frayed, or otherwise damaged can cause the swimmer to become less effective at maintaining the proper chemical balance in the water.

ALLOWED	NOT ALLOWED

Teen Zone Parties

- 6/23: Druid Hill Park
- 6/30: Riverside Park
- 7/7: William McAbee
- 7/14: Roosevelt Park
- 7/21: Lake Clifton
- 7/28: Middle Branch
- 8/5: Patterson Park

LOCATIONS

bcrp.baltimorecity.gov — Private



Baltimore City Council Committee Hearing Attendance Record

Subject: City Council Resolution – Informational Hearing – Summer 2023 Baltimore City Pool Closures	Bill #: 23-0180R
Committee: Public Safety and Government Operations	Chair: Mark Conway
Date: Wednesday, August 23, 2023	Time: 1:00 PM
Location: Clarence "Du" Burns Council Chamber	

PLEASE PRINT CLEARLY

CHECK HERE TO TESTIFY



First Name	Last Name	Address / Organization / Email	Testify	What is your position on this bill?		Lobbyist: Are you registered in the City?*	
				For	Against	Yes	No
John	Doe	400 N. Holliday St. Johndoenbmore@yahoo.com	✓	✓	✓	✓	✓
Brian	Baker	1203 Bethlehem Ave Fitness Fun & Games SD@fitnessfunandgames.org	✓				
Ernest	Le	231 N Port Street Patterson Park Neighborhood	✓				
Colin	Thompson	CLIA (Community LAW IN Action)	✓				

*NOTE: IF YOU ARE COMPENSATED OR INCUR EXPENSES IN CONNECTION WITH THIS BILL, YOU MAY BE REQUIRED BY LAW TO REGISTER WITH THE CITY ETHICS BOARD AS A LOBBYIST. REGISTRATION CAN BE DONE ONLINE AND IS A SIMPLE PROCESS. FOR INFORMATION VISIT: [HTTPS://ETHICS.BALTIMORECITY.GOV/](https://ethics.baltimorecity.gov/) OR CALL: 410-396-4730



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Lucia Islas		5631 Carter Avenue Balto Md 21224 islasmenendez1996@gmail.com					

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