

23  
6-13-15

## Jackie Henderson

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**From:** rob@krupicka.com  
**Sent:** Thursday, June 11, 2015 1:44 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #74750: Mayor, Vice Mayor, City Council Dear Mayor, Vice-Mayor and Council,I

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74750.

### Request Details:

- Name: Rob Krupicka
- Approximate Address: No Address Specified
- Phone Number: 703-585-9428
- Email: [rob@krupicka.com](mailto:rob@krupicka.com)
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Mayor, Vice-Mayor and Council,

I understand you are considering changes to the city's pool ordinance. As somebody that was on the Council when the ordinance was adopted, I wanted to share my thoughts with you.

1) When we passed this very long ordinance it was not clear that there would be such a material difference between how a multifamily building would be treated versus a private home.

2) Multifamily building tenants (condos and apartments) should not be treated differently than people who have/can afford stand-alone homes with their own pools. In fact, the risk that a child in a single family home falls in a pool without supervision seems much higher than in a multifamily situation where it is more likely there are other people at the pool at the same time.

3) It seems to make sense that multifamily pools that are relatively shallow (3 feet or less) should be given some kind of special dispensation. Again, why would we treat residents of condos or apartments different than those that have their own single family home? I understand this ordinance change is focused on condos, but I'd argue it should be broadened to include all multifamily buildings. It is patronizing for the city to say people in multifamily buildings are somehow less responsible around a pool than single family home-owners. It also drives up the cost of multifamily units for owners and renters. It also discourages new buildings to add pools.

4) I know you are going to hear a lot of talk about safety. You should consider that. But I also think you have an obligation to consider reasonableness. Unless you are willing to tell private home-owners they need lifeguards, you shouldn't be telling condo owners they have to have them.

5) There are companies that have created industries around recruiting lifeguards from other countries to work. These companies will likely contact you to keep the rules as they are. These companies may fund lobbying efforts to create rules that require lifeguards. It is in their financial interest to do that, but that isn't an issue of safety. Government shouldn't be artificially propping up business through regulations like this.

6) My donut shop is in a building with a pool. It is a nice place to site and do work sometimes. Most of the time the pool is empty, but there is a lifeguard sitting their reading or playing on their phone. I am sure this happens all over the city. This ordinance has created a cost for the building tenants that private home-owners don't have to pay.

7) There are a lot of risks in life. City pools, with lifeguards, have risks and have had accidents. It is appropriate to encourage lifeguards, but treating one type of home different than others is arbitrary. One of the great things about insurance is that it puts a cost on these things for property owners. You pay more if you have a pool and

you are often incentivized with lower rates to hire a life-guard or use other safety measures. That free market approach seems pretty reasonable.

8) If you are concerned about children, as you should be, please consider making it clear that pools in multifamily buildings can't be used by kids without an adult present. That is an easy, low cost, way to ensure children are being properly watched. Folks shouldn't have to hire a lifeguard for that, especially if the pools are 3 feet deep or less.

Thank you for your thoughtful consideration of this issue.

Best Regards,

Rob Krupicka

- Expected Response Date: Thursday, June 18

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Jackie Henderson

23  
6-13-15

**From:** steve@highsierrapools.com  
**Sent:** Friday, June 12, 2015 9:16 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #74911: Mayor, Vice Mayor, City Council No descriptive text provided

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74911.

**Request Details:**

- Name: Steve Lavery
- Approximate Address: No Address Specified
- Phone Number: 2022556768
- Email: [steve@highsierrapools.com](mailto:steve@highsierrapools.com)
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: No description provided.
- Attachment: [The City of Alexandria.pdf](#)
- Expected Response Date: Friday, June 19

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**HIGH SIERRA POOLS**  
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VA, MD, DC 703.920.1750  
NEW YORK 914.374.4099  
BOSTON 781.467.9608  
FAX 703.920.1750

June 12, 2015

RE: Docket for Public Hearing: June 13, 2013 - Amend City code Section 11-11-5 of Article A and Section 11-11-43 Article 1 of Chapter 1 (Swimming Pools, Spa Pools and Health Clubs) of the City of Alexandria Code

To: The Honorable Mayor and Members of the City Council, City of Alexandria, VA:

High Sierra Pools, Inc. has been operating commercial swimming pools for the last 20 years throughout The City of Alexandria as well as swim facilities throughout the East Coast.

High Sierra Pools opposes this amendment for the following reasons:

1. High Sierra Pools (along with the Swimming Pool industry) has a substantial database of rescues and first aid given to residents of The City of Alexandria at small swimming pools (such as Oronoco) over the past several years. Sierra's database is a long term collection of incidents which provides a undeniable record that Lifeguards stationed at small pools are needed and do make a substantial difference in the level of public safety to the residents of The City of Alexandria. Sierra would be happy to collect and share the information with the City Counsel.
2. The authors of the amendment assert that it is a financial burden for 64 residents living at the Oronoco to pay for a Lifeguard's salary during the summer. Please allow me to provide the exact costs of operating a swimming pool identical to the Oronoco pool: The swimming pool opens from 12:00 noon to 8:00 pm every day for the summer, it will cost a total of \$17,000 for the summer.

50% of the total cost is made up of costs not associated with the employment of a Lifeguard such as: chemicals, insurance, spring opening and winterization of the pool which will have to be done regardless if a Lifeguard is employed or not.

50% of the total cost is the Lifeguard's salary of \$8,500 for the summer.  
Therefore, for the 64 residents of Oronoco, the Lifeguard's salary will cost each resident \$0.36 cents a day annually.

Considering that the Oronoco Condominiums are currently selling for between 1.1 million to 4 million dollars each, the financial burden for the additional safety of a first responder standing on the deck of the pool seems to be reasonable and well balanced.



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3. Currently, The City of Alexandria has an existing process to apply through the Health Department to be exempt from the Lifeguard requirement. This proposed amendment circumvents existing safeguards which have been put in place to protect the public safety. The Health Department Director is a reasonable and trustworthy safety expert with years of experience specifically in the field of Swimming Pool Management. To circumvent his opinion is counter intuitive and ignores years of "in the field" experience on the subject.
4. The most basic responsibility for the City of Alexandria is providing for the public safety. The amendment is a thoughtless attempt to erode a well-balanced system of Lifeguards serving as first responders with a proven track record of providing needed immediate and lifesaving skills to residents of The City of Alexandria over the past many years. Without a first responder on the pool deck, the statistics clearly show drowning and near drowning victim's survival is extremely low.

If any of the council members have any questions please don't hesitate to contact me.

Sincerely,

Steve Lavery,  
President  
202.255.6768 cell

**Jackie Henderson**

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23  
6-13-15

**From:** cdigiovanni@apsp.org  
**Sent:** Friday, June 12, 2015 5:52 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #74905: Mayor, Vice Mayor, City Council Please see attached letter from APSP

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74905.

**Request Details:**

- Name: Carvin DiGiovanni
- Approximate Address: No Address Specified
- Phone Number: 703 647 2544
- Email: [cdigiovanni@apsp.org](mailto:cdigiovanni@apsp.org)
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Please see attached letter from APSP
- Attachment: [APSP Comments on Alexandria Code.pdf](#)
- Expected Response Date: Friday, June 19

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*The Association of  
Pool & Spa Professionals®*  
REFLECT SUCCESS

June 12, 2015

From:

Carvin DiGiovanni  
Vice President Technical and Standards  
Association of Pool & Spa Professionals  
2111 Eisenhower Ave  
Alexandria, VA 22314

Docket for Public Hearing: June 13, 2013 - Amend City code Section 11-11-5 of Article A and Section 11-11-43 Article 1 of Chapter 1 (Swimming Pools, Spa Pools and Health Clubs) of the City of Alexandria Code

The Honorable Mayor and Members of the City Council, City of Alexandria, VA:

The Association of Pool & Spa Professionals (APSP) is opposed to any Ordinance to eliminate the requirements for lifeguards for certain private pools to reduce regulatory requirements for pools with fewer members. The primary layer of protection in preventing drowning is constant adult supervision. To reduce this primary layer of protection or restrict it in any way will only increase the probability of preventable drowning.

The Association of Pool & Spa Professionals (APSP) is the world's oldest and largest association representing swimming pool, hot tub, and spa manufacturers, distributors, manufacturers' agents, designers, builders, installers, suppliers, retailers, and service professionals. Dedicated to the growth and development of its members' businesses and to promoting the enjoyment and safety of pools and spas, APSP offers a range of services, from professional development to advancing key legislation and regulation at the federal and local levels, to consumer outreach and public safety. APSP is the only industry organization recognized by the American National Standards Institute to develop and promote national standards for pools, hot tubs, and spas.

Sincerely,

Carvin DiGiovanni  
Vice President, Technical and Standards



23  
6-13-15

## Jackie Henderson

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**From:** abahrami@sunsetpoolsmgmt.com  
**Sent:** Friday, June 12, 2015 3:44 PM  
**To:** City Council; City Council Aides; Jackie Henderson; Call Click Connect; Gloria Sitton  
**Subject:** Call.Click.Connect. #74884: Mayor, Vice Mayor, City Council Dear Council Members,After reading t

Dear *Call.Click.Connect.* User

A request was just created using *Call.Click.Connect.* The request ID is 74884.

### Request Details:

- Name: Auteen Bahrami
- Approximate Address: No Address Specified
- Phone Number: 202-524-6248
- Email: abahrami@sunsetpoolsmgmt.com
- Service Type: Mayor, Vice Mayor, City Council
- Request Description: Dear Council Members,

After reading the proposed addition of the definition of limited access pools in section 11-11-5, and the proposed amendment 11-11-143 of Article I (Exemptions and Alternate Provisions to the Aquatic Health Ordinance) of Chapter 11 of Title 11 of the City of Alexandria Code, which would exempt limited access pools from sections 11-11-10 (pool operator requirements) and 11-11-63 (lifeguarding and pool operator requirements), I would like to bring your attention to the serious dangers in adopting this new amendment, and the reasons why it would be a mistake to adopt this new amendment that sets back the City of Alexandria's proven success with its lifeguarding and pool operational regulatory program.

For decades the City of Alexandria has been encouraging and regulating safe and hygienic facilities and behaviors throughout their entire communities by enforcing sections 11-11-10 and 11-11-63 for all applicable pools. Their program has saved thousands of lives, responded to thousands of serious injuries, and prevented the spread of recreational water illnesses that would have easily spread throughout the community at large, affecting nearby cities and counties as well.

Before making their decision, I would encourage our esteemed members of the Alexandria City Council to review the resourceful findings of the CDC Injury Prevention report titled Lifeguard Effectiveness: A Report of the Working Group. The Executive Summary on page vii of the report provides a useful guide by which policy makers should decide whether lifeguarding should be required at a facility. The Introduction on Pages 1 through 4 show statistical findings made by many individuals and organizations including the American Red Cross, YMCA, and USLA that show the number of lives saved thanks to the presence of lifeguards throughout the past few decades, and show how the vast majority of drowning deaths occurred at unguarded locations.

The City Council Members should be wary that limited access pools would not be a safe alternative to providing lifeguards and pool operators. A facility that serves 65 members of a homeowners association would in reality be serving nearly 250 individuals if we were to consider that each member has an average of 4 family members. Just because these members would have limited access to the facility does not mean they will be more alert to the dangers present at the facility or even act responsibly. These facilities will eventually, in one way or another, be neglecting the health and safety of their community members. Residents of these communities that do not agree with these amendments would be forced to comply with these degraded standards that put their lives and health at risk.

That is why our esteemed members of the Alexandria City Council should consider the evidence of the effectiveness of lifeguards, along with considering the following recommendations outlined in the Executive Summary of the CDC report before making their decision:



- Lifeguards in the City of Alexandria promote and enforce safe and hygienic behavior, so that patrons are well aware of the consequences of their actions and cleanliness when sharing a swimming pool facility with other members of their community.
- A limited access pool does not ensure that members would be constantly alert and aware of the persistent dangers when using a swimming pool facility. Whether there is just a single user at the facility or all 65 members of the homeowners association and their families, there will always be a constantly present danger that requires the presence of a professionally trained lifeguard and pool operator to ensure their health and safety.
- For years, these pools that wish to be designated as limited access pools and have their lifeguarding and pool operator requirements waived, have all enjoyed a success rate of having no drowning fatalities thanks to the continued efforts of the Alexandria Health Department. With the removal of these requirements, members of communities with limited access pools would be at a significantly greater risk of life-threatening injuries, drownings, and the spread of recreational water illnesses.
- On average, 4000 people die from drowning in the United States per year. According to the Virginia Health Department's Injury Prevention Program, between 2005 and 2009, there were 464 drownings in Virginia, with drowning being the #1 leading cause of deaths for children between 1-4 years old, the majority of which drown in pools less than 4 feet deep with adult supervision.
- There are numerous types of serious injuries that require a response by a professionally trained lifeguard. Neck and spine injuries, heart attacks, strokes, puncture and laceration wounds, and waterborne illnesses.

Lifeguarding and pool operating is not just about scanning the pool and adding chlorine and acid. These professionally trained individuals maintain safe and sanitary chemicals through the use of proper lifeguarding and first aid techniques, measurement and use of many different chemicals, and numerous cleaning duties to prevent unsanitary conditions. Chemical levels can also fluctuate rapidly and unexpectedly at times, which is why lifeguards are required to take chemical readings every hour and post them for their guests. Lifeguards are not the only line of maintaining a properly operating pool, because those lifeguards themselves have weekly supervisor inspections, safety auditors to test their rescuing knowledge, and finally the Health Department that ensures the proper functioning of the facility.

These amendments would not account for any of these rigorous demands, which would be impossible for these communities to provide with an "on-call pool operator within 30 minutes from the facility," who would "maintain records at least twice daily," according to the wording in the amendments. The passage of these amendments would lead to various cases of negligence by these limited access facilities. To date, Northern Virginia, and especially the City of Alexandria have upheld a standard of health and safety that has successfully prevented the deaths of thousands of lives, assisted many with life-threatening injuries, and prevented the spread of recreational water illnesses throughout the community. These programs have been successful for nearly a century and we are constantly improving our methods to ensure healthier and safer swimming facilities for our communities to enjoy. These proposed amendments would neglect all of these proven achievements that have been made over these years, and instead favor the idea of patrons swimming at their own risk like it was before lifeguarding was introduced as a profession 100 years ago, when there were nearly 9000 drowning deaths per year, with a significantly less population than we have today. It would be in the best interest of the City of Alexandria to prevent these amendments from passing.

I appreciate the time you have spent in reading this letter and the attention you have given to the details of this important issue. I hope that you find the information referenced as a useful tool in making an informed decision about this alarming development that risks the health and safety of all of the members of those with limited access pools, and their surrounding communities. It would be in the best interest of the City of Alexandria to prevent these amendments from being passed.

Sincerely,

Auteen Bahrami  
Head Pool Operator Instructor  
Director of Safety and Regulations  
Sunset Pool Inc  
202-524-6248

- Expected Response Date: Friday, June 19

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