

ACPS School Board Meeting on December 5, 2013

Transcript of the Video about Lights on T. C. Williams Tennis Courts

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This transcript was prepared by Nancy R. Jennings on December 8, 2013 using the video of the ACPS School Board meeting at http://acpsk12va.granicus.com/ViewPublisher.php?view_id=2. Not an easy task, any corrections welcome.

School Board Members present:

Karen Graf—Chairman
Justin Keating—Vice Chairman
Stephanie Kapsis
William Campbell
Marc Williams
Ronnie Campbell
Patricia Ann Hennig
Kelly Booz
Christopher Lewis

ACPS Employees present:

Dr. Alvin Crawley, ACPS Interim Superintendent
Tammy Ignacio, Chief Administrative Officer, ACPS
William Finn, Director, Educational Facilities, ACPS

02:01:34

Chairman Graf: Dr. Crawley, our next item, I had spoken to you about this afternoon, which is the T. C. tennis courts update. This Tuesday there was a Planning Commission meeting, and I thought it might be a good idea to inform the Board and to see what kind of future advocacies we could do here.

Dr. Crawley: So, there was a Planning meeting, and I'm going to ask Bill Finn to give us an update of that meeting.

Mr. Finn: Thank you Dr. Crawley. Thank you Madam Chair. As noted we had a Planning Commission meeting on the T. C. Williams tennis courts Tuesday night at City Hall and to kind of give you the bottom line up front. The good news is the Planning Commission did approve the

concept of tennis courts being built--six tennis courts being built--adjacent to the parking garage at T. C. Williams High School. The unfortunate thing is they specifically modified the recommendation from the staff to delete the lights.

There was a lot of community members that showed up for the Planning Commission discussion and spoke. And I will also tell you the tennis team showed up, in fact a couple of the students spoke very eloquently about the need for the courts. The community members were even quizzed a bit by the Planning Commission members a little bit about what is the, what is their concern with the lighting in particular because I believe we did a pretty good job of helping to communicate the mitigation and the design measures put in place for the lighting specifically. In fact the staff report had some good visualization as well as the presentation to show that you take a few steps beyond the court the lights really are not visible and with the berms and with the landscaping that will also help mitigate the noise. In fact, the lights being shorter based upon community engagement we provided some thoughts and based upon the community feedback on all the meetings we had the lights are actually shorter than the lights on the adjacent parking garage as well.

But at the end of the day, and I will say kudos to the community members, they were very honest and straight forward and they clearly said, and I think the point was, that they were very concerned on the City going back on the negotiations that were held when the high school was built not to put lights on the athletic fields and in fact in the conditions there was a specific reference to the practice field, which happens to be the location where the tennis courts are going. And so, I think at the end of the day, the vote was three against, it was two for the lights, and one that abstained but who I believe was for the lights but wanted to make sure that a 3-3 vote would not then jeopardize the approval of the tennis courts themselves.

There was some concerns from community members who felt like they were only notified on the 23rd of September at their civic association meeting about the lights. The staff report had provided kind of a generic "we had meetings this month with these civic associations" didn't really go in a lot of specificity so we're going to ensure that the staff report has the specificity. In fact, we even, in fact, I found an email tonight where we reached out in August to the—I may say this term incorrectly—the Construction Advisory Committee to T. C. Williams which is a specific condition of the high school to be sure that they are engaged. We reached out to them on a couple of occasions and had some challenges getting them together for a meeting so we actually had several community meetings that we tried to get them to go to and we went to several civic associations.

So at the end of the day, Parks and Rec's representative was there as well and spoke on behalf of the courts. And I would tell you honestly, one lesson learned is, I think, those folks that we had speaking such as the RPCA and the tennis team and all probably didn't speak strongly enough in support of the lights, so we will be working on that. So the next step in the process

is, as I mentioned, the Planning Commission did agree to push forward the tennis courts themselves to get the major amendment to the DSUP that we have for the High School on the City Council calendar on the 14th of December, so a week from Saturday, but their recommendation against approving the lights and against changing existing conditions for the High School.

Chairman Graf: Mr. Williams and then Ms. Hennig.

Mr. Williams: So, let me make sure that I understand. For one I'm very disappointed, I mean, well. On the one hand I'm very happy the tennis courts are on track to be built; that's the most important thing. I want our students to play their matches there in the spring hopefully but, I guess what I'm not understanding see what you're saying is if it moves forward then if the lights have to be added then a separate DSUP will have to be adopted? Is that what you are saying?

Mr. Finn: So, Mr. Williams, we will get a major amendment to the DSUP to build tennis courts but the existing conditions that don't allow lighting will remain in place. So, for us to try to put lighting in there at some later point in time, we will have to go through the process again to get the major amendment to the DSUP again to approve lighting at that site.

Mr. Williams: Can I have a follow up? And what you're saying, so, secondly what I hear you saying is that the substance of the opponents arguments was that a deal is a deal. Is that basically what it was already agreed to 10 years ago or whenever [unclear "before the construction was"]

Mr. Finn: Construction, about six or seven years ago, others may have better clarity on that. They felt like the community members, and again I applaud their honesty, they felt like they had to draw a line and say this was the deal that we negotiated in good faith and we feel like if we allow lights here, then there may be other requests for lighting around that area--i.e. the stadium--at a later date as well so they needed to kind of draw the line.

Chairman Graf: Ms. Hennig and then Mr. Keating.

Ms. Hennig: Well, actually that's been an update of an agreement that was made 15 years ago originally and then it was made even tighter when the new T. C. was being built. I'm just surprised that we apparently don't have a copy of that written agreement floating around in here, so that we could have seen that there would be a problem with lights before this whole thing started. It's been in place, it was approved by City Council. It was approved by, it was agreed to.

Mr. Finn: It was approved for lights?

Ms. Hennig: No, the agreement not to have lights. It's on the books. It's on the City's books. So I don't understand why we don't have a copy of it apparently here.

Chairman Graf: I want to know. Is there actually a copy?

Ms. Kapsis: Is there such a thing?

Ms. Hennig: Yeah, it was issued. It was also printed in the paper last week actually.

Mr. Finn: What I had Ms. Hennig was a copy of the conditions that was part of the DSUP for the High School that said specifically no lights. So when we consulted with the staff as requested by the School Board in the past about possibly putting lighting on the tennis courts, we worked with staff and we thought what we had done addressed the issues; i.e. light spillage and noise from the lights with all the design efforts made in place. So we knew the lights were not allowed but we also knew that the process of going through a major amendment to the DSUP would at least allow us to revisit those decisions and see if we would be allowed to do that. The Planning Commission as I told you what their recommendation was to City Council.

Chairman Graf: Mr. Keating

Mr. Keating: Good evening, Mr. Finn. At some point I recall, maybe I think I recall reading a memo from you, that you talked about even though the lights aren't going to be allowed that the engineers or the constructors or whatever were going to build the conduits and junction boxes so at some point later if we convince the powers that be to let us have lights you don't have to do any new construction, it's all ready to get the lights, you can just install them pre-fabed for it. Is that true?

Mr. Finn: In the budget right now, I feel that I have the funds where I can run the conduits and the junction boxes.

Mr. Keating: And that would be consistent with the City's permitting us? Or would that be against the spirit of their ruling?

Mr. Finn: Honestly, I think that would be against the spirit of it. They say no to lights. And obviously, I'm speaking as an engineer; I honestly cannot speak on behalf of how the Planning Commissioners, City Council members would see or heck residents see me putting conduit in the ground for the project and how to do that. So, what will need to be done, and we'll have to coordinate that with City staff, and I'm just not familiar with the process, again, engineer not necessarily a lawyer and understanding that kind of a regime. But will need to talk to the staff about well by not . . . If the City Council says no; you can have the courts but not the lights, would they allow us to put conduits and junction boxes in or not. That'll be the discussion I'll need to have with City staff.

Mr. Keating: So I'll go back and ask an engineer question, which is a better idea. If you don't put conduits and junction boxes in now and in five years—for whatever the tides change and they say we can put in lights—will that be a problem functionally, engineering wise, for you to go back and set it up for lights?

Mr. Finn: I think it could be more costly, because what we'd be able to do now is run conduit and all that stuff under the courts would be a little bit more efficient with that I would not necessarily be eager to take new courts and run trenches back through them and then patch them. It could be done technically but it could be costly.

Mr. Keating: I'd like to this is informal but I'd like to see something where we can clarify with the City; **we budget for it, let us build the conduits and junction boxes** and we'll fight the battle another year for lights. That's my view; my preference.

Mr. Campbell: Yeah, I'm going to go on record that I certainly support lights on the tennis courts and personally that I support lights on every field that we have in the City. But there is a question here. I know that we have a copy of the use permit and certainly as time goes by use permits are modified and updated stuff like that. **I think the real question is whether or not there is in writing this gentleman's agreement associated with the school and why the use permit says no lights.**

Mr. Finn: Mr. Campbell, all I've been able to find in my discussions with City staff are the conditions that were put in the DSUP. There may be something in writing but I am certainly not privy to it.

Chairman Graf: Here she comes, Ms Ignasio.

Ms. Ignasio: So, as you may know there aren't lights on any City fields. So, in some ways the **citizens have won that battle for many years.** But when we went into . . . There are some . . . what I meant by football fields . . . I meant around St. Stephen's, BI, I should clarify that . . . we have some soccer fields that are in less residential areas . . . I should clarify residential areas as opposed to the new Duke Street Witter fields and that . . . and less residential areas we've been able to put some lights, but I don't believe we have any football fields in this City . . . Episcopal does have lights . . . that's it . . . set down in the hole if you will [arms gestured in shape of the bowl].

When we designed the new T. C. Williams High School . . . when I look around you guys were probably in high school, except for Ronnie . . . I'm getting kinda scary here [laughs] . . . and we started that process . . . we had very lengthy conversations for several years prior to even breaking ground and **one of the agreements was that we once again would turf that field but that we would not put any conduits in and we would never put lights on that field. And that is in the by-laws and the guidelines set forth and we had to have monthly meetings with the surrounding neighborhood jurisdiction**—and that surrounds the back part of the Seminary Hill group and valley—on a monthly basis and update them on where we were as far as construction noise, even as far as lights in the back of the building that may shine in somebody's back yard. We had to relocate those. Move those as it **pertained to the by-laws.** So, and I believe, correct me if I am wrong, is that it's not necessarily the community across the

street that would be directly affected by these lights but it is the community that is part of the building of the school that is part of this community group that is concerned about the lights and that has mostly recently signed the letter to the City concerning the lights because of the concern that that may grow and there may be lights added.

Chairman Graf: So, so, if there are other questions.

Mr. Williams: I endorse what Mr. Keating is asking for.

Ms. Kapsis: I agree

Mr. Williams: Notwithstanding. Do we need to have our attorney involved in this process? Would that be helpful?

Ms. Ignacio: The benefit to doing this really lies on the side of the City. And so, where we really need to get I mean really it's a direct benefit to the City itself, because it will allow us the opportunity to open it up to the City and the public on the hours that the tennis players aren't using it . . . they're going to be using it during light time . . . so I believe at one point there's a comment made by our Athletic Director and our Tennis Coach that indicated that we personally may not need those lights. And that could possibly be the case because we play the majority of our games right after school before 5 o'clock. It would be more beneficial for us to have lights if we had a late game, but the ultimate benefit is for our community, the public, our rec use, etc. And will open the opportunity for those courts to be utilized by more than just our T. C. Williams tennis group. So I would think that the City would want to advocate more.

Chairman Graf: So that's what my next question was going to be. About what's our next step about advocacy? Because the City it's going to be on their docket on the 14th correct? And the recommendation from the Planning Commission will be not to approve lights, but they will still have the opportunity to approve lights. Does that mean they will have to amend this like agreement that has been set out.

Ms. Ignacio: My understanding is that the by-laws themselves are not, correct me if I am wrong, are not specific to T. C. Williams property not to T. C. Williams football field. So my my . . . they would have to amend the condition of the DSUP.

Chairman Graf: Essentially, I'm thinking that there might have been a missed opportunity to get involved in advocacy at the Tuesday night Planning Commission or prior to that. Maybe it was naïve to think that it would split out like this, but I'm wondering now if we could maybe plan to have a showing there and get on their speaker's list. Perhaps we can contact our City liaisons. Find out on City Council who feel like they may give us a blessing on this and with that advance this. I don't want to take a risk at this point now of getting to the final thought and not having them allow us to build the conduits at the very least when we are not yet there with the

funding for the lights. Correct? So really, what we are trying to do is give ourselves the opportunity.

Ms. Ignasio: I definitely it needs some more conversation around the impact of not putting the conduits there for later use. And the fact that **the funding isn't there**, and we're certainly not asking them for the funding to put the lights there, we just want to make it available should the opportunity present itself. And I think they do too. In fact, I think we were all very surprised by the outcome of the meeting on the Commission or we would have been there and been a little more vocal, and I think that Bill was surprised as well.

Chairman Graf: This time, let's maybe, it's short timing, it's a week from Saturday. Do you have any ideas around this?

Ms. Campbell: My thought is that the longer you wait, we already know, it's going to cost more money than if we do it after the fact. But just the fact that it cost more money the longer we wait to do any construction anyway—the costs go up the labor goes up—if we could get that approval now, get it done now; the advantage is the financial savings later as well. I mean we're going to be paying an additional cost for the lights if it ever gets approved because that will be down the road but at least the savings that we would have from getting the conduits in there now would be really helpful.

Ms. Ignasio: I also think that Mr. Finn is being a bit kind. The potential damage to the courts if you try to run those lines after you've already built them is significant. So you are not only taking about running those lines—I've learned an awfully lot about construction, everybody should be impressed—but also about cracks because you are also looking at the possibility of having to resurface the tennis courts.

Ms. Campbell: And being a tennis player, when my ball hits one of those cracks, I am mad because you want a smooth surface.

Ms. Ignasio: We've waited a long time and we're putting a lot of money into this. So it would be beneficial to everybody to at least have the support in place should we ever have to put these lights in place.

Chairman Graf: So, how about this, we . . . I could work to formulate a letter and perhaps put our signatures on it if there is no objection and then we could also contact our individual City liaisons and maybe mid-week I could just touch base with some of you and see what each of your liaisons were feeling on the subject. And maybe that will define what it will look like on Saturday and how much participation we can exercise.

Mr. Lewis: Madam Chair, I'm sorry, I just responded that I would want to see the letter before I agreed to signing it.

Chairman Graf: Ok. Have I never not? Of course, we will go through the editing process together as we do with the other letters. And Mr. Williams?

Mr. Williams: Just to be clear, The City Council vote is on the?

Mr. Finn: 14th.

Mr. Williams: 14th.

Mr. Finn: The City Council meeting starts at 9:30.

Mr. Williams: Ok.

Mr. Finn: The agenda has not been—at least when I looked at it yesterday—has not been put on-line yet, so I don't know what number item we will be on the agenda.

Mr. Williams: So the letter then is—will say—approve the tennis courts with a conduit—electrical fittings, whatever it is—engineering term is—that's the letter correct?

Mr. Finn: Mr. Williams, if I could jump in very quick, I would personally recommend that you either try to agree to get approval for lights or not. If we get approval to put the conduit and junction boxes—that's the terms—then that's all we have approval for. So have we really gained much other than the cost aspect Ms. Campbell with which I totally agree with and you're right there's always a risk of damaging the courts if you're working around the perimeter.

Mr. Williams: My concern is not having the courts in the spring. That is my biggest concern. So I know it sounds like I'm playing short, I'm not playing short but I am. I want to make sure that our students can play tennis matches in the spring; that's the most important thing to me. I was just trying to respond to I think the very wise suggestion that we put ourselves in the position of the future to someday we will have a community that supports our high school students. Someday, I think a lot of our community does, unfortunately there're parts. No it's more those people and you newer Board members—Ronnie you will remember this—getting letters threatening law suits. I have to say I find it very disheartening. I love this community and to have this kind of behavior by community members who don't support our students is really, I think, a shame, and I wish we could do something about that. But I do at least want to have our students play tennis this spring.

Chairman Graf: Mr. Keating

Mr. Keating: First of all does it remain realistic best case scenario that we're playing on home courts this spring?

Mr. Finn: As I've been recently briefing, including the School Board, the courts because of the weather, it's going to be a couple of months to build. They won't be ready for the beginning of the season. We are hopeful they will be ready before the end of the season.

Mr. Keating: Ok, thanks. My other thing is that it just seems easier rather than formulating a letter that nine of us have to agree to can staff go talk to City staff and say here's the idea, we understand we're not getting lights right now. We want to build our tennis courts, can we just build conduits? Because, I got to tell you, given that we're looking at a pretty ugly budget fight in the next six months I'm not interested in expending one dime of political capital fighting for something that we're not going to get for a long time. I want lights, too, but if this turns into a big battle, it's not worth it. We've got bigger fish to fry this year. That's just my thought. I'd like to see informally if they can just give us the go ahead and just build in the conduits.

Mr. Finn: Mr. Keating, my two cents that will happen. We are going to talk to staff and see what we can do to at least get concurrence for the conduits and junction boxes. My concern after sitting through that Planning Commission meeting and the Jefferson Houston meetings as well is that if it's built in they're talking City Council you know and based upon the presentations that were made on Tuesday night; they don't want lights at the tennis courts because they don't want lights on the tennis courts. And as Ms. Ignasio acknowledged, it may mean more. So if I'm getting approval for conduits and junction boxes, if it walks like a duck, and it sounds like a duck, and it smells like a duck; it's probably a duck. So even if I may not get approval for the light poles, I'm getting conduit and junction boxes to eventually put lights in there, and they are going to have issues with that too in Bill Finn's humble opinion.

Mr. Keating: I think it's still worth a try, without trying to step this up ten levels of formality.

Chairman Graf: Ms. Henning

Ms. Hennig: Well, it can be a duck, but I've got news for you, unless you flip a switch and a light goes on, it's not active [?]. So, this thing has been going on for at least 25 years. Any kind of lights at T.C. It's going to be there. They've got it in writing. The City's got copies of it and they are big dollar donors, so you all know where we stand. Point that I look at this . . . and I agree with Marc [Williams] I want those courts. I played high school tennis, I still occasionally get out there and play tennis, I want those courts and I want those kids to have those courts. I happen to agree with Mr. Keating. I don't see any reason why we can't just sort of slide this stuff in and call it trim. Some extra trim. [laughter] OK? [unclear comment by Marc] Hey, forty years Marine Corps wife and mother! The problem basically is that we don't have the money to put lights on there right now, and we probably won't have the money over the next two years to three years to even consider putting lights in. So I basically am with Mr. Keating on this. Just slide that sucker in, don't say too much, and get it done.

Mr. Keating: For the record, that was not Mr. Keating's exact idea. Ok. Mine was much more above board, just informal.

Ms. Hennig: Well, you know, it's the lawyer in you that brings all that stuff out. I'm an accountant; we just go straight debits and credits. But I think we need to make sure that we at least get some of that done, and I think dealing on the staff level is probably better. I don't think that any of us should be saying anything about it at all right now.

Mr. Finn: What I can endeavor to do with Dr. Crawley's concurrence is we'll definitely get ahold of staff tomorrow, if not by tomorrow, by Monday. And I'll shoot an email to Dr. Crawley with the results of those discussions.

Chairman Graf: Just, I'm gonna serve up a little opinion here. I mean, we voted on this in the summer time. And I feel like now we're saying, oh, you know, oh we voted on this but you know we might be mortgaging something to advocate for it. I don't understand why we're hedging on it. In the very least like putting a letter together to say on this day we voted for these things and we would like permission to prepare for lights we do not have funding to do in the near future and would have to go through another round of Planning Commission so I'm not understanding, you know, where the—is there a rub at all in doing that—at the very least so that my fear is that we have the staff on City and we have the staff on ACPS who are in agreement and then they went in front of this Planning Commission and got in front of this community which is always a question mark of how it's going to play out. The staff on both sides are not often connected to those community groups in a way that maybe other community members are, so that's where I'm feeling like us representing various communities within Alexandria as well as trying to support our schools' goals and our athletic department as well as our Rec Department for a City, I feel like obligated to follow through on what we voted on. So, ok, I just want to make sure that's clear before. Ok. That's the only action item, then I fell like I'll communicate with you through it next week. All right. Thank you.

02:31:12