

KINGSTON CITY COUNCIL SPECIAL CALLED MEETING
TO AMEND RESOLUTION 18-12-11-1
TUESDAY, DECEMBER 18, 2018 – 6:00 P.M.
KINGSTON CITY HALL

The Kingston City Council met in a Special Called Meeting on Tuesday, December 18, 2018 at 6:00 p.m. Mayor Neal called the meeting to order. Council Member Brown gave the Invocation and Council Member Wright led the pledge. Upon roll call the following members were present: Council Member Brown, Council Member Humphreys, Council Member Wright, and Mayor Neal. Staff present: City Manager David Bolling, Clerk Michelle Kelley, and City Attorney Jack McPherson. Absent: Council Member Brackett, Council Member Childs, Vice Mayor Stockton.

CITIZEN COMMENTS – NONE

NEW BUSINESS –

1. Recommendation to Amend Resolution 18-12-11-1

A motion was made by Council Member Wright to pass the Amended Resolution 18-12-11-1 which would change the original agreement being an open ended with a retainer of \$11,000 to a new contract with Mr. James K. Scott, Attorney, to pay a \$50,000 retainer fee. This would be a cap and not be open ended with the exceptions of us paying 20% in winning from the suit to the attorneys and 25% in any appeals.

Discussion-

The motion passed with a unanimous roll call vote. 4 Ayes

Council Member Brown made a motion to Close the meeting, second by Council Member Wright

Mayor Neal adjourned the meeting.

APPROVED January 8, 2019



Tim Neal, Mayor

ATTEST:



City Clerk

RESOLUTION NO. 18-12-11-1

A RESOLUTION TO AMEND THE RESOLUTION TO AUTHORIZE THE ENGAGEMENT OF COUNSEL TO PURSUE LEGAL ACTION AGAINST PARTIES RESPONSIBLE FOR DAMAGES TO THE CITY OF KINGSTON AND ITS CITIZENS

WHEREAS, the city council has heretofore adopted a resolution to authorize the engagement of counsel to pursue investigation and legal action against the parties responsible for damages arising out of the ash spill at the Kingston Fossil Fuel Plant; and,

WHEREAS, the city council of the city of Kingston now finds it to be in the best interest of the city to amend the resolution heretofore passed with regard to the compensation of counsel.

NOW THEREFORE BE IT RESOLVED that the previous resolution heretofore adopted be amended to authorize the Mayor to enter into an agreement to engage outside legal counsel, providing for a fee of Fifty Thousand Dollars (\$50,000.00) to cover attorney fees and all litigation expenses, allowing legal counsel a contingency fee of Twenty Percent (20%) of damages recovered or Twenty Five Percent (25%) in the event of an appeal, and authorizing said legal counsel to file suit as needed against Jacobs Engineering and/or TVA or any other responsible party for the damages to the city of Kingston and its citizens.

This resolution shall take effect upon final passage, the public welfare requiring it.

Adopted: December 18, 2018



Mayor

ATTEST:


City Clerk