

RESOLUTION NO. _____

A RESOLUTION APPROVING A MEMORANDUM OF UNDERSTANDING WITH KINGSPORT CITY SCHOOLS FOR THE USE OF THE CIVIC AUDITORIUM AND AUTHORIZING THE MAYOR TO EXECUTE ALL DOCUMENTS NECESSARY AND PROPER TO EFFECTUATE THE PURPOSE OF THE MEMORANDUM OF UNDERSTANDING

WHEREAS, in July 2022, Kingsport City Schools was notified that Buck Van Huss Dome had severe structural integrity issues and had to immediately restrict occupancy; and

WHEREAS, since that time Dobyys Bennett has been the primary user of the Civic Auditorium; and

WHEREAS, the Memorandum of Understanding will establish Kingsport City Schools' responsibilities for operation and capital expenses and will outline uses of the facility by other interested parties

Now therefore,

BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

SECTION I. That the Memorandum of Understanding with Kingsport City Schools is approved.

SECTION II. That the mayor, or in his absence, incapacity, or failure to act, the vice-mayor, is authorized and directed to execute, in a form approved by the city attorney and subject to the requirements of Article X, Section 10 of the Charter of the City of Kingsport, a memorandum of understanding with Kingsport City Schools, to deliver the agreement and take any and all action as may be required on the part of the city to carry out, give effect to, and consummate the transactions contemplated by the agreement and this resolution; said agreement being generally as follows:

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE CITY OF KINGSPORT
AND KINGSPORT CITY SCHOOLS**

This Memorandum of Understanding (hereinafter referred to as "MOU") is made between Kingsport City Schools (hereinafter referred as "KCS") and the City of Kingsport (hereinafter referred as "City") and outlines the parties' consensus on use and modifications of the Civic Auditorium, parking lots, and convenience center located at 1550 Fort Henry Drive further described as Control Map: 061D Group: J Parcel: 004.00.

WHEREAS, KCS received a report addressing the structural integrity of the Buck Van Huss Dome (Dome) from Architects, Brian Alderson, AIA, and Ned Litton, AIA of Thompson and Litton, on July 22, 2022, and immediately restricted occupancy of the dome.

WHEREAS, the initial report produced by Thompson and Litton was provided under guidance of the structural engineer, Steve Wilson, PE of Spoden and Wilson and was affirmed by a third-party structural engineer, Jason South, PE of Dome Technologies, KCS has maintained the restriction of occupancy within the Dome until such time as the structural concerns are remedied.

WHEREAS, Dobyys-Bennett physical education classes, after school athletics, and Color Guard/Winter Guard were displaced due to the Buck Van Huss Dome being unoccupiable.

WHEREAS, City owns the Civic Auditorium located at 1550 Fort Henry Drive that is suitable for such uses.

WHEREAS, KCS has utilized the Civic Auditorium since August for such uses including being the primary rehearsal facility for the Dobyys-Bennett Winter Guard.

WHEREAS, additional security measures, procedures, and improvements were made to the property for KCS purposes.

WHEREAS, KCS has made a request to utilize the West Room for the Family Resources Program.

WHEREAS, Governor Lee signed into law HB0322 on May 10, 2023, that enacts specific requirements for school building entrances and other security measures.

Now therefore, the parties agree to the following stipulations to establish the primary use of the Civic Auditorium as a KCS facility:

1. KCS shall not make exterior or interior renovations, painting, improvements, or otherwise alterations that would change the exterior historic nature of the structure without approval in writing by the city manager.
2. KCS shall be permitted to make necessary alterations to the interior of the facility to make it operable for KCS to use with approval from the city manager.
3. KCS shall make their best effort to accommodate rental use, particularly of existing events, of the main gymnasium facility when not in use by KCS including weekends, breaks, and the summer.
4. KCS shall be responsible for booking, staffing, closing, and otherwise managing any rental of the facility as well as internal use of the space. KCS will retain any revenues received from rental of the facility overseen by KSC and shall bear responsibility for any expenses incurred as a result of rental of the facility overseen by KSC. KCS shall not retain any revenues or bear responsibility for any expenses from rentals overseen by Parks and Recreation.
5. KCS shall be responsible for all costs and expenses associated with the facility including but not limited to, maintenance, water, electric, custodial, stormwater, parking lots, marquee sign, etc.
6. KCS shall be responsible for future capital improvements related to the structure and surrounding site excluding City's convenience center site and the parking area associated with the convenience center.
7. KCS shall work with Sullivan County Election Commission as required by the election commission to host any needed elections at the facility.
8. KCS shall allow the continued use of the Civic Auditorium for the purpose of Parks and Recreation Offices and Administration until it is deemed unneeded by the city manager.
9. KCS shall work with Parks and Recreation for the use of the facilities or suitable alternatives facilities for Parks and Recreation programming that has historically been located at the Civic Auditorium.
10. KCS shall allow the continued unhindered public use of the Convenience Center located at the site.
11. This MOU will remain in effect until the sooner of (1) 90 days written notice by City of its intention to terminate this MOU or (2) mutual agreement by the parties to terminate this MOU.
12. Facility cannot be demolished without approval of city manager.

[Acknowledgements Deleted for Inclusion in this Resolution]

SECTION III. That the mayor is further authorized to make such changes approved by the mayor and the city attorney to the agreement that do not substantially alter the material provisions of the agreement, and the execution thereof by the mayor and the city attorney is conclusive evidence of the approval of such changes.

SECTION IV. That the board finds that the actions authorized by this resolution are for a public purpose and will promote the health, comfort, and prosperity of the citizens of the city.

SECTION V. That this resolution shall take effect from and after its adoption, the public welfare requiring it.

ADOPTED this the 19th day of September, 2023.

PATRICK W. SHULL, MAYOR

ATTEST:

ANGELA MARSHALL, DEPUTY CITY RECORDER

APPROVED AS TO FORM:

RODNEY B. ROWLETT, III, CITY ATTORNEY