

89TH SPECIAL SESSION – May 5, 2016

Mayor D. S. Gysberts called this 89th Special Session of the Mayor and Council to order at 4:31 p.m., Thursday, May 5, 2016, in the Council Chamber at City Hall. Present with the Mayor were Councilmembers K. B. Aleshire, M. E. Brubaker, L. C. Metzner, D. F. Munson, and P. M. Nigh, City Administrator Valerie Means, City Attorney Jennifer Keefer, and City Clerk D. K. Spickler.

On a motion duly made by Councilmember D. F. Munson and seconded by Councilmember L. C. Metzner, the Mayor and City Council unanimously agreed by voice vote to meet in Special Session at 4:31 p.m.

Mayor Gysberts announced approval of the resolution is the culmination of a very long journey. Approval of the resolution will result in the work being completed. He thanked former City Administrator Bruce Zimmerman, Michael Spiker, Director of Utilities, Mark Boyer, City Attorney, Paul Rose, Miles and Stockbridge for their dedication to this long and arduous journey that will result in the removal of the aesthetic blight and environmental hazard of MELP. He also thanked City Administrator Valerie Means and all employees involved in making this happen.

Approval of a Resolution: Settlement Agreement and Mutual Release Between the City of Hagerstown and Sussex Insurance Company, Partners Marketing, LLC, Keith Feully, EC Commodities, Corp., and Thomas Petrizzo

Action: On a motion duly made by Councilmember L. C. Metzner and seconded by Councilmember D. F. Munson, the Mayor and City Council unanimously agreed by voice vote to approve a resolution authorizing the execution of a Settlement Agreement and Mutual Release between the City of Hagerstown and Sussex Insurance Company, Partners Marketing, LLP, Keith Feully, EC Commodities Corp., and Thomas Petrizzo, settling and resolving the litigation and providing for the abatement of the property conditions related to the former Municipal Electric Light Plant.

Councilmember Munson stated the removal of MELP is also possible because of this Mayor and City Council's wherewithal and backbone to keep moving forward when there were obstacles in the way. He believes the key turning point is when the Council agreed to condemnation of the property. This is a great decision for the people of the City of Hagerstown. He is proud of this Mayor and City Council and glad to be a part of it. The public will never understand how difficult this process has been.

Councilmember Aleshire stated this process has been like a marathon. Michael Spiker, Director of Utilities, and other people were doing the heavy work. A critical component of the process is that the building is

being removed at no cost to the taxpayers. He would not have believed that was possible when the serious discussions began.

Mayor Gysberts stated it is important to note that when the demolition is complete, the property will still be privately owned. The City does not own the property, but has an interest in the outcome because there are sewer lines in that area, an electrical substation is there, and Marsh Run empties into the Antietam Creek there.

Councilmember Brubaker stated demolition of the MELP building has been a long process to complete. The building and its condition has been an issue during his three terms as Councilmember. City tax dollars are not being used to remove this eyesore. This is a huge accomplishment and he congratulated his fellow Councilmembers for approving the completed contract. He also thanked staff for their diligence. The entire process has been challenging to deal with.

Councilmember Metzner concurs with the statements already made. The history of MELP would make interesting reading. In the 1970's there was hope of firing it up, then big energy companies were interested in purchasing it. Now, it will finally be demolished.

Councilmember Nigh agrees with the other comments. She thanked staff for working through the very challenging issues professionally.

Councilmember Munson stated another key factor in getting to this point is the willingness of this Mayor and Council to budget funding of \$ 650,000.00 for demolition costs. That funding will not have to be used. A performance bond of \$ 500,000.00 is the source of funds for the demolition.

There being no further business to come before the Mayor and City Council, on a motion duly made, seconded and passed, the meeting was adjourned at 4:51 p.m.

Respectfully submitted,

Original signed by D. K. Spickler

Donna K. Spickler
City Clerk

Approved: June 21, 2016