

**MINUTES OF THE SPECIAL MEETING OF THE LAKE LURE TOWN COUNCIL
HELD WEDNESDAY, SEPTEMBER 27, 2023, 8:00 A.M. AT THE LAKE LURE
MUNICIPAL HALL**

PRESENT: Mayor Carol C. Pritchett
Mayor Pro Tem David DiOrio
Commissioner Scott Doster
Commissioner Jim Proctor

William Morgan, Jr., Town Attorney
William Hank Perkins, Jr., Town Manager
Michael Dydula, Project Manager

ABSENT: Commissioner Patrick Bryant

I. CALL TO ORDER

Mayor Carol C. Pritchett called the special meeting to order at 8:00 a.m.

**II. REVIEW AND CONSIDER APPROVAL OF INDEMNIFICATION CLAUSE
BETWEEN THE TOWN OF LAKE LURE AND MORGAN CORPORATION**

Town Manager Hank Perkins explained that Morgan Corporation has requested an indemnification clause between them and the Town. Manager Perkins added that the indemnification clause is in conjunction with the temporary construction easements related to the reservoir drain valve installation project. It was detailed that the Town is indemnifying Morgan Corporation for any possible damages or trespassing associated with the temporary construction easements. Project Manager Michael Dydula agreed and noted this clause will allow Morgan Corporation to begin working as soon as possible. Town Attorney William Morgan added that the indemnification clause will allow Morgan Corporation to begin work prior to the temporary construction easements being signed. It was noted that one temporary construction easement was already signed by the respective property owner. Manager Perkins explained that the indemnification clause works for both temporary construction easements and that the next item on the agenda is to approve the Hunt temporary construction easement while the Moore temporary construction easement is still underway.

Commissioner DiOrio asked if there are any associated risks and Manager Perkins noted that the Hunt property will be used for laying equipment, but the Moore property is only needed for crossing. Commissioner Proctor noted that the Moore easement may not be necessary anyways. Project Manager Dydula noted that the indemnification clause will relieve Morgan Corporation from liabilities. Project Manager Dydula also noted that the temporary construction easements will override the indemnification. Commissioner Doster suggested that the Town take pictures of the sites prior to work starting in order to compare the visuals of the sites after the project is completed.

Commissioner DiOrio made a motion to approve the Indemnification Clause between the Town of Lake Lure and Morgan Corporation. Commissioner Proctor seconded and all voted in favor.

**III. CONSIDER ADOPTION OF RESOLUTION NO. 23-09-27 AUTHORIZING
TEMPORARY CONSTRUCTION EASEMENT FOR THE RESERVOIR DRAIN
VALVE INSTALLATION PROJECT**

It was noted that this resolution is in relation to the Hunt temporary construction easement that was discussed under the previous item.

Commissioner DiOrio made a motion to adopt Resolution No. 23-09-27 Authorizing Temporary Construction Easement for the Reservoir Drain Valve Installation Project. Commissioner Proctor seconded and all voted in favor. Resolution No. 23-09-27 was adopted as follows:

RESOLUTION NO. 23-09-27

**RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE AUTHORIZING
TEMPORARY CONSTRUCTION EASEMENTS FOR THE RESERVOIR DRAIN VALVE
INSTALLATION PROJECT**

WHEREAS, The Town of Lake Lure, is a North Carolina municipal corporation organized and existing pursuant to the laws of North Carolina, 160A-1, et. seq., that owns, operates, and maintains the Dam that impounds the waters of Lake Lure; and

WHEREAS, Lake Lure's 1927 Dam is scheduled for replacement over the course of the next decade but needs repairs mandated by the NC Office of Dam Safety, including a Reservoir Drain whereby the Lake may be lowered by an adequate amount in the case of an emergency; and

WHEREAS, The reservoir drain will also enable and facilitate work on the Town's phased rehabilitation and replacement of its sewer system that is ongoing, and which will result in the implementation of a new state-of-the-art sewer utility which is being installed in the backshore, which is the land exposed during lake drawdown periods; and,

WHEREAS, Temporary construction easements are needed in order to establish "lay down areas" along the access road to the base of the dam where the installation of the reservoir drain will occur and such lay down area is where various components of the reservoir drain will be stored and assembled, as well as equipment needed for the same.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE LURE, NORTH CAROLINA:

SECTION ONE. The Town of Lake Lure authorizes temporary construction easements between the Town of Lake Lure and the following property owners:

HUNT, JOHN JACKSON ESTATE (Parcel Id. 226751)

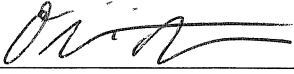
SECTION TWO. The Town of Lake Lure and the parties specified above shall abide by any specifications within the authorized easements.

SECTION THREE. Any additional temporary construction easements for the Reservoir Drain Valve Installation Project are hereby authorized at the discretion of the Town Attorney and Town Manager.

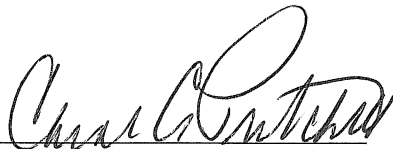
IV. ADJOURNMENT

Commissioner Proctor made a motion to adjourn. Commissioner DiOrio seconded and all voted in favor. The meeting was adjourned at 8:11 a.m.

ATTEST:



Olivia Stewman, Town Clerk



Mayor Carol C. Pritchett

