

**TOWN OF HOLDEN BEACH
ORDINANCE 18-02**

INLET AND BEACH PROTECTION BOARD

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina, that Chapter 35: Inlet and Beach Protection Board be created as follows:

Section One: Add the following:

Section

- 35.01 Creation, name and number of members
- 35.02 Powers and duties
- 35.03 Appointment, terms
- 35.04 Meetings
- 35.05 Attendance
- 35.06 Officers; Legal counsel
- 35.07 Officers' Duties

§ 35.01 CREATION, NAME AND NUMBER OF MEMBERS.

There is hereby created an Inlet and Beach Protection Board comprised of five property owners or residents of the Town of Holden Beach.

§ 35.02 POWERS AND DUTIES.

The Inlet and Beach Protection Board shall:

- (A) Serve as an advisory board for the town;
- (B) Prepare and recommend to the Board of Commissioners, a comprehensive long-term plan for the Town's role, if any, in the management, dredging and protection of the Lockwood Folly and Shallotte Inlets, including their respective navigational channels, and the management, protection and nourishment of the town's ocean beaches and protective dune systems
- (C) Evaluate the feasibility and cost and benefits of proposed dredging projects (excluding canal dredging), beach and/or dune nourishment projects and protective structure projects (excluding canal dredging) to the town and to property owners within the town as a whole, and make recommendations to the Board of Commissioners with respect to such projects;
- (D) With the assistance of the Attorney assigned to support the Inlet and Beach Protection Board, make recommendations to the Board of Commissioners for amendments or

modifications to the town's ordinances with respect to the "frontal dune" and "protective dune system";

(E) With the assistance of the Attorney assigned to support the Inlet and Beach Protection Board, make recommendations to the Board of Commissioners for modifications to the town's ordinances with respect to public and private beach access walkways which promote protection and growth of the town's protective dune systems;

(F) Serve as a link between the Board of Commissioners, Town Manager and the community on the above described areas;

(G) Perform such other duties within or related to the general purview of the Inlet and Beach Protection Board which may assigned to it from time-to-time by the Board of Commissioners.

35.03 APPOINTMENT, TERMS.

Each member of the Inlet and Beach Protection Board shall be appointed by the Board of Commissioners for staggered terms of three years. Initial appointments shall be as follows: 1. Two members appointed for a two year term; 2. Three members appointed for a three year term. Initial appointments shall be made promptly after the effective date hereof, and, thereafter, appointments shall normally be made as of July 1 of each year, provided that vacancies occurring for reasons other than expiration of term shall be filled as they occur for the unexpired remainder of the term. No member shall serve for more than two consecutive terms, and a member having served two consecutive terms shall not be eligible for reappointment until after remaining off the Board for one year. For this purpose, a member appointed to fill a vacancy for more than one-half of a term shall be considered as having served a full term. Each member of the Board shall serve at the pleasure of the Board of Commissioners.

§ 35.04 MEETINGS.

The Inlet and Beach Protection Board shall meet at least once monthly, unless there is no business to transact. The Inlet and Beach Protection Board shall comply with provisions of the North Carolina Open Meetings Law, G.S. §§ 143-318.9 *et seq.* A quorum shall be in attendance before any action of an official nature can be taken. A quorum shall exist when three members of Board are in attendance.

§ 35.05 ATTENDANCE.

An appointed member of the Inlet and Beach Protection Board who misses three or more consecutive regular meetings or four meetings within a 12- month period loses their status as a member. Request for excused absences due to sickness, death or emergencies of like nature shall be approved by the Board of Commissioners as approved absences and shall not affect membership, except that in the event of a long illness, or other such cause for prolonged absence, the member may be replaced.

§ 35.06 OFFICERS; LEGAL COUNSEL.

(A) There shall be a Chair and a Vice-Chair of the Inlet and Beach Protection Board. Upon the initial appointment of members and annually thereafter in July, the Inlet and Beach Protection Board shall elect a Chairperson and Vice-Chairperson from among the regular members appointed by the Board of Commissioners for terms of one year. Vacancies of the Chair and Vice-Chair created by termination shall be elected from its membership at its earliest convenience. The Town Manager or his or her designee shall serve as the Clerk to the Inlet and Beach Protection Board. The Clerk shall not be a member of the Board.

(B) The Board of Commissioners may designate and engage legal counsel, who may be the Town Attorney or other environmental legal counsel otherwise engaged to advise the Inlet and Beach Protection Board, as needed.

§35.07 OFFICERS' DUTIES.

(A) The Chair of the Inlet and Beach Protection Board shall preside at all meeting and shall appoint all committees.

(B) When the Chair is absent, the Vice-Chair shall perform the duties of the Chair. When both the Chair and Vice-Chair are absent, a temporary- Chair shall be selected by those members who are present.

(C) The Clerk shall provide all members copies of the agendas, official reports and the official minutes of the regular meetings and special meetings, prior to the next scheduled meeting.

(D) The Chair of the Inlet and Beach Protection Board shall submit a report in writing of any suggestions, plans, recommendations, and the like to the Town Clerk following each meeting of the Inlet and Beach Protection Board for inclusion in the following month's Board of Commissioners agenda packets.

Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the 18th day of April, 2018.

This the 17th day of April, 2018.

J. Alan Holden, Mayor

ATTEST:

Heather Finnell, Town Clerk