

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 697
HOUSE BILL 745

AN ACT ENABLING THE CITY OF LINCOLNTON AND THE CITY OF CHERRYVILLE TO JOINTLY ESTABLISH AN AIRPORT AND PROVIDING FOR THE MAINTENANCE OF A JOINT AIRPORT BY SAID CITIES.

The General Assembly of North Carolina do enact:

Section 1. There is hereby created the Lincolnton-Cherryville Airport Authority with a Charter as follows:

ARTICLE I. AIRPORT DEFINED.

"Airport or landing field", for the purpose of this and the Sections following, is defined as any plot of land or water formally set aside and designated as a place where aircraft may land or take off.

ARTICLE II. JOINT OPERATION OF AIRPORT - AUTHORIZED.

The governing bodies of the City of Lincolnton and the City of Cherryville are hereby authorized to jointly acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft without the limits of said cities and within the limits of Lincoln and Gaston Counties or either of them and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be jointly owned or controlled by said cities.

ARTICLE III. SAME - EMINENT DOMAIN, JOINT POWER.

Any lands acquired, owned, controlled, or equipped by said cities, for the purpose enumerated in Section Two hereof, shall and are hereby declared to be acquired, owned, controlled and occupied for a public purpose, and said cities shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public purpose.

ARTICLE IV. SAME - APPROPRIATION OF FUNDS.

Private property needed by said cities for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if said cities are able to agree with the owners on the terms thereof, and otherwise by condemnation as provided by law for the acquirement of private property for municipal parks or streets. The purchase price, or award, for property acquired for an airport or landing field may be paid for by appropriation of monies available therefor, or by the application of any funds derived by

either of said cities from the sale of any lands now or heretofore or hereafter owned for airport or landing field purposes, or other purposes, or wholly or partly from the proceeds of the sale of bonds of either of said cities as the governing bodies of such cities shall determine.

ARTICLE V. FINANCING.

To carry out the purposes of this as to the establishment, maintenance and operation of an airport, the governing bodies of the said cities are each hereby authorized to appropriate non-tax funds, to appropriate funds derived from ad valorem taxes pursuant to G.S. 63- 8.1, and to issue bonds pursuant to the Municipal Finance Act or the Revenue Bond Act of 1938.

ARTICLE VI. LINCOLNTON-CHERRYVILLE AIRPORT AUTHORITY APPOINTMENT.

The joint board to be appointed by the governing bodies of said cities shall be known as the "Lincolnton-Cherryville Airport Authority" (hereinafter referred to as the "Airport Authority"), and shall have the powers and jurisdiction hereinafter enumerated and such additional powers as shall be conferred upon it by future Acts of the General Assembly.

The Airport Authority shall consist of six members to be appointed in the following manner for the following terms: One member to be appointed by the Board of Aldermen of the City of Lincolnton for a term of three years, one member for a term of two years and one member for a term of one year. Such members to be appointed by said City of Lincolnton shall be qualified voters of the City of Lincolnton. One member to be appointed by the Board of Aldermen of the City of Cherryville for a term of three years, one member for a term of two years, and one member for a term of one year. Said members to be appointed by the Board of Aldermen of the City of Cherryville shall be qualified voters of the City of Cherryville. All vacancies shall be filled in the same manner as the original appointment. Each member and his successor so appointed shall take and subscribe before the City Clerk of the Appointing City an oath of office and file the same with the City Clerk of that City.

Powers; compensation of members. The airport authority so appointed by the governing bodies of said cities shall act in an administrative capacity, and shall be vested with the authority to control, lease, maintain, construct, improve, operate and regulate the joint airport or landing field. It shall have complete authority over any airport or landing field jointly acquired by the governing bodies represented on said board. Provided, that said airport authority shall have no authority to pledge the credit of either of said cities. The said airport authority shall have power and authority to deal with the Civil Aeronautics Authority of the United States Government or State Government, relative to the grading, constructing, equipping, improving, maintaining and operating of airports or land fields established under the authority of this Act. A majority of said board shall control its decisions, and in the event of a tie, the same shall be decided or broken as outlined in Section Seven hereof. At the first meeting of said board, and annually thereafter, it shall elect a chairman from among its members. The

airport authority shall meet at such place and time as the chairman of said airport authority shall designate. The members of the said board shall serve without compensation but may be reimbursed for out of pocket expenses. Members of said airport authority shall not be personally liable in any manner for their acts as members, except for misfeasance or malfeasance.

Additional powers. The said airport authority shall have the following additional powers and authority:

- (a) To charge and collect reasonable and adequate fees for concessions and rents for the use of the airport property or for services rendered in the operation thereof.
- (b) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of said airport-to provide penalties for the violation of such rules and regulations; provided said rules and regulations and schedule of fees are not in conflict with the laws of the State of North Carolina and the rules and regulations of the Civil Aeronautics Administration of the Federal Government.
- (c) To employ such agents, engineers and attorneys and other persons whose services may be deemed by the airport authority to be necessary or useful in carrying out the provisions of this Act.

Report. Said airport authority shall make an annual report to the governing bodies of the City of Lincolnton and the City of Cherryville, setting forth in detail the operations and transactions conducted by it pursuant to this Act.

Sec. 2. This Act shall be considered and construed as an Act, to amend and extend the charters of the City of Lincolnton and the City of Cherryville.

Sec. 3. If any part of this Act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this Act. The General Assembly expressly declares that it would have passed the remaining parts of this Act if it had known that such part or parts thereof would be declared unconstitutional.

Sec. 4. All laws and clauses of laws in conflict with this Act are hereby repealed.

Sec. 5. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 2nd day of June, 1969.