

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 1141
SENATE BILL 950

AN ACT TO CREATE CAROLINA BEACH AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the Carolina Beach Airport Authority, hereinafter referred to as the Airport Authority, which shall be a body corporate and politic and which shall have the powers hereinafter set forth.

Sec. 2. The Airport Authority shall consist of five members; three members, who shall reside within the zoning jurisdiction of the Town of Carolina Beach, shall be appointed by the Mayor of Carolina Beach subject to the approval of the Carolina Beach Board of Commissioners. The terms of office shall be as follows: Two members, chosen by lot, shall serve four years; one member, chosen by lot from the remaining three members, shall serve three years; one member, chosen by lot from the remaining two members, shall serve two years; the remaining member shall serve one year. Upon the occurrence of any vacancy on the Airport Authority, or in the event a member of the Airport Authority becomes ineligible because he ceases to reside within the zoning jurisdiction from which he was appointed, said vacancy shall be filled by the same appointing procedure as was used to appoint the vacating member, except that the newly appointed member shall serve only the unexpired term of the vacating member. The Airport Authority shall elect a chairman from among its membership, and he shall serve as chairman for two years or until his term expires.

Sec. 3. The Airport Authority shall adopt suitable bylaws for the conduct of business, and shall make provision for the recording of minutes of all meetings.

Sec. 4. The Airport Authority shall have the following powers:

a. To purchase, lease, construct, maintain, improve, equip, operate, and regulate an airport for the use of aircraft or for any other purposes, and to purchase, lease, or otherwise hold such real or personal property as may, at the discretion of the Airport Authority, be deemed necessary to the operation of said airport.

b. To sue or be sued in the name of the Airport Authority, to make such contracts as may be necessary for the exercise of its powers, and to acquire by purchase or otherwise any existing lease, leasehold right, or other interest in any existing airport.

c. To charge and collect reasonable fees and rents for the use of the airport or for services rendered in the operation thereof.

d. To establish and enforce such regulations as it may deem necessary for the proper maintenance and operation of the airport, and to fix penalties for the violation

of said regulations, except that said regulations shall not conflict with the laws of the State of North Carolina, nor with the Federal Aviation Regulations.

e. To sell, lease, rent, or otherwise dispose of any property belonging to the Airport Authority.

f. To contract, covenant, or otherwise establish agreement with one or more second parties, under which agreement said party or parties shall manage, supervise, or operate the airport for a term not to exceed 25 years in return for such compensation as may be agreed to by the Airport Authority, and subject to such surety as may be required by the Airport Authority.

g. To lease to one or more second parties for a term not exceeding 25 years any or all real or personal property held by the Airport Authority in order to assure the maintenance, operation, or construction of the airport or any part thereof.

h. To employ such agents, engineers, or attorneys as may be necessary, in the judgment of the Airport Authority, to carry out the provisions of this act.

i. To accept and to use for any of the purposes set forth in this act gifts, grants, bequests, or donations from the individuals, businesses, or from federal, State, municipal, or county governments, or agencies thereof.

Sec. 5. The Airport Authority shall make annual reports to the Board of Commissioners of the Town of Carolina Beach, setting forth in detail the operations and transactions conducted by it pursuant to this act. The Airport Authority shall have no power to pledge the credit of said town, or to impose any obligation upon said town, nor shall said town be liable in tort for any act or omission of the Airport Authority.

Sec. 6. The Airport Authority shall meet at such times and in such places as the chairman may designate, provided that the Airport Authority shall meet at least once during each six-month period. All decisions of the authority shall require majority approval of those present and voting. Providing that funds are available, the Airport Authority may pay the actual expenses incurred by its members while said members are conducting the business of the Airport Authority pursuant to this act.

Sec. 7. It is the specific intent of this legislation to authorize, but not to compel, the creation of the Airport Authority, and none of the powers granted by any section of this act shall become effective unless and until initial appointments are made to the Airport Authority in accordance with the procedures set forth in Section 2.

Sec. 8. All sections, subsections, and parts of this act are declared severable, and a finding that any section, subsection, or part of this act is unconstitutional shall not affect the validity of remaining sections, subsections, or parts.

Sec. 9. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of June, 1978.