

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 648
SENATE BILL 561

AN ACT TO ENABLE THE CITY OF GASTONIA TO ESTABLISH AN AIRPORT
AUTHORITY FOR THE MAINTENANCE AND OPERATION OF AIRPORT
FACILITIES IN GASTON COUNTY.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "Gastonia Airport Authority" (hereinafter referred to as "Airport Authority") which shall be a body politic and corporate, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future acts of the General Assembly.

Sec. 2. (a) The Airport Authority shall consist of five members, each of whom shall be a resident of the City of Gastonia. No member of the Gastonia Airport Authority shall be an employee of said Authority.

(b) The City Council of the City of Gastonia shall appoint the members of said Authority to staggered terms of three years. The terms of the initial five members of the Airport Authority shall be as follows: two members shall be appointed for a term of three years, two members shall be appointed for a term of two years, and one member shall be appointed for a term of one year. Thereafter, all terms shall be for three years.

(c) Upon the occurrence of a vacancy on the said Airport Authority, such vacancy will be filled within 60 days after notice thereof by the City Council.

(d) Each of the members of the Airport Authority and each successor shall take and subscribe to an oath of office before an official authorized to administer oaths and file certified copies of the same with the City Clerk.

Sec. 3. The members shall, for the purpose of doing business, constitute the Board of Directors of the Airport Authority, which may adopt suitable bylaws for its management. The members of the Board of Directors shall receive such compensation, per diem or otherwise, as the Gastonia City Council may from time to time determine and be paid their actual expenses incurred in transacting the business and at the instance of the Airport Authority.

Sec. 4. The City Council of the City of Gastonia is hereby authorized to appropriate and use funds derived from any source permitted by the laws of the State of North Carolina to carry out the provisions of this act as to the administration, establishment or maintenance of an airport and its facilities and such funds may be expended on such basis as may be determined by the Airport Authority. The Airport Authority shall be subject to the Local Government Budget and Fiscal Control Act.

Sec. 5. The fiscal year of the Airport Authority shall begin July 1 and end on June 30. On or before the first day of May of each calendar year, the Airport Authority

shall prepare and adopt a proposed budget for the next ensuing fiscal year and file copies of such proposed budget with the City Council of the City of Gastonia.

Sec. 6. (a) The City Council shall annually designate one of the members of the Airport Authority as chairman. The Airport Authority shall appoint from its members a vice chairman, and other officers as it may deem necessary for the orderly conduct of its business. A majority of the members shall control the decisions of the Airport Authority, and each member of the Airport Authority, including the chairman shall have one vote. A majority of the duly appointed and qualified members of the Airport Authority shall constitute a quorum.

(b) The Airport Authority shall hold meetings at least monthly at such times and places as it from time to time may designate and at such other times on the call of the chairman or by two voting members of the Airport Authority, provided at least five days' notice is given or such notice is waived in each instance by all members. All meetings of the Airport Authority shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes.

Sec. 7. The Airport Authority is hereby authorized and empowered to acquire from the City of Gastonia by agreement therewith, and the City of Gastonia is hereby authorized and empowered to grant and convey either by gift or for such consideration as it may deem wise, any real or personal property which it now owns or may hereafter acquire, and which may be necessary for the construction, operation and maintenance of an airport in Gaston County; provided, however, all real or personal property conveyed by the City to the Airport Authority shall revert to the City immediately upon termination of the existence of the Airport Authority.

Sec. 8. The Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

(1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, and regulate airports or landing fields for the use of airplanes and other aircraft within the limits of Gaston County and for any of such purposes, to purchase, improve, own, hold, lease and/or operate real or personal property.

(2) To borrow money as provided by the Local Government Finance Act.

(3) To sue or be sued in the name of said Airport Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining, or operating an airport within the limits of Gaston County, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the Airport Authority. The Airport Authority may acquire by purchase, or otherwise, any existing lease, leasehold right or other interest in any existing airport located in Gaston County.

(4) To charge and collect reasonable and adequate fees and rents for the use of the airport property and facilities, and for services rendered in the operation thereof.

(5) To make all reasonable rules and regulations as it deems necessary for the proper administration, maintenance, and operation of the airport and to provide penalties for the violation of such rules and regulations; provided, said rules and regulations and schedules of fees shall not be in conflict with the laws of the State of

North Carolina, and the applicable rules and regulations of the Federal Aviation Administration.

(6) To issue bonds pursuant to the Local Government Revenue Bond Act.

(7) To sell, or otherwise dispose of, any interest in property, real or personal, belonging to the Airport Authority, subject, however, to all applicable North Carolina laws pertaining to sale of public property and by and with the consent of the City Council.

(8) To purchase such insurance as the Airport Authority shall deem necessary.

(9) To invest or reinvest its funds in the same manner and subject to the same restrictions as local governments under the Local Government Budget and Fiscal Control Act.

(10) To purchase any of its outstanding bonds or notes.

(11) To operate, own, lease, control, regulate, or grant to others the right to operate upon the airport premises, restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, personal service establishments, and any and all other types of facilities as may be useful, needed or desired and directly or indirectly related to the administration, maintenance and furnishing to the public of complete air terminal services and facilities.

(12) To lease for a term not to exceed 25 years, and for purposes not inconsistent with the grants and agreements under which the airport is held, real or personal property under the supervision of or administered by the Airport Authority.

(13) To contract with persons, firms or corporations for terms not to exceed 25 years, for the operation of airline-scheduled passenger and freight flights, nonscheduled flights, and any other airplane activities not inconsistent with said grant agreements under which the airport property is held, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

(14) To erect and construct buildings, hangars, shops and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease the same for a term or terms not to exceed 25 years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized.

(15) To possess the same exemptions in respect to payment of taxes and license fees as provided for municipal corporations by the laws of the State of North Carolina.

(16) To exercise all of the powers conferred upon municipalities by Chapter 63 of the General Statutes.

Sec. 9. Any lands, air easements, and rights-of-way acquired, owned, controlled, or occupied by said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for public purposes.

Sec. 10. Private property needed by the Airport Authority for the administration, operation or expansion of an airport may be acquired by gift, devise, or may be acquired by private purchase or by the exercise of the power of eminent domain, under any procedures permitted municipal corporations by the General Statutes.

Sec. 11. Air navigation easements needed by the Airport Authority for an airport may be acquired by gift, devise, or private purchase or by the exercise of the power of eminent domain by said Airport Authority under any procedures permitted municipal corporations by the General Statutes.

Sec. 12. The Airport Authority shall make an annual report to the City Council of the City of Gastonia, setting forth in detail the operations and transactions conducted by it pursuant to this act. The Airport Authority shall be regarded as a corporate instrumentality for the purpose of administering, maintaining and developing an airport, but it shall have no power to pledge the credit of or impose any obligations upon the City of Gastonia.

Sec. 13. The Airport Authority is authorized to employ an airport manager, airport personnel, agents, engineers, 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. Members of the Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 14. The Airport Authority shall have the right and is empowered to expend funds appropriated to it by the City of Gastonia, and is empowered to enter into contracts and pledge the credit of the Airport Authority to the extent of the monies appropriated for its use.

Sec. 15. All rights and powers given to counties and municipalities by the Statutes of North Carolina, which may not be in effect or be enacted in the future relating to the development, regulation and control of municipal airports and the regulation of aircraft, are hereby vested in the said Airport Authority.

Sec. 16. The powers granted to the Airport Authority, including the specific powers contained in Section 15 hereof, shall not be effective until such time as the members of the Airport Authority have been appointed by the City Council and nothing contained herein shall require the City Council to make initial appointments to said Airport Authority, it being the specific intent of this legislation to enable but not require the formation of the Gastonia Airport Authority.

Sec. 17. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 18. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 22nd day of June, 1981.