

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

2

HOUSE BILL 2140*
Second Edition Engrossed 6/14/90

Short Title: Macon Airport Authority.

(Local)

Sponsors: Representative Kimsey.

Referred to: Government.

May 25, 1990

A BILL TO BE ENTITLED

1 AN ACT ENABLING THE COUNTY OF MACON TO ESTABLISH AN AIRPORT
2 AUTHORITY FOR THE OPERATION AND MAINTENANCE OF AIRPORT
3 FACILITIES IN THE COUNTY OF MACON FOR THE CITIZENS OF MACON
4 COUNTY AND VICINITY.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. The Macon County Board of Commissioners may by ordinance
8 create the "Macon County Airport Authority"(for brevity hereinafter referred to as the
9 "Airport Authority"), which shall be a body corporate and politic, having the powers
10 and jurisdiction hereinafter enumerated and such other and additional powers as shall be
11 conferred upon it by future acts of the General Assembly.

12 Sec. 2. The Airport Authority shall consist of five members who shall be
13 resident voters of Macon County and who shall be appointed by the Macon County
14 Board of Commissioners, and who shall meet at least once per month at the Macon
15 County Airport. Initially, the term of office of the members of the Airport Authority
16 shall be determined by the Macon County Board of Commissioners, not to exceed four
17 years, and thereafter the members of the Authority shall be appointed to serve for a
18 period of four years and any member may serve a total of two successive terms, after
19 which said member may not be reappointed to the Authority except after a lapse of two
20 years following the most recent term served by said member. Members of the Authority
21 may be removed with or without cause by the Macon County Board of Commissioners.
22 Each of the members and their successors so appointed shall take and subscribe before
23 the Clerk to the Board of Commissioners for the County of Macon an oath of office and

1 file the same with the County Commissioners of Macon County. Any member of the
2 Airport Authority may be removed, for cause, by the Macon County Board of
3 Commissioners. The Macon County Board of Commissioners, may, at the request of
4 the Airport Authority, increase the membership to no more than nine members or
5 decrease the membership to no less than three members. The Macon County Board of
6 Commissioners shall consult with the Airport Authority in filling vacancies on the
7 Airport Authority.

8 Sec. 3. The members shall, for the purpose of doing business, constitute a
9 Board of Directors, which shall adopt suitable bylaws for its management. The
10 members of the Board shall receive compensation or per diem by unanimous agreement
11 of the Authority. Members shall be allowed and paid their actual traveling expenses
12 incurred in transacting the business and at the instance of said Airport Authority.

13 Sec. 4. Said Airport Authority shall constitute a body, both corporate and
14 politic, and may:

- 15 (1) Purchase, acquire, establish, construct, own, control, lease, equip,
16 improve, maintain, operate, and regulate the Macon County Airport for
17 the use of airplanes, and other aircraft, and all facilities incidental to
18 the operation of such airport, within the limits of Macon County; and
19 for any of such purposes, to purchase, acquire, own, hold, lease and/or
20 operate real or personal property;
- 21 (2) Purchase real or personal property;
- 22 (3) Sue or be sued in the name of the Airport Authority, make contracts
23 necessary for the exercise of the powers of the Airport Authority, and
24 acquire by purchase, lease, or otherwise, any existing lease, leasehold
25 right or other interest in any existing airport located in Macon County;
- 26 (4) Charge and collect reasonable and adequate fees, royalties, rents or
27 other charges for the use of the property owned, leased or otherwise
28 controlled or operated by said Airport Authority or for services
29 rendered in the operation thereof;
- 30 (5) Make all reasonable rules and regulations as it deems necessary for the
31 proper maintenance, use, operation, and control of any airport or
32 airport facilities owned, leased, or otherwise controlled by said Airport
33 Authority; to provide penalties for the violation of such rules and
34 regulations; provided said rules and regulations and penalties be not in
35 conflict with the laws of the State of North Carolina and the rules and
36 regulations of the Federal Aviation Administration;
- 37 (6) Sell, lease, or otherwise dispose of, any property, real or personal,
38 belonging to the Airport Authority, but no sale of real property shall be
39 made without the approval of the Board of County Commissioners of
40 Macon County and the Federal Aviation Administration;
- 41 (7) Purchase such insurance as said Airport Authority shall deem
42 necessary;

- 1 (8) Deposit or invest and reinvest any of its funds as provided by the Local
2 Government Finance Act, as it may be amended from time to time, for
3 the deposit or investment of unit funds;
- 4 (9) Operate, own, lease, control, regulate, or grant to others the right to
5 operate on any airport premises, restaurants, snack bars, and vending
6 machines, food and beverage dispensing outlets, rental car services,
7 catering services, novelty shops, insurance sales, advertising media,
8 merchandising outlets, motels, hotels, barber shops, automobile
9 parking and storage facilities, automobile service stations, garage
10 service facilities, motion pictures, personal service establishments and
11 all other types of facilities as may be directly or indirectly related to
12 the maintenance and furnishing to the general public of a complete air
13 terminal installation;
- 14 (10) Possess the same exemptions in respect to payment of taxes and
15 license fees, as provided for municipal corporations by the laws of the
16 State of North Carolina;
- 17 (11) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the
18 General Statutes of North Carolina;
- 19 (12) Have all the same power and authority granted to cities and counties
20 pursuant to General Statutes Chapter 63, AERONAUTICS;
- 21 (13) Have a corporate seal which may be altered at will.

22 Sec. 5. Any lands acquired, owned, controlled or occupied by said Airport
23 Authority shall, and are hereby declared to be acquired, owned, controlled and occupied
24 for a public purpose.

25 Sec. 6. Said Airport Authority shall make an annual report to the Macon
26 County Board of Commissioners setting forth in detail the operations and transactions
27 conducted by it pursuant to this act. Said Airport Authority shall be regarded as the
28 corporate instrumentality and agent for Macon County for the purpose of operating,
29 maintaining and developing airport facilities in Macon County, but it shall not have the
30 power to pledge the credit of Macon County, or any subdivision thereof, or to impose
31 any obligation upon Macon County or any subdivision thereof, except and when such
32 power is expressly granted by statute.

33 Sec. 7. All rights and powers given and granted to the counties or
34 municipalities by the statutes of North Carolina, which may now be in effect or enacted
35 in the future relating to the development, regulation and control of municipal airports
36 and the regulation of aircraft are vested in the Airport Authority, and Macon County
37 may delegate its powers under said acts to the Airport Authority and the Airport
38 Authority shall have concurrent right with Macon County to control, regulate and
39 provide for the development of aviation in Macon County.

40 Sec. 8. Said Airport Authority may employ such agents, engineers, attorneys
41 and other persons whose services may be deemed by the Airport Authority to be
42 necessary and useful in carrying out the provisions of this act. Members of said Airport
43 Authority shall not be personally liable, in any manner, for their acts as members of the
44 Airport Authority, except for misfeasance or malfeasance.

1 Sec. 9. If any one or more sections, clauses, sentences or parts of this act
2 shall be adjudged invalid, such judgment shall not affect, impair or invalidate the
3 remaining provisions thereof, but shall be confined in its operation to the specific
4 provisions held invalid, and the inapplicability or invalidity of any section, clause,
5 sentence or part of this act in one or more instances or circumstances shall not be taken
6 to affect or prejudice in any way its applicability or validity in any other instance.

7 Sec. 10. This act is effective upon ratification.