

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 410*

Short Title: New Hanover Airport Authority.

(Local)

Sponsors: Senator Block.

Referred to: Local Government and Regional Affairs.

March 14, 1989

A BILL TO BE ENTITLED

**AN ACT ENABLING THE COUNTY OF NEW HANOVER TO ESTABLISH AN
AIRPORT AUTHORITY FOR THE OPERATION AND MAINTENANCE OF
AIRPORT FACILITIES IN THE COUNTY OF NEW HANOVER FOR THE
CITIZENS OF NEW HANOVER COUNTY AND VICINITY.**

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "New Hanover County Airport Authority"(for brevity hereinafter referred to as the "Airport Authority"), which shall be a body corporate and politic, 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. The Airport Authority shall consist of five members who shall be registered voters of New Hanover County and who shall be appointed by the New Hanover County Board of Commissioners. The Airport Authority shall meet at least once per month at the New Hanover County International Airport. The members of the Airport Authority shall be appointed to serve for a period of four years; provided that initially three members shall serve four-year terms and two members shall serve two-year terms and thereafter members shall serve four-year terms and any member may serve a total of two successive terms, after which said member may not be reappointed to the Authority except after a lapse of two years following the most recent term served by said member. Each of the members and their successors so appointed shall take and subscribe before the Clerk to the Board of Commissioners for the County of New Hanover an oath of office and file the same with the County Commissioners of New Hanover County. Any member of the Airport Authority may be removed, for cause, by

1 the New Hanover County Board of Commissioners. The New Hanover County Board
2 of Commissioners, may, at the request of the Airport Authority, increase the
3 membership to no more than nine members or decrease the membership to no less than
4 three members. The New Hanover County Board of Commissioners shall consult with
5 the Airport Authority in filling vacancies on the Airport Authority.

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

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

- 13 (1) Purchase, acquire, establish, construct, own, control, lease, equip,
14 improve, maintain, operate, and regulate the New Hanover County
15 International Airport for the use of airplanes, and other aircraft, and all
16 facilities incidental to the operation of such airport; within the limits of
17 New Hanover County; and for any of such purposes, to purchase,
18 acquire, own, hold, lease and/or operate real or personal property;
- 19 (2) Purchase real or personal property;
- 20 (3) Sue or be sued in the name of said Airport Authority, to acquire by
21 purchase, lease, or otherwise and to hold lands for the purpose of
22 constructing, maintaining or operating New Hanover County
23 International Airport and to make such contracts and to hold such
24 personal property as may be necessary for the exercise of the powers
25 of said Airport Authority. Said Airport Authority may acquire by
26 purchase, lease, or otherwise, any existing lease, leasehold right or
27 other interest in any existing airport located in New Hanover County;
- 28 (4) Charge and collect reasonable and adequate fees, royalties, rents or
29 other charges for the use of the property owned, leased or otherwise
30 controlled or operated by said Airport Authority or for services
31 rendered in the operation thereof;
- 32 (5) Make all reasonable rules and regulations as it deems necessary for the
33 proper maintenance, use, operation, and control of any airport or
34 airport facilities owned, leased, or otherwise controlled by said Airport
35 Authority; to provide penalties for the violation of such rules and
36 regulations; provided said rules and regulations and penalties be not in
37 conflict with the laws of the State of North Carolina and the rules and
38 regulations of the Federal Aviation Administration;
- 39 (6) Sell, lease, or otherwise dispose of, any property, real or personal,
40 belonging to the Airport Authority, but no sale of real property shall be
41 made without the approval of the Board of County Commissioners of
42 New Hanover County and the Federal Aviation Administration;
- 43 (7) Purchase such insurance as said Airport Authority shall deem
44 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 new
26 Hanover County Board of Commissioners setting forth in detail the operations and
27 transactions conducted by it pursuant to this act. Said Airport Authority shall be
28 regarded as the corporate instrumentality and agent for New Hanover County for the
29 purpose of operating, maintaining and developing airport facilities in New Hanover
30 County, but it shall not have the power to pledge the credit of New Hanover County, or
31 any subdivision thereof, or to impose any obligation upon New Hanover County or any
32 subdivision thereof, except and when such 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 air ports
36 and the regulations of aircraft, are hereby vested in said Airport Authority, and New
37 Hanover County may delegate its powers under said acts to the Airport Authority and
38 the Airport Authority shall have concurrent right with New Hanover County to control,
39 regulate and provide for the development of aviation in New Hanover 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 of 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 not 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.