

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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SENATE BILL 410\*  
Second Edition Engrossed 3/23/89

Short Title: New Hanover Airport Authority.

(Local)

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Sponsors: Senator Block.

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Referred to: Local Government and Regional Affairs.

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March 14, 1989

A BILL TO BE ENTITLED

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

6 The General Assembly of North Carolina enacts:

7 Section 1. There is hereby created the "New Hanover County Airport  
8 Authority"(for brevity hereinafter referred to as the "Airport Authority" ), which shall  
9 be a body corporate and politic, having the powers and jurisdiction hereinafter  
10 enumerated and such other and additional powers as shall be conferred upon it by future  
11 acts of the General Assembly.

12 Sec. 2. The Airport Authority shall consist of five (5) members who shall be  
13 resident voters of New Hanover County and who shall be appointed by the New  
14 Hanover County Board of Commissioners, and who shall meet at least once per month  
15 at the New Hanover County International Airport. Initially, the term of office of the  
16 members of the Airport Authority shall be determined by the New Hanover County  
17 Board of Commissioners, not to exceed four years, and thereafter the members of the  
18 Authority shall be appointed to serve for a period of four (4) years and any member may  
19 serve a total of two (2) successive terms, after which said member may not be  
20 reappointed to the Authority except after a lapse of two (2) years following the most  
21 recent term served by said member. Each of the members and their successors so  
22 appointed shall take and subscribe before the Clerk to the Board of Commissioners for  
23 the County of New Hanover an oath of office and file the same with the County

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

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

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

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

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

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

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

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

42 Sec. 8. Said Airport Authority may employ such agents, engineers, attorneys  
43 and other persons whose services may be deemed by the Airport Authority to be  
44 necessary and useful in carrying out the provisions of this act. Members of said Airport

1 Authority shall not be personally liable, in any manner, for their acts as members of the  
2 Airport Authority, except for misfeasance or malfeasance.

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

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