

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2140*

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. There is hereby created the "Macon County Airport Authority"(for
8 brevity hereinafter referred to as the "Airport Authority"), which shall be a body
9 corporate and politic, having the powers and jurisdiction hereinafter enumerated and
10 such other and additional powers as shall be conferred upon it by future acts of the
11 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. Each of the members and
21 their successors so appointed shall take and subscribe before the Clerk to the Board of
22 Commissioners for the County of Macon an oath of office and file the same with the
23 County Commissioners of Macon County. Any member of the Airport Authority may
24 be removed, for cause, by the Macon County Board of Commissioners. The Macon

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

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

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

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

1 machines, food and beverage dispensing outlets, rental car services,
2 catering services, novelty shops, insurance sales, advertising media,
3 merchandising outlets, motels, hotels, barber shops, automobile
4 parking and storage facilities, automobile service stations, garage
5 service facilities, motion pictures, personal service establishments and
6 all other types of facilities as may be directly or indirectly related to
7 the maintenance and furnishing to the general public of a complete air
8 terminal installation;

9 (10) Possess the same exemptions in respect to payment of taxes and
10 license fees, as provided for municipal corporations by the laws of the
11 State of North Carolina;

12 (11) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the
13 General Statutes of North Carolina;

14 (12) Have all the same power and authority granted to cities and counties
15 pursuant to General Statutes Chapter 63, AERONAUTICS;

16 (13) Have a corporate seal which may be altered at will.

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

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

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

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

40 Sec. 9. If any one or more sections, clauses, sentences or parts of this act
41 shall be adjudged invalid, such judgment shall not affect, impair or invalidate the
42 remaining provisions thereof, but shall be confined in its operation to the specific
43 provisions held invalid, and the inapplicability or invalidity of any section, clause,

- 1 sentence or part of this act in one or more instances or circumstances shall not be taken
- 2 to affect or prejudice in any way its applicability or validity in any other instance.
- 3 Sec. 10. This act is effective upon ratification.