

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 404
SENATE BILL 410

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 (5) members who shall be resident voters of New Hanover County and who shall be appointed by the New Hanover County Board of Commissioners, and who shall meet at least once per month at the New Hanover County International Airport. Initially, the term of office of the members of the Airport Authority shall be determined by the New Hanover County Board of Commissioners, not to exceed four years, and thereafter the members of the Authority shall be appointed to serve for a period of four (4) years and any member may serve a total of two (2) successive terms, after which said member may not be reappointed to the Authority except after a lapse of two (2) 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 the New Hanover County Board of Commissioners. The New Hanover County Board of Commissioners, may, at the request of the Airport Authority, increase the membership to no more than nine members or decrease the membership to no less than three members. The New Hanover County Board of Commissioners shall consult with the Airport Authority in filling vacancies on the Airport Authority.

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

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

- (1) Purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate the New Hanover County International Airport for the use of airplanes, and other aircraft, and all facilities incidental to the operation of such airport, within the limits of New Hanover County; and for any of such purposes, to purchase, acquire, own, hold, lease and/or operate real or personal property;
- (2) Purchase real or personal property;
- (3) Sue or be sued in the name of the Airport Authority, make contracts necessary for the exercise of the powers of the Airport Authority, and acquire by purchase, lease, or otherwise, any existing lease, leasehold right or other interest in any existing airport located in New Hanover County;
- (4) Charge and collect reasonable and adequate fees, royalties, rents or other charges for the use of the property owned, leased or otherwise controlled or operated by said Airport Authority or for services rendered in the operation thereof;
- (5) Make all reasonable rules and regulations as it deems necessary for the proper maintenance, use, operation, and control of any airport or airport facilities owned, leased, or otherwise controlled by said Airport Authority; to provide penalties for the violation of such rules and regulations; provided said rules and regulations and penalties be not in conflict with the laws of the State of North Carolina and the rules and regulations of the Federal Aviation Administration;
- (6) Sell, lease, or otherwise dispose of, any property, real or personal, belonging to the Airport Authority, but no sale of real property shall be made without the approval of the Board of County Commissioners of New Hanover County and the Federal Aviation Administration;
- (7) Purchase such insurance as said Airport Authority shall deem necessary;
- (8) Deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of unit funds;
- (9) Operate, own, lease, control, regulate, or grant to others the right to operate on any airport premises, restaurants, snack bars, and 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, motion pictures, personal service establishments and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the general public of a complete air terminal installation;

- (10) 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;
- (11) Issue revenue bonds pursuant to Article 5 of Chapter 159 of the General Statutes of North Carolina;
- (12) Have all the same power and authority granted to cities and counties pursuant to General Statutes Chapter 63, AERONAUTICS;
- (13) Have a corporate seal which may be altered at will.

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

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

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

Sec. 8. Said Airport Authority may employ such agents, engineers, attorneys and other persons whose services may be deemed by the Airport Authority to be necessary and useful in carrying out the provisions of this act. Members of said 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. 9. If any one or more sections, clauses, sentences or parts of this act shall be adjudged invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence or part of this act in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Sec. 10. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 22nd day of June, 1989.