

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1989**

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SENATE BILL 1383\*

Short Title: Macon Airport Authority.

(Local)

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Sponsors: Senator Carpenter.

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Referred to: Local Government and Regional Affairs.

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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.