

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 500
HOUSE BILL 470

AN ACT TO CREATE THE SPARTA/ALLEGHANY AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. There is created a body corporate and politic to be known as the Town of Sparta-County of Alleghany Airport Authority, hereinafter referred to as the Airport Authority, which shall have the powers set forth in this act.

Sec. 2. The Airport Authority shall consist of five members to be appointed in the following manner and for the following terms: two members shall be appointed by the governing body of the Town of Sparta; they shall be residents of the Town, one member for a term of two years beginning July 1, 1985, and a second member for a term of four years beginning July 1, 1985. Two members shall be appointed by the governing body of the County of Alleghany, they shall be residents of the County, one member for a term of one year beginning July 1, 1985, and a second member for a term of three years beginning July 1, 1985. The fifth member, who shall be a resident of the Town and/or the County, shall be appointed by the four members appointed by the respective governing bodies and shall serve a two-year term from the date of his appointment. Upon the occurrence of any vacancy on the Airport Authority, or in the event a member of the Airport Authority becomes ineligible because he ceases to reside within the Town or County, that vacancy shall be filled by the same appointing procedure as was used to appoint the vacating member, except that the newly appointed member shall serve only the unexpired term of the vacating member. The Airport Authority shall elect a chairman from among its membership, and he shall serve as chairman for two years or until his term expires.

Sec. 3. The Airport Authority shall adopt suitable bylaws for the conduct of business, and shall make provision for the recording of minutes of all meetings.

Sec. 4. The Airport Authority shall have the following powers:

(a) To purchase, lease, construct, maintain, improve, equip, operate, and regulate an airport for the use of aircraft or for any other purposes, and to purchase, lease, or otherwise hold any real property or personal property as may be necessary to the operation of the airport.

(b) To sue or be sued in the name of the Airport Authority, to make any contracts that are necessary for the exercise of its powers, and to acquire any existing lease, leasehold right, or other interest in any existing airport.

(c) To charge and collect reasonable fees and rents for the use of the airport or for services rendered in the operation of the airport.

(d) To establish and enforce regulations that may be necessary for the proper maintenance and operation of the airport, and to fix penalties for violation of those regulations, except that the regulations shall not conflict with the laws of the State or with Federal Aviation Regulations.

(e) To sell, lease, rent, or otherwise dispose of any property belonging to the Airport Authority.

(f) To contract, covenant, or otherwise establish agreements with one or more second parties, under which the other parties shall manage, supervise, or operate the airport for a term not to exceed 25 years in return for any compensation agreed to by the Airport Authority, and subject to any surety that may be required by the Airport Authority.

(g) To lease to one or more second parties for a term not to exceed 25 years any or all real or personal property held by the Airport Authority to assure the maintenance, operation, or construction of the airport or any part of the airport.

(h) To employ any agents, engineers, or attorneys necessary to carry out the provisions of this act.

(i) To accept and to use for any authorized purpose any gifts, grants, bequests, or donations from individuals, business, or from the federal, State, municipal, or county governments, or from any of their agencies.

Sec. 5. The Airport Authority shall make annual reports to the elected governing bodies of the Town of Sparta and the County of Alleghany setting forth, in detail, all operations and transactions conducted by the Airport Authority. The Airport Authority shall have no power to pledge the credit of the Town or the County, nor shall the Town or the County be liable in tort for any act or omission of the Airport Authority.

Sec. 6. The Airport Authority shall meet at the times and in the places designated by the chairman, provided that the Airport Authority shall meet at least once every six months. All decisions of the Airport Authority shall require majority approval of those members present and voting. Provided that funds are available, the Airport Authority may pay the actual expenses incurred by its members when the members are conducting the business of the Airport Authority.

Sec. 7. It is the specific intent of this act to allow but not to compel the creation of the Airport Authority, and none of the powers granted by any section of this act shall become effective until the initial appointments are made to the Airport Authority in accordance with Section 2 of this act.

Sec. 8. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 28th day of June, 1985.