



Rutherford County Airport Authority

289 N. Main Street
Rutherfordton, NC 28139

Special Meeting

Monday, June 6, 2024, 5:30 pm

I. Call to Order

Chairman Michael Benfield called the June 6, 2024 Special Meeting of the Airport Authority to order.

Present: 5 Michael Benfield, Bryan King, and David Hunt, Alan Toney, and Greg Lovelace

Absent: 0

A. Agenda Approval

A motion was made by Member Alan Toney and seconded by Vice Chairman David Hunt to approve the agenda. The vote on the motion was:

Aye: 5 Member King, Chairman Benfield, and Vice Chairman Hunt, Member Toney, and Member Lovelace

Nay: 0

VI. New Business

[ID 24-3815](#)

Transfer of Hangar 4C

Director Devon Raisch presented a Resolution for transfer of Hangar 4C from James Misenheimer to Mark Jackson for the Board's consideration.

A motion was made by Vice Chairman David Hunt and seconded by Member Greg Lovelace to adopt the Resolution. The motion carried by the following vote:

Aye: 5 Member Bryan King, Vice Chairman David Hunt, Chairman Michael Benfield, Member Alan Toney, and Member Greg Lovelace

Nay: 0

**A RESOLUTION AUTHORIZING
ASSIGNMENT OF LEASE AGREEMENT**

WHEREAS, the Rutherford Airport Authority (“Airport Authority”) entered into a Lease Agreement with John Cloud for a term commencing June 1, 2000, for the premises then known as Hangar 5, Units J and K, which said Lease was never properly executed; and

WHEREAS, the Airport Authority subsequently entered into a new Lease Agreement with John Cloud dated August 8, 2006, for the same premises, being Hangar 4C (formerly known as Hangar 5, Unit J) and Hangar 4D (formerly known as Hangar 5, Unit K); and

WHEREAS, Hangar 4C was the subject of Partial Assignment of Lease Agreement dated July 14, 2009, to Jim Misenheimer, which said instrument was improperly executed as: (1) it identified Cloud Management as the Lessee/Assignor rather than John Cloud individually; (2) it was executed by John Cloud as President of Nimbo Stratus, LLC, rather than John Cloud individually; and (3) it was executed by the Sublessee/Assignee Jim Misenheimer as President of Plane Skies, LLC, rather than Jim Misenheimer individually; and

WHEREAS, Section 12 of both the original and subsequent Lease Agreements for Hangar 4C allows Lessee therein to assign the full rights under the said Lease Agreement upon the written consent of the Airport Authority, and states that such consent shall not be unreasonably withheld, as well as provide for right of first refusal by the Airport Authority to purchase any improvements and buildings built thereon; and

WHEREAS, Lessee Jim Misenheimer now wishes to assign his full rights under the Lease Agreement for Hangar 4C to Mark Jackson for the consideration Forty-Five Thousand Dollars (\$45,000.00).

NOW, THEREFORE, BE IT RESOLVED by the Rutherford Airport Authority, that:

The Airport Authority consents and authorizes Jim Misenheimer to assign his rights under the Lease Agreement for Hangar 4C to Mark Jackson contingent upon the execution of a duly binding Assignment of Lease Agreement for Hangar 4C in the general form attached hereto as Exhibit A; and

The Airport Authority chooses not to exercise its right of first refusal to purchase improvements and buildings constructed on the premises of Hangar 4C set forth in the Lease Agreements referenced herein. The waiver of such right of first refusal is effective only as to the specific transaction referenced above and any and all such rights in any Lease Agreement referenced herein are specifically reserved as to all other transactions and parties.

The Airport Authority authorizes the Chairman, working with the Airport Director and County Attorney, to execute an Assignment of Lease Agreement for Hangar 4C consistent herewith and also any such documents as necessary to correct any prior Assignment of Lease Agreement for Hangar 4C as may be necessary.

Adopted this 6th day of June, 2024.

VII. Adjournment

Chairman Benfield called the meeting to adjourn.

A motion was made by Member Bryan King and seconded by Member Alan Toney to adjourn. The motion carried by the following vote:

Aye: 5 Vice Chairman Hunt, Chairman Benfield, and Member King, Member Toney, and Member Lovelace

Nay: 0

Chairman, Airport Authority

Vice Chairman, Airport Authority

Attest:

Secretary to the Airport Authority