

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 133
Committee Substitute Favorable 2/28/95
Committee Substitute #2 Favorable 3/16/95

Short Title: Columbus Co. Airport Authy.

(Local)

Sponsors:

Referred to:

February 8, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ENABLE THE COUNTY OF COLUMBUS TO ESTABLISH AN
2 AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES
3 IN THE COUNTY.
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5 The General Assembly of North Carolina enacts:

6 Section 1. There is hereby created the "Columbus County Airport Authority"
7 (for brevity hereinafter referred to as the "Airport Authority"), which shall be a body
8 both corporate and politic, having the powers and jurisdiction hereinafter enumerated and
9 such other and additional powers as shall be conferred upon it by general law and future
10 acts of the General Assembly.

11 Sec. 2. The Airport Authority shall consist of five members who shall be
12 appointed to staggered terms of four years by the Columbus County Board of
13 Commissioners. All of the members shall be residents of Columbus County. Of the
14 initial five members, two shall be appointed to a term of four years and three shall be
15 appointed to a term of two years. Thereafter all terms shall be for four years. Each
16 member shall take and subscribe before the Clerk of the Superior Court of Columbus
17 County an oath of office and file the same with the Columbus County Board of
18 Commissioners. Upon the occurrence of any vacancy on the Airport Authority, the

1 vacancy shall be filled within 60 days after the vacancy occurs at a regular meeting of the
2 Board of County Commissioners. Membership on the Columbus County Board of
3 Commissioners and on the Airport Authority shall not constitute double office holding
4 within the meaning of Article VI, §9 of the Constitution of North Carolina.

5 Sec. 3. The Airport Authority may adopt suitable bylaws for its management.
6 The members of the Airport Authority shall receive compensation, per diem, or otherwise
7 as the Columbus County Board of Commissioners from time to time determines and be
8 paid their actual traveling expenses incurred in transacting the business and at the
9 instance of the Airport Authority.

10 Sec. 4. (a) The Airport Authority shall constitute a body, both corporate and
11 politic, and shall have the following powers and authority:

- 12 (1) To purchase, acquire, establish, construct, own, control, lease, equip,
13 improve, maintain, operate, and regulate airports and landing fields
14 for the use of airplanes and other aircraft within the limits of the
15 County and for this purpose to purchase, improve, own, hold, lease,
16 or operate, real or personal property.
- 17 (2) To sue and be sued in the name of the Airport Authority, to make
18 contracts and hold any personal property necessary for the exercise
19 of the powers of the Airport Authority, and acquire by purchase,
20 lease, or otherwise, any existing lease, leasehold right, or other
21 interest in any existing airport located in the County.
- 22 (3) To charge and collect reasonable and adequate fees and rents for the
23 use of airport property or for services rendered in the operation of
24 the airport.
- 25 (4) To make all reasonable rules and regulations it deems necessary
26 for the proper maintenance, use, operation, and control of the
27 airport and provide penalties for the violation of these rules and
28 regulations; provided, the rules and regulations and schedules of
29 fees not be in conflict with the laws of North Carolina, and the
30 regulations of the Federal Aviation Administration.
- 31 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General
32 Statutes.
- 33 (6) To sell, lease, or otherwise dispose of any property, real or personal,
34 belonging to the Airport Authority, according to the procedures
35 described in Article 12 of Chapter 160A of the General Statutes, but
36 no sale of real property shall be made without the approval of the
37 Columbus County Board of Commissioners.
- 38 (7) To purchase any insurance that the Federal Aviation Administration
39 or the Airport Authority shall deem necessary. The Airport
40 Authority shall be responsible for any and all insurance claims or
41 liabilities. Columbus County shall not undertake any personal or
42 property liability.

- 1 (8) To deposit or invest and reinvest any of its funds as provided by the
2 Local Government Finance Act, as it may be amended from time to
3 time, for the deposit or investment of unit funds.
- 4 (9) To purchase any of its outstanding bonds or notes.
- 5 (10) To operate, own, lease, control, regulate, or grant to others, for a
6 period not to exceed 25 years, the right to operate on any airport
7 premises restaurants, snack bars, vending machines, food and
8 beverage dispensing outlets, rental car services, catering services,
9 novelty shops, insurance sales, advertising media, merchandising
10 outlets, motels, hotels, barber shops, automobile parking and storage
11 facilities, automobile service stations, garage service facilities,
12 motion pictures, personal service establishments, and all other types
13 of facilities as may be directly or indirectly related to the
14 maintenance and furnishing to the general public of a complete air
15 terminal installation.
- 16 (11) To contract with persons, firms, or corporations for terms not to
17 exceed 25 years, for the operation of airline-scheduled passenger and
18 freight flights, nonscheduled flights, and any other airplane activities
19 not inconsistent with the grant agreements under which the airport
20 property is held.
- 21 (12) To erect and construct buildings, hangars, shops, and other
22 improvements and facilities, not inconsistent with or in violation of
23 the agreements applicable to and the grants under which the real
24 property of the airport is held; to lease these improvements and
25 facilities for a term or terms not to exceed 25 years; to borrow
26 money for use in making and paying for these improvements and
27 facilities, secured by and on the credit only of the lease agreements
28 in respect to these improvements and facilities, and to pledge and
29 assign the leases and lease agreements as security for the authorized
30 loans.
- 31 (13) Subject to the limitations set out in this act, to have all the same
32 power and authority granted to cities and counties pursuant to
33 Chapter 63 of the General Statutes, Aeronautics.
- 34 (14) To have a corporate seal, which may be altered at will.

35 (b) The Airport Authority shall possess the same exemptions in respect to payment
36 of taxes and license fees and be eligible for sales and use tax refunds to the same extent
37 as provided for municipal corporations by the laws of the State of North Carolina.

38 Sec. 5. The Airport Authority may acquire from the County, by agreement
39 with the County, and the County may grant and convey, either by gift or for such
40 consideration as the County may deem wise, any real or personal property which it now
41 owns or may hereafter acquire, including nontax monies, and which may be necessary for
42 the construction, operation, and maintenance of any airport located in the County.

1 Sec. 6. Any lands acquired, owned, controlled, or occupied by the Airport
2 Authority shall be, and are declared to be acquired, owned, controlled, and occupied for a
3 public purpose.

4 Sec. 7. Private property needed by the Airport Authority for any airport,
5 landing field, or as facilities of an airport or landing field may be acquired by gift or
6 devise, or may be acquired by private purchase or by the exercise of eminent domain
7 pursuant to Chapter 40A of the General Statutes.

8 Sec. 8. The Airport Authority shall make an annual report to the Columbus
9 County Board of Commissioners setting forth in detail the operations and transactions
10 conducted by it pursuant to this act. The Airport Authority shall not have the power to
11 pledge the credit of Columbus County, or any subdivision thereof, or to impose any
12 obligation on Columbus County, or any of its subdivisions, except when that power is
13 expressly granted by statute.

14 Sec. 9. Subject to the limitations as set out in this act, all rights and powers
15 given and granted to counties or municipalities by general law, which may now be in
16 effect or enacted in the future relating to the development, regulation, and control of
17 municipal airports, and the regulation of aircraft, are vested in the Airport Authority. The
18 Columbus County Board of Commissioners may delegate its powers under these acts to
19 the Airport Authority, and the Airport Authority shall have concurrent rights with
20 Columbus County to control, regulate, and provide for the development of aviation in
21 Columbus County.

22 Sec. 10. The Airport Authority may contract with and accept grants from the
23 Federal Aviation Administration, the State of North Carolina, or any of the agencies or
24 representatives of either of said governmental bodies relating to the purchase of land and
25 air easements and to the grading, constructing, equipping, improving, maintaining, or
26 operating of an airport or its facilities or both.

27 Sec. 11. The Airport Authority may employ any agents, engineers, attorneys,
28 and other persons whose services may be deemed by the Airport Authority to be
29 necessary and useful in carrying out the provisions of Sections 1 through 10 of this act.

30 Sec. 12. The Columbus County Board of Commissioners may appropriate
31 funds derived from any source other than ad valorem taxes to carry out the provisions of
32 this act in any proportion or upon any basis as may be determined by the Columbus
33 County Board of Commissioners.

34 Sec. 13. The Airport Authority may expend the funds that are appropriated by
35 the County for joint airport purposes and may pledge the credit of the Airport Authority
36 to the extent of the appropriated funds.

37 Sec. 14. The Airport Authority shall elect from among its members a chair, a
38 secretary, and a treasurer at its initial meeting and then annually thereafter. A majority of
39 the Airport Authority shall control its decisions. Each member of the Airport Authority,
40 including the chair, shall have one vote. The Airport Authority shall meet at the places
41 and times designated by the chair.

42 Sec. 15. The powers granted to the Airport Authority shall not be effective
43 until the members of the Airport Authority have been appointed by the Columbus County

1 Board of Commissioners, and nothing in this act shall require the Board of
2 Commissioners to make the initial appointments. It is the intent of this act to enable but
3 not to require the formation of the Columbus County Airport Authority.

4 Sec. 16. If any one or more sections, clauses, sentences, or parts of this act
5 shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the
6 remaining provisions thereof, but shall be confined in its operation to the specific
7 provisions held invalid, and the inapplicability or invalidity of any section, clause,
8 sentence, or part of this act in one or more instances or circumstances shall not be taken
9 to affect or prejudice in any way its applicability or validity in any other instance.

10 Sec. 17. This act is effective upon ratification.