

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1991

CHAPTER 854
HOUSE BILL 1575

AN ACT TO MODIFY CHAPTER 546 OF THE 1987 SESSION LAWS TO REMOVE THE MUNICIPALITIES OF APEX AND FUQUAY-VARINA FROM THE SOUTH WAKE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 546 of the 1987 Session Laws reads as rewritten:

"AN ACT AUTHORIZING THE ~~COMBINED MUNICIPALITIES OF APEX, TOWN OF HOLLY SPRINGS AND FUQUAY-VARINA~~ TO ESTABLISH AN AIRPORT AUTHORITY FOR THE PURPOSE OF ACQUIRING LANDS, CONSTRUCTING AND OPERATING AN AIRPORT AND VESTING IN SAID AIRPORT AUTHORITY ALL POWERS SET OUT IN CHAPTER 63 OF THE GENERAL STATUTES OF NORTH CAROLINA.

Section 1. There is hereby created an airport authority to be known as 'WakeSouth Regional Airport' which shall be a body politic and corporate. The said authority shall be composed of six ~~members, two members~~ appointed by the ~~Board of Commissioners of the municipality of Apex, two by the Board of Commissioners of the municipality of Fuquay-Varina.~~ Board of Commissioners of the municipality of Apex, two by the Board of Commissioners of the municipality of Fuquay-Varina. The said members shall be allowed a reasonable compensation and shall be paid actual expenses incurred in the transaction of business at the instance of the authority provided however, that a full-time employee of ~~either municipality the Town of Holly Springs~~ or an elected member of the Board of Commissioners of ~~either municipality the Town of Holly Springs~~ shall not be paid a reasonable compensation for his services but shall be entitled to reimbursement of actual expenses.

Sec. 2. The initial term of ~~one member~~ two members appointed by ~~each the Board of Commissioners of the Town of Holly Springs as above set out~~ shall ~~serve two years be one year.~~ serve two years. ~~and the other member appointed by said Board of Commissioners shall serve three years and then each Board of Commissioners shall appoint one member every year thereafter from the expiration of the first two year appointee's term.~~ The initial term of two members appointed by the Board of Commissioners of the Town of Holly Springs shall be two years. The initial term of two members appointed by the Board of Commissioners of the Town of Holly Springs shall be three years. Thereafter, all members shall serve three-year terms. The authority shall determine its own organization and shall annually at the first meeting in January of each calendar year elects its officers who shall serve for terms of one year. Officers shall be eligible to

succeed themselves in office and shall be eligible to serve consecutive terms at the will of ~~their respective~~ the Board of Commissioners.

Sec. 3. (a) The authority shall, in addition to the powers conferred in Chapter 63 of the General Statutes of North Carolina, have the following powers:

- (1) To sue and be sued in the name of the airport authority and all pleadings served upon the airport authority shall be served ~~of~~ on the chairperson or the secretary of the airport authority.
- (2) To expend funds appropriated from time to time by the ~~said municipalities, jointly or severally,~~ Town of Holly Springs for ~~joint~~ airport purposes and to appropriate and expend funds received by it from fees, charges, rents and dues arising out of the operation of said airport, the facilities, improvements and concessions located thereat or operated thereon.
- (3) To establish, construct, control, lease, maintain, improve, operate and regulate an airport with buildings necessary to accommodate all types of business to operate an airport, runways, taxi ramps, parking ramps, and any equipment to operate an airport, to have complete authority for rules and regulations over all airport property for the control of all types of vehicular traffic, mobile or stationary, and pedestrian traffic with respect to areas or roadways not under the control of the Department of Transportation and any rules and regulations adopted by the airport authority for property exclusively under its control and to have conjunctive authority to work with and cooperate with all other duly constituted law enforcement agencies to enforce rules and regulations established by the State of North Carolina. The penalty for the violation of rules and regulations established by the airport authority shall be a misdemeanor and upon conviction, shall be punishable by a fine not to exceed fifty dollars (\$50.00) or imprisonment not to exceed 30 days. All rules and regulations so adopted by the airport authority shall be recorded by certified true copies by the chairperson and secretary of the authority with the ~~municipalities of Apex, Holly Springs and Fuquay Varina.~~ Town of Holly Springs.
- (4) To acquire property by gift, devise, negotiated purchase or condemnation, and if by condemnation, then the procedure to be followed shall be the procedure set out in Article 9 of Chapter 136 of the General Statutes of North Carolina and shall have all powers therein granted. The said airport authority shall have authority to dispose of land, improvements or equipment owned by it. If property acquired by condemnation shall have a graveyard, then it shall be lawful for said airport authority, after 30 days notice, to the surviving spouse or the next of kin of the deceased buried therein, or the person in control of such graves, if any are known, to remove the body interred therein and re-inter the same in some cemetery in the same

county. If no surviving spouse or next of kin or person in control can be found, then the airport authority can advertise for four consecutive weeks in a newspaper published in Wake County of the intended removal of said gravesite and the removal shall be conducted under the supervision of the Wake County Clerk of Court or his representative and the expense of said removal shall be borne by the airport authority.

- (5) To lease for a term not to exceed 40 years and for purposes not inconsistent with airport purposes or usage, real and/or personal property under the supervision of or administered by the airport authority.
- (6) To contract with persons, firms or corporations for terms not to exceed 40 years, for the operation of passenger and freight flights, scheduled or nonscheduled, and any other plane or flight activities not inconsistent with airport operations and to charge and collect reasonable fees, charges, and rents for the use of such property and services rendered in the operation thereof.
- (7) To operate, own, control, regulate, lease or grant to others the license to operate amusements or concessions for a term not exceeding 40 years.
- (8) To enter into contracts and to pledge as security the property of the airport authority, provided however, that neither the airport authority nor the individual members thereof shall have authority to pledge the credit of or contract for the ~~municipalities of Apex, Holly Springs or Fuquay Varina or any combination of them.~~ Town of Holly Springs. The airport authority is authorized to pledge any lease as security for any loan.
- (9) To borrow money for the use of making improvements to the airport property which capital improvement loans may be long term to the extent of moneys appropriated by the ~~joint or several Boards~~ Board of Commissioners of the municipalities of Apex, Holly Springs and Fuquay Varina ~~the Town of Holly Springs~~ and to borrow money for operating purposes, which operating loan shall not become due in excess of 12 months from the date of the loan and which operating loan shall be repayable solely out of the operating revenues of the airport.
- (10) To adopt and use a seal.
- (11) To contract with the Federal Aviation Administration of the United States of America or the State of North Carolina or any of their agencies or representatives relating to the grading, constructing, equipping, improving, maintaining or operating of an airport or its facilities.

(b) The airport authority shall not be liable for damages arising from injuries to persons or property caused by or growing out of fueling, refueling, or servicing any aircraft at said airport.

Sec. 4. The WakeSouth Regional Airport authority may exercise the powers granted political subdivisions under the Model Airport Zoning Act contained in Article 4, Chapter 63 of the General Statutes and may exercise the powers granted to municipalities by the terms of Article 6, Chapter 63, of the General Statutes concerning public airports and related facilities.

Sec. 5. WakeSouth Regional Airport authority may issue bonds, securities, and notes, as provided by Chapter 159 of the General Statutes. The said bonds, securities or notes shall not be obligations of the ~~municipalities of Apex, Holly Springs or Fuquay Varina,~~ Town of Holly Springs, but the airport authority is authorized to pledge the revenues, rents, income and tolls arising from the operation of said airport until the sums borrowed therefor are fully amortized and paid.

Sec. 6. It is hereby declared to be the policy of the State of North Carolina to promote, encourage and develop air transportation, service and facilities in connection with commerce of the United States of America and to foster and preserve air transportation; and the area within Wake County is hereby declared to be an area which should be developed in connection with the interior of the State of North Carolina and other states and it is hereby declared to be necessary and desirable and in the public interest of the entire State to establish air transportation facilities and the said airport authority herein created shall be regarded as performing an essential governmental function in undertaking the construction, maintenance and operation of an airport and shall not be required to pay ad valorem taxes or assessments upon properties acquired or otherwise used for it for such purposes.

Sec. 7. In the event of cessation of the operation of an airport established under this act, or the abandonment of any of the property acquired hereunder for airport purposes, the title to any real or personal property or rights under any existing lease shall revert to and vest in the ~~municipalities of Apex, Holly Springs and Fuquay Varina~~ Town of Holly Springs and upon the sale of any property after cessation of operations, the proceeds therefrom shall vest ~~equally in each said municipality.~~ in the Town of Holly Springs.

Sec. 8. This act is effective upon ratification."

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In the General Assembly read three times and ratified this the 6th day of July, 1992.

James C. Gardner
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives