

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 746
HOUSE BILL 1878

AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AIRPORT
AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE
COUNTY.

The General Assembly of North Carolina enacts:

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

Sec. 2. The Airport Authority shall consist of five members who shall be appointed to staggered terms of four years by the Avery County Board of Commissioners. Three of the members shall be residents of Avery County and two of the members may be nonresidents of Avery County. Of the initial five members, two shall be appointed to a term of four years and three shall be appointed to a term of two years. If one or two of the members appointed are nonresidents, the term of one nonresident shall be four years. Thereafter all terms shall be for four years. Each member shall take and subscribe before the Clerk of the Superior Court of Avery County an oath of office and file the same with the Avery County Board of Commissioners. Upon the occurrence of any vacancy on the Airport Authority, the vacancy shall be filled within 60 days after the vacancy occurs at a regular meeting of the Board of County Commissioners.

Sec. 3. The Airport Authority may adopt suitable bylaws for its management. The members of the Airport Authority shall receive no compensation or per diem, but shall be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the Airport Authority.

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

- (1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports and landing fields for the use of airplanes and other aircraft within the limits of the County and for this purpose to purchase, improve, own, hold, lease, or operate, real or personal property.
- (2) To sue and be sued in the name of the Airport Authority, to make contracts and hold any personal property necessary for the exercise of the powers of the Airport Authority, and acquire by purchase, lease, or

otherwise, any existing lease, leasehold right, or other interest in any existing airport located in the County.

- (3) To charge and collect reasonable and adequate fees and rents for the use of airport property or for services rendered in the operation of the airport.
- (4) To make all reasonable rules and regulations it deems necessary for the proper maintenance, use, operation, and control of the airport and provide penalties for the violation of these rules and regulations; provided, the rules and regulations and schedules of fees not be in conflict with the laws of North Carolina, and the regulations of the Federal Aviation Administration.
- (5) To issue revenue bonds pursuant to Article 5 of Chapter 159 of the General Statutes.
- (6) To sell, lease, or otherwise dispose of any property, real or personal, belonging to the Airport Authority, according to the procedures described in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made without the approval of the Avery County Board of Commissioners.
- (7) To purchase any insurance that the Federal Aviation Authority or the Airport Authority shall deem necessary. The Airport Authority shall be responsible for any and all insurance claims or liabilities. Avery County shall not undertake any personal or property liability.
- (8) To deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of unit funds.
- (9) To purchase any of its outstanding bonds or notes.
- (10) To operate, own, lease, control, regulate, or grant to others, for a period not to exceed 25 years, the right to operate on any airport premises restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion pictures, personal service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the general public of a complete air terminal installation.
- (11) To contract with persons, firms, or corporations for terms not to exceed 25 years, for the operation of airline-scheduled passenger and freight flights, nonscheduled flights, and any other airplane activities not inconsistent with the grant agreements under which the airport property is held.
- (12) To erect and construct buildings, hangars, shops, and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property

of the airport is held; to lease these improvements and facilities for a term or terms not to exceed 25 years; to borrow money for use in making and paying for these improvements and facilities, secured by and on the credit only of the lease agreements in respect to these improvements and facilities, and to pledge and assign the leases and lease agreements as security for the authorized loans.

(13) Subject to the limitations set out in this act, to have all the same power and authority granted to cities and counties pursuant to Chapter 63 of the General Statutes, Aeronautics.

(14) To have a corporate seal, which may be altered at will.

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

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

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

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

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

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

Sec. 10. The Airport Authority may contract with and accept grants from the Federal Aviation Administration, the State of North Carolina, or any of the agencies or representatives of either of said governmental bodies relating to the purchase of land

and air easements and to the grading, constructing, equipping, improving, maintaining, or operating of an airport or its facilities or both.

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

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

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

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

Sec. 15. The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Avery County Board of Commissioners, and nothing in this act shall require the Board of Commissioners to make the initial appointments. It is the intent of this act to enable but not to require the formation of the Avery County Airport Authority.

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

Sec. 17. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 15th day of July, 1994.

Marc Basnight
President Pro Tempore of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives