

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

**S**

**1**

**SENATE BILL 675**

Short Title: Morganton-Lenoir Airport Authority.

(Local)

---

Sponsors: Senator Simpson.

---

Referred to: Local Government and Regional Affairs

---

April 12, 1995

**A BILL TO BE ENTITLED**

**AN ACT TO REVISE THE STATUTES GOVERNING THE MORGANTON-LENOIR  
AIRPORT AUTHORITY.**

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "Morganton-Lenoir 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. As used in this act "participating local governments" include the County of Burke, the County of Caldwell, the Town of Lenoir, and the Town of Morganton.

Sec. 2. The Airport Authority shall consist of the following members:

- (1) Three members appointed by the governing body of the Town of Morganton;
- (2) Three members appointed by the governing body of the Town of Lenoir;
- (3) Three members appointed by the governing body of the County of Burke; and
- (4) Three members appointed by the governing body of the County of Caldwell

1 who shall be appointed to staggered terms of four years by the governing body of the  
2 participating local government. Of the initial three members appointed by each  
3 governing body, one member shall be appointed for a term of two years, one member  
4 shall be appointed for a term of three years, and one member shall be appointed for a  
5 term of four years. Thereafter all terms shall be for four years. Each member residing in  
6 Burke County shall take and subscribe before the Clerk of the Superior Court of Burke  
7 County an oath of office and file the same with the Burke County Board of  
8 Commissioners. Each member residing in Caldwell County shall take and subscribe  
9 before the Clerk of the Superior Court of Caldwell County an oath of office and file the  
10 same with the Caldwell County Board of Commissioners. Upon the occurrence of any  
11 vacancy on the Airport Authority, the vacancy shall be filled within 60 days after the  
12 vacancy occurs at a regular meeting of the governing body making the original  
13 appointment.

14       Sec. 3. The Airport Authority may adopt suitable bylaws for its management.  
15 The members of the Airport Authority shall receive compensation, per diem, or otherwise  
16 as the governing bodies of the participating local governments from time to time  
17 determine and be paid their actual traveling expenses incurred in transacting the business  
18 and at the instance of the Airport Authority.

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

- 21       (1)       To purchase, acquire, establish, construct, own, control, lease, equip,  
22       improve, maintain, operate, and regulate airports and landing fields for  
23       the use of airplanes and other aircraft within the limits of Burke County  
24       and Caldwell County and for this purpose to purchase, improve, own,  
25       hold, lease, or operate, real or personal property.
- 26       (2)       To sue and be sued in the name of the Airport Authority, to make  
27       contracts and hold any personal property necessary for the exercise of  
28       the powers of the Airport Authority, and acquire by purchase, lease, or  
29       otherwise, any existing lease, leasehold right, or other interest in any  
30       existing airport located in Burke County or Caldwell County.
- 31       (3)       To charge and collect reasonable and adequate fees and rents for the use  
32       of airport property or for services rendered in the operation of the  
33       airport.
- 34       (4)       To make all reasonable rules and regulations it deems necessary for the  
35       proper maintenance, use, operation, and control of the airport and  
36       provide penalties for the violation of these rules and regulations;  
37       provided, the rules and regulations and schedules of fees not be in  
38       conflict with the laws of North Carolina, and the regulations of the  
39       Federal Aviation Administration.
- 40       (5)       To issue bonds pursuant to Article 5 of Chapter 159 of the General  
41       Statutes.
- 42       (6)       To sell, lease, or otherwise dispose of any property, real or personal,  
43       belonging to the Airport Authority, according to the procedures

1 described in Article 12 of Chapter 160A of the General Statutes, but no  
2 sale of real property shall be made without the approval of the  
3 governing bodies of the participating local governments.

4 (7) To purchase any insurance that the Federal Aviation Administration or  
5 the Airport Authority shall deem necessary. The Airport Authority shall  
6 be responsible for any and all insurance claims or liabilities. The  
7 participating local governments shall not undertake any personal or  
8 property liability.

9 (8) To deposit or invest and reinvest any of its funds as provided by the  
10 Local Government Finance Act, as it may be amended from time to  
11 time, for the deposit or investment of unit funds.

12 (9) To purchase any of its outstanding bonds or notes.

13 (10) To operate, own, lease, control, regulate, or grant to others, for a period  
14 not to exceed 25 years, the right to operate on any airport premises  
15 restaurants, snack bars, vending machines, food and beverage  
16 dispensing outlets, rental car services, catering services, novelty shops,  
17 insurance sales, advertising media, merchandising outlets, motels,  
18 hotels, barber shops, automobile parking and storage facilities,  
19 automobile service stations, garage service facilities, motion pictures,  
20 personal service establishments, and all other types of facilities as may  
21 be directly or indirectly related to the maintenance and furnishing to the  
22 general public of a complete air terminal installation.

23 (11) To contract with persons, firms, or corporations for terms not to exceed  
24 25 years, for the operation of airline-scheduled passenger and freight  
25 flights, nonscheduled flights, and any other airplane activities not  
26 inconsistent with the grant agreements under which the airport property  
27 is held.

28 (12) To erect and construct buildings, hangars, shops, and other  
29 improvements and facilities, not inconsistent with or in violation of the  
30 agreements applicable to and the grants under which the real property of  
31 the airport is held; to lease these improvements and facilities for a term  
32 or terms not to exceed 25 years; to borrow money for use in making and  
33 paying for these improvements and facilities, secured by and on the  
34 credit only of the lease agreements in respect to these improvements and  
35 facilities, and to pledge and assign the leases and lease agreements as  
36 security for the authorized loans.

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

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

41 (15) To purchase, acquire, establish, construct, own, control, lease, equip,  
42 improve, maintain, or operate an industrial park for the location on any  
43 properties owned by the Airport Authority or acquired by the Airport

1 Authority for the purpose of locating industrial facilities on the property  
2 that are consistent with the zoning of the property.

- 3 (16) To construct, maintain, operate, and control any utility lines, pipes, or  
4 stations necessary to provide the airport or an industrial park with utility  
5 services and to contract with any supplies of utilities for those utility  
6 services.

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

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

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

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

24 Sec. 8. The Airport Authority shall make an annual report to the governing  
25 bodies of the participating local governments setting forth in detail the operations and  
26 transactions conducted by it pursuant to this act. The Airport Authority shall not have the  
27 power to pledge the credit of participating local governments, or any subdivision thereof,  
28 or to impose any obligation on the participating local governments, or any of its  
29 subdivisions, except when that power is expressly granted by statute.

30 Sec. 9. Subject to the limitations as set out in this act, all rights and powers  
31 given and granted to counties or municipalities by general law, which may now be in  
32 effect or enacted in the future relating to the development, regulation, and control of  
33 municipal airports, and the regulation of aircraft, are vested in the Airport Authority. The  
34 participating local governments may delegate their powers under these acts to the Airport  
35 Authority, and the Airport Authority shall have concurrent rights with the participating  
36 local governments to control, regulate, and provide for the development of aviation in  
37 Burke County and Caldwell County.

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

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

4           Sec. 12. The governing bodies of the participating local governments may  
5 appropriate funds derived from any source other than ad valorem taxes to carry out the  
6 provisions of this act in any proportion or upon any basis as may be determined by the  
7 governing bodies of the participating local governments.

8           Sec. 13. The Airport Authority may expend the funds that are appropriated by  
9 the governing bodies of the participating local governments for joint airport purposes and  
10 may pledge the credit of the Airport Authority to the extent of the appropriated funds.

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

16           Sec. 15. The powers granted to the Airport Authority shall not be effective  
17 until all of the members of the Airport Authority have been appointed by the governing  
18 bodies of the participating local governments, and nothing in this act shall require the  
19 governing bodies of the participating local governments to make the initial appointments.  
20 It is the intent of this act to enable the modification of the existing Morganton-Lenoir  
21 Airport Authority.

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

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