

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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HOUSE BILL 1289

Short Title: Lincolnton-Lincoln Airport Auth'y.

(Local)

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Sponsors: Representatives Kiser; Berry and Gamble.

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Referred to: Local and Regional Government II.

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May 22, 1996

A BILL TO BE ENTITLED

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

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

11 Sec. 2. The Airport Authority shall consist of seven members, three of whom  
12 shall be appointed to staggered three-year terms by the Lincolnton City Council and three  
13 of whom shall be appointed to staggered three-year terms by the Lincoln County Board  
14 of Commissioners and one of whom shall be appointed by the other six members of the  
15 Airport Authority. The members appointed by the Lincolnton City Council shall be  
16 qualified voters of the City of Lincolnton, and the members appointed by the Lincoln  
17 County Board of Commissioners and the Airport Authority shall be qualified voters of  
18 the County of Lincoln. Each member shall take and subscribe before the Clerk of  
19 Superior Court of Lincoln County an oath of office and file the same with the Lincoln  
20 County Board of Commissioners and the Lincolnton City Council. Membership on the

1 Lincoln County Board of Commissioners or the Lincolnton City Council and the Airport  
2 Authority shall not constitute double office holding within the meaning of Article VI,  
3 Section 9 of the Constitution of North Carolina.

4       Sec. 3. The Airport Authority may adopt suitable bylaws for its management.  
5 The members of the Airport Authority shall receive compensation, per diem, or otherwise  
6 as the Lincolnton City Council or the Lincoln County Board of Commissioners from time  
7 to time determines and be paid their actual traveling expenses incurred in transacting the  
8 business and at the instance of the Airport Authority. Members of the Airport Authority  
9 shall not be personally liable for their acts as members of the Airport Authority, except  
10 for acts resulting from misfeasance or malfeasance.

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

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

- 1 (7) To purchase any insurance that the Federal Aviation Administration or  
2 the Airport Authority shall deem necessary. The Airport Authority shall  
3 be responsible for any and all insurance claims or liabilities.
- 4 (8) To deposit or invest and reinvest any of its funds as provided by the  
5 Local Government Finance Act, as it may be amended from time to  
6 time, for the deposit or investment of unit funds.
- 7 (9) To purchase any of its outstanding bonds or notes.
- 8 (10) To operate, own, lease, control, regulate, or grant to others, for a period  
9 not to exceed 25 years, the right to operate on any airport premises  
10 restaurants, snack bars, vending machines, food and beverage  
11 dispensing outlets, rental car services, catering services, novelty shops,  
12 insurance sales, advertising media, merchandising outlets, motels,  
13 hotels, barber shops, automobile parking and storage facilities,  
14 automobile service establishments, and all other types of facilities as  
15 may be directly or indirectly related to the maintenance and furnishing  
16 to the general public of a complete air terminal installation.
- 17 (11) To contract with persons, firms, or corporations for terms not to exceed  
18 25 years, for the operation of airline-scheduled passenger and freight  
19 flights, nonscheduled flights, and any other airplane activities not  
20 inconsistent with the grant agreements under which the airport property  
21 is held.
- 22 (12) To erect and construct buildings, hangars, shops, and other  
23 improvements and facilities, not inconsistent with or in violation of the  
24 agreements applicable to and the grants under which the real property of  
25 the airport is held; to lease these improvements and facilities for a term  
26 or terms not to exceed 25 years; to borrow money for use in making and  
27 paying for these improvements and facilities, secured by and on the  
28 credit only of the lease agreements in respect to these improvements and  
29 facilities, and to pledge and assign the leases and lease agreements as  
30 security for the authorized loans.
- 31 (13) Subject to the limitations set out in this act, to have all the same power  
32 and authority granted to cities and counties pursuant to Chapter 63 of  
33 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 City and the County, by  
39 agreement with the City and County, and the City and County may grant and convey,  
40 either by gift or for such consideration as the City and County may deem wise, any real  
41 or personal property which it now owns or may hereafter acquire, including nontax  
42 monies, and which may be necessary for the construction, operation, and maintenance of  
43 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 Lincoln  
9 County Board of Commissioners and the Lincolnton City Council setting forth in detail  
10 the operations and transactions conducted by it pursuant to this act. The Airport  
11 Authority shall not have the power to pledge the credit of Lincoln County or the City of  
12 Lincolnton, or any subdivision thereof, or to impose any obligation on Lincoln County or  
13 the City of Lincolnton, or any of their subdivisions, except when that power is expressly  
14 granted by statute.

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

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

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

31           Sec. 12. The Lincoln County Board of Commissioners or the Lincolnton City  
32 Council may appropriate funds derived from any source including ad valorem taxes to  
33 carry out the provisions of this act in any proportion or upon any basis as may be  
34 determined by the Lincoln County Board of Commissioners or the Lincolnton City  
35 Council.

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

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

1           Sec. 15. The powers granted to the Airport Authority shall not be effective  
2 until the members of the Airport Authority have been appointed by the Lincoln County  
3 Board of Commissioners and the Lincolnton City Council, and nothing in this act shall  
4 require the Board of Commissioners or City Council to make the initial appointments. It  
5 is the intent of this act to enable but not to require the formation of the Lincolnton-  
6 Lincoln County Airport Authority.

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

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