

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 618
House Committee Substitute Favorable 6/15/99

Short Title: Macon County Airport Authority.

(Local)

Sponsors:

Referred to:

March 30, 1999

A BILL TO BE ENTITLED

**AN ACT TO ENABLE THE COUNTY OF MACON 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 "Macon 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.

Section 2. The Airport Authority shall consist of five members, who shall be residents of Macon County and who shall be appointed to staggered terms of six years by the Macon County Board of Commissioners. Members may succeed themselves in office and serve more than one term. Two initial appointments to the Airport Authority shall be for two years, two initial appointments to the Airport Authority shall be for four years, and the remaining initial appointment to the Airport Authority shall be for six years.

When vacancies occur in the membership of the Airport Authority, for any reason, the remaining members of the Airport Authority shall submit a list of two or more candidates to the Macon County Board of Commissioners. The Board of Commissioners

1 shall either select one from that list to fill the unexpired term of the vacant office or shall
2 request that the Airport Authority submit additional candidates. The Airport Authority
3 shall submit additional candidates upon request until the Board of Commissioners selects
4 a member from the candidates submitted.

5 Each member shall take and subscribe before the Clerk of Superior Court of
6 Macon County an oath of office and file the same with the Macon County Board of
7 Commissioners. Membership on the Macon County Board of Commissioners and the
8 Airport Authority shall not constitute double office holding within the meaning of Article
9 VI, Section 9, of the Constitution of North Carolina.

10 Section 3. The Airport Authority may adopt suitable bylaws for its
11 management. The members of the Airport Authority may receive compensation, per
12 diem, or otherwise as the Macon County Board of Commissioners from time to time
13 determines. Members shall be allowed and paid their actual expenses incurred in
14 transacting the business and at the instance of the Airport Authority. Members of the
15 Airport Authority shall not be personally liable for their acts as members of the Airport
16 Authority, except for acts resulting from misfeasance or malfeasance.

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

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

- 1 (6) To sell, lease, or otherwise dispose of any property, real or personal,
2 belonging to the Airport Authority, according to the procedures
3 described in Article 12 of Chapter 160A of the General Statutes, but no
4 sale of real property shall be made without the approval of the Macon
5 County Board of Commissioners.
- 6 (7) To purchase any insurance that the Federal Aviation Administration or
7 the Airport Authority shall deem necessary. The Airport Authority shall
8 be responsible for any and all insurance claims or liabilities.
- 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 20 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, barbershops, automobile parking and storage facilities,
19 automobile service establishments, and all other types of facilities as
20 may be directly or indirectly related to the maintenance and furnishing
21 to the general public of a complete air terminal installation.
- 22 (11) To contract with persons, firms, or corporations for terms not to exceed
23 20 years, for the operation of airline-scheduled passenger and freight
24 flights, nonscheduled flights, and any other airplane activities not
25 inconsistent with the grant agreements under which the airport property
26 is held.
- 27 (12) To erect and construct buildings, hangars, shops, and other
28 improvements and facilities, not inconsistent with or in violation of the
29 agreements applicable to and the grants under which the real property of
30 the airport is held; to lease these improvements and facilities for a term
31 or terms not to exceed 20 years; to borrow money for use in making and
32 paying for these improvements and facilities, secured by and on the
33 credit only of the lease agreements in respect to these improvements and
34 facilities, and to pledge and assign the leases and lease agreements as
35 security for the authorized loans.
- 36 (13) Subject to the limitations set out in this act, to have all the same power
37 and authority granted to cities and counties pursuant to Chapter 63 of
38 the General Statutes, Aeronautics.
- 39 (14) To have a corporate seal, which may be altered at will.

40 Section 4.(b) The Airport Authority shall possess the same exemptions in respect
41 to payment of taxes and license fees and be eligible for sales and use tax refunds to the
42 same extent as provided for municipal corporations by the laws of the State of North
43 Carolina.

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

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

9 Section 7. Private property needed by the Airport Authority for any airport,
10 landing field, or as facilities of an airport or landing field, may be acquired by gift or
11 devise, or may be acquired by private purchase or by the exercise of eminent domain
12 pursuant to Chapter 40A of the General Statutes, as a local public condemnor, including
13 the provisions of G.S. 40A-42. If property acquired by gift, devise, purchase, or
14 condemnation has a burial ground or graveyard, then it shall be lawful for the Airport
15 Authority, after 30 days' notice to the surviving spouse or next of kin of the deceased
16 buried there or the person in control of the graves, if they are known, to remove the
17 interred body and reinter the body in another cemetery in Macon County. If no surviving
18 spouse or next of kin or person in control can be found, then the Airport Authority may
19 advertise for four consecutive weeks in a newspaper published in Macon County of the
20 intended removal of the graves. The removal shall then be conducted under the
21 supervision of the Clerk of the Superior Court of Macon County or his or her
22 representative. The expense of the removal shall be borne by the Airport Authority.

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

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

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

42 Section 11. The Airport Authority may employ or contract with any agents,
43 engineers, attorneys, and other persons whose services may be deemed by the Airport

1 Authority to be necessary and useful in carrying out the provisions of Sections 1 through
2 10 of this act.

3 Section 12. The Macon County Board of Commissioners may appropriate
4 funds derived from any source including ad valorem taxes to carry out the provisions of
5 this act in any proportion or upon any basis as may be determined by the Macon County
6 Board of Commissioners. The Macon County Board of Commissioners may provide
7 county services to the Airport Authority upon any basis as may be determined by the
8 Macon County Board of Commissioners.

9 Section 13. The Airport Authority may expend the funds that are appropriated
10 by the county for joint airport purposes and may pledge the credit of the Airport
11 Authority to the extent of the appropriated funds.

12 Section 14. The Airport Authority shall elect from among its members a chair
13 and other officers at its initial meeting and then biennially thereafter. Officers shall be
14 eligible to succeed themselves in office and to serve consecutive terms at the will of the
15 members of the Airport Authority. A majority of the Airport Authority shall control its
16 decisions. Each member of the Airport Authority, including the chair, shall have one
17 vote. The Airport Authority shall meet at the places and times designated by the chair.

18 Section 15. If an airport established pursuant to this act ceases to be operated
19 by the Airport Authority, or if any property acquired pursuant to this act for airport
20 purposes is abandoned, then the title to that real or personal property, or rights under any
21 existing lease, shall revert to and vest in the County of Macon and on the sale of that
22 property, the proceeds shall vest totally in the County of Macon.

23 Section 16. The powers granted to the Airport Authority shall not be effective
24 until the members of the Airport Authority have been appointed by the Macon County
25 Board of Commissioners, and nothing in this act shall require the Board of
26 Commissioners to make the initial appointments. It is the intent of this act to enable but
27 not to require the formation of the Macon County Airport Authority.

28 Section 17. If any one or more sections, clauses, sentences, or parts of this act
29 shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the
30 remaining provisions thereof, but shall be confined in its operation to the specific
31 provisions held invalid, and the inapplicability or invalidity of any section, clause,
32 sentence, or part of this act in one or more instances or circumstances shall not be taken
33 to affect or prejudice in any way its applicability or validity in any other instance.

34 Section 18. S.L. 1989-955 is repealed.

35 Section 19. This act is effective when it becomes law.