

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

**H**

**2**

HOUSE BILL 1878  
Committee Substitute Favorable 6/27/94

Short Title: Avery County Airport Authority.

(Local)

---

Sponsors:

---

Referred to:

---

May 30, 1994

A BILL TO BE ENTITLED

1 AN ACT TO ENABLE THE COUNTY OF AVERY TO ESTABLISH AN AIRPORT  
2 AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE  
3 COUNTY.  
4

5 The General Assembly of North Carolina enacts:

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

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

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

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

- 7           (1) To purchase, acquire, establish, construct, own, control, lease, equip,  
8 improve, maintain, operate, and regulate airports and landing fields for  
9 the use of airplanes and other aircraft within the limits of the County  
10 and for this purpose to purchase, improve, own, hold, lease, or operate,  
11 real or personal property.
- 12           (2) To sue and be sued in the name of the Airport Authority, to make  
13 contracts and hold any personal property necessary for the exercise of  
14 the powers of the Airport Authority, and acquire by purchase, lease, or  
15 otherwise, any existing lease, leasehold right, or other interest in any  
16 existing airport located in the County.
- 17           (3) To charge and collect reasonable and adequate fees and rents for the  
18 use of airport property or for services rendered in the operation of the  
19 airport.
- 20           (4) To make all reasonable rules and regulations it deems necessary for the  
21 proper maintenance, use, operation, and control of the airport and  
22 provide penalties for the violation of these rules and regulations;  
23 provided, the rules and regulations and schedules of fees not be in  
24 conflict with the laws of North Carolina, and the regulations of the  
25 Federal Aviation Administration.
- 26           (5) To issue revenue bonds pursuant to Article 5 of Chapter 159 of the  
27 General Statutes.
- 28           (6) To sell, lease, or otherwise dispose of any property, real or personal,  
29 belonging to the Airport Authority, according to the procedures  
30 described in Article 12 of Chapter 160A of the General Statutes, but no  
31 sale of real property shall be made without the approval of the Avery  
32 County Board of Commissioners.
- 33           (7) To purchase any insurance that the Federal Aviation Authority or the  
34 Airport Authority shall deem necessary. The Airport Authority shall  
35 be responsible for any and all insurance claims or liabilities. Avery  
36 County shall not undertake any personal or property liability.
- 37           (8) To deposit or invest and reinvest any of its funds as provided by the  
38 Local Government Finance Act, as it may be amended from time to  
39 time, for the deposit or investment of unit funds.
- 40           (9) To purchase any of its outstanding bonds or notes.
- 41           (10) To operate, own, lease, control, regulate, or grant to others, for a  
42 period not to exceed 25 years, the right to operate on any airport  
43 premises restaurants, snack bars, vending machines, food and beverage  
44 dispensing outlets, rental car services, catering services, novelty shops,

1 insurance sales, advertising media, merchandising outlets, motels,  
2 hotels, barber shops, automobile parking and storage facilities,  
3 automobile service stations, garage service facilities, motion pictures,  
4 personal service establishments, and all other types of facilities as may  
5 be directly or indirectly related to the maintenance and furnishing to  
6 the general public of a complete air terminal installation.

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

12 (12) To erect and construct buildings, hangars, shops, and other  
13 improvements and facilities, not inconsistent with or in violation of the  
14 agreements applicable to and the grants under which the real property  
15 of the airport is held; to lease these improvements and facilities for a  
16 term or terms not to exceed 25 years; to borrow money for use in  
17 making and paying for these improvements and facilities, secured by  
18 and on the credit only of the lease agreements in respect to these  
19 improvements and facilities, and to pledge and assign the leases and  
20 lease agreements as security for the authorized loans.

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

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

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

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

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

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

41 Sec. 8. The Airport Authority shall make an annual report to the Avery  
42 County Board of Commissioners setting forth in detail the operations and transactions  
43 conducted by it pursuant to this act. The Airport Authority shall not have the power to  
44 pledge the credit of Avery County, or any subdivision thereof, or to impose any

1 obligation on Avery County, or any of its subdivisions, except when that power is  
2 expressly granted by statute.

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

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

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

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

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

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

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

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

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