

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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HOUSE BILL 133  
Committee Substitute Favorable 2/28/95

Short Title: Columbus Co. Airport Authy.

(Local)

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Sponsors:

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Referred to:

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February 8, 1995

A BILL TO BE ENTITLED

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

5 The General Assembly of North Carolina enacts:

6 Section 1. There is hereby created the "Columbus County Airport Authority"  
7 (for brevity hereinafter referred to as the "Airport Authority" ), which shall be a body  
8 both 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 Columbus County Board of  
13 Commissioners. All of the members shall be residents of Columbus County. Of the  
14 initial five members, two shall be appointed to a term of four years and three shall be  
15 appointed to a term of two years. Thereafter all terms shall be for four years. Each  
16 member shall take and subscribe before the Clerk of the Superior Court of Columbus  
17 County an oath of office and file the same with the Columbus County Board of  
18 Commissioners. Upon the occurrence of any vacancy on the Airport Authority, the  
19 vacancy shall be filled within 60 days after the vacancy occurs at a regular meeting of the

1 Board of County Commissioners. Membership on the Columbus County Board of  
2 Commissioners and on the Airport Authority shall not constitute double office holding  
3 within the meaning of Article VI, §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 Columbus County Board of Commissioners from time to time determine and be  
7 paid their actual traveling expenses incurred in transacting the business and at the  
8 instance of the Airport Authority.

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

11 (1) To purchase, acquire, establish, construct, own, control, lease, equip,  
12 improve, maintain, operate, and regulate airports and landing fields  
13 for the use of airplanes and other aircraft within the limits of the  
14 County and for this purpose to purchase, improve, own, hold, lease,  
15 or operate, real or personal property.

16 (2) To sue and be sued in the name of the Airport Authority, to make  
17 contracts and hold any personal property necessary for the exercise  
18 of the powers of the Airport Authority, and acquire by purchase,  
19 lease, or otherwise, any existing lease, leasehold right, or other  
20 interest in any existing airport located in the County.

21 (3) To charge and collect reasonable and adequate fees and rents for the  
22 use of airport property or for services rendered in the operation of  
23 the airport.

24 (4) To make all reasonable rules and regulations it deems necessary  
25 for the proper maintenance, use, operation, and control of the  
26 airport and provide penalties for the violation of these rules and  
27 regulations; provided, the rules and regulations and schedules of  
28 fees not be in conflict with the laws of North Carolina, and the  
29 regulations of the Federal Aviation Administration.

30 (5) To issue bonds pursuant to Chapter 159 of the General Statutes.

31 (6) To sell, lease, or otherwise dispose of any property, real or personal,  
32 belonging to the Airport Authority, according to the procedures  
33 described in Article 12 of Chapter 160A of the General Statutes, but  
34 no sale of real property shall be made without the approval of the  
35 Columbus County Board of Commissioners.

36 (7) To purchase any insurance that the Federal Aviation Authority or the  
37 Airport Authority shall deem necessary. The Airport Authority shall  
38 be responsible for any and all insurance claims or liabilities.  
39 Columbus County shall not undertake any personal or property  
40 liability.

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

- 1 (9) To purchase any of its outstanding bonds or notes.
- 2 (10) To operate, own, lease, control, regulate, or grant to others, for a  
3 period not to exceed 25 years, the right to operate on any airport  
4 premises restaurants, snack bars, vending machines, food and  
5 beverage dispensing outlets, rental car services, catering services,  
6 novelty shops, insurance sales, advertising media, merchandising  
7 outlets, motels, hotels, barber shops, automobile parking and storage  
8 facilities, automobile service stations, garage service facilities,  
9 motion pictures, personal service establishments, and all other types  
10 of facilities as may be directly or indirectly related to the  
11 maintenance and furnishing to the general public of a complete air  
12 terminal installation.
- 13 (11) To contract with persons, firms, or corporations for terms not to  
14 exceed 25 years, for the operation of airline-scheduled passenger and  
15 freight flights, nonscheduled flights, and any other airplane activities  
16 not inconsistent with the grant agreements under which the airport  
17 property is held.
- 18 (12) To erect and construct buildings, hangars, shops, and other  
19 improvements and facilities, not inconsistent with or in violation of  
20 the agreements applicable to and the grants under which the real  
21 property of the airport is held; to lease these improvements and  
22 facilities for a term or terms not to exceed 25 years; to borrow  
23 money for use in making and paying for these improvements and  
24 facilities, secured by and on the credit only of the lease agreements  
25 in respect to these improvements and facilities, and to pledge and  
26 assign the leases and lease agreements as security for the authorized  
27 loans.
- 28 (13) Subject to the limitations set out in this act, to have all the same  
29 power and authority granted to cities and counties pursuant to  
30 Chapter 63 of the General Statutes, Aeronautics.
- 31 (14) To have a corporate seal, which may be altered at will.
- 32 (b) The Airport Authority shall possess the same exemptions in respect to payment  
33 of taxes and license fees and be eligible for sales and use tax refunds to the same extent  
34 as provided for municipal corporations by the laws of the State of North Carolina.
- 35 Sec. 5. The Airport Authority may acquire from the County, by agreement  
36 with the County, and the County may grant and convey, either by gift or for such  
37 consideration as the County may deem wise, any real or personal property which it now  
38 owns or may hereafter acquire, including nontax monies, and which may be necessary for  
39 the construction, operation, and maintenance of any airport located in the County.
- 40 Sec. 6. Any lands acquired, owned, controlled, or occupied by the Airport  
41 Authority shall be, and are declared to be acquired, owned, controlled, and occupied for a  
42 public purpose.

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

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

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

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

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

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

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

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

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

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

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