

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1997

SESSION LAW 1998-130
HOUSE BILL 1533

AN ACT TO ENABLE THE COUNTY OF HALIFAX, THE COUNTY OF NORTHAMPTON, AND THE CITY OF ROANOKE RAPIDS TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF REGIONAL AIRPORT FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. Section 1 of S.L. 1997-275 reads as rewritten:

"Section 1. There is hereby created the ~~'Halifax-Roanoke-Rapids~~ Halifax Regional 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. For purposes of this act the word 'City' when used alone shall mean the City of Roanoke Rapids and the word 'County' when used alone shall mean either Halifax County or Northampton County."

Section 2. Section 2 of S.L. 1997-275 reads as rewritten:

"Section 2. The Airport Authority shall consist of ~~seven-nine~~ members, ~~three-two~~ of whom shall be appointed to staggered three-year terms by the Roanoke Rapids City ~~Council~~ Council, ~~two of whom shall be appointed to staggered three-year terms by the Northampton County Board of Commissioners, and three-four~~ of whom shall be appointed to staggered three-year terms by the Halifax County Board of ~~Commissioners~~ Commissioners, and one of whom shall be appointed by the other ~~six-eight~~ members of the Airport Authority. The members appointed by the Roanoke Rapids City Council shall be qualified voters of the City of Roanoke Rapids, the members appointed by the Northampton County Board of Commissioners shall be qualified voters of the County of Northampton, and the members appointed by the Halifax County Board of Commissioners ~~and the Airport Authority~~ shall be qualified voters of the County of Halifax. Each member appointed from Halifax County shall take and subscribe before the Clerk of Superior Court of Halifax County an oath of ~~office-and-office~~. Each member appointed from Northampton County shall take and subscribe before the Clerk of Superior Court of Northampton County an oath of office. They shall file the same with the Halifax County Board of Commissioners-Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council. Membership on the Halifax County Board of Commissioners-Commissioners, the Northampton County Board of Commissioners, or the Roanoke Rapids City Council and the Airport

Authority shall not constitute double office holding within the meaning of Article VI, Section 9 of the Constitution of North Carolina."

Section 3. Section 3 of S.L. 1997-275 reads as rewritten:

"Section 3. The Airport Authority may adopt suitable bylaws for its management. The members of the Airport Authority ~~shall~~ may receive compensation, per diem, or otherwise as the Roanoke Rapids City ~~Council or Council~~, the Halifax County Board of ~~Commissioners~~ Commissioners, or the Northampton County Board of Commissioners from time to time determines and be paid their actual traveling expenses incurred in transacting the business and at the instance of the Airport Authority. Members of the Airport Authority shall not be personally liable for their acts as members of the Airport Authority, except for acts resulting from misfeasance or malfeasance."

Section 4. Subsection (a) of Section 4 of S.L. 1997-275 reads as rewritten:

"(a) The Airport Authority shall constitute a body, both corporate and politic, and shall have the following powers and authority:

- (1) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports and landing fields for the use of airplanes and other aircraft within the limits of the County and for this purpose to purchase, improve, own, hold, lease, or operate real or personal property. The Airport Authority may exercise these powers alone or in conjunction with the City of Roanoke ~~Rapids~~ Rapids, the County of Northampton, or the County of Halifax.
- (2) To sue and be sued in the name of the Airport Authority, to make contracts and hold any personal property necessary for the exercise of the powers of the Airport Authority, and acquire by purchase, lease, or otherwise any existing lease, leasehold right, or other interest in any existing airport located in the County.
- (3) To charge and collect reasonable and adequate fees and rents for the use of airport property or for services rendered in the operation of the airport.
- (4) To make all reasonable rules and regulations it deems necessary for the proper maintenance, use, operation, and control of the airport and provide penalties for the violation of these rules and regulations; provided, the rules and regulations and schedules of fees not be in conflict with the laws of North Carolina, and the regulations of the Federal Aviation Administration. The Airport Authority may administer and enforce any airport zoning regulations adopted by the City of Roanoke ~~Rapids~~ Rapids, the County of Northampton, or the County of Halifax.
- (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General Statutes.
- (6) To sell, lease, or otherwise dispose of any property, real or personal, belonging to the Airport Authority, according to the procedures described in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made without the approval of the Halifax

County Board of Commissioners—Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council.

- (7) To purchase any insurance that the Federal Aviation Administration or the Airport Authority shall deem necessary. The Airport Authority shall be responsible for any and all insurance claims or liabilities.
- (8) To deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of unit funds.
- (9) To purchase any of its outstanding bonds or notes.
- (10) To operate, own, lease, control, regulate, or grant to others, for a period not to exceed 25 years, the right to operate on any airport premises restaurants, snack bars, vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandising outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the general public of a complete air terminal installation.
- (11) To contract with persons, firms, or corporations for terms not to exceed 25 years, for the operation of airline-scheduled passenger and freight flights, nonscheduled flights, and any other airplane activities not inconsistent with the grant agreements under which the airport property is held.
- (12) To erect and construct buildings, hangars, shops, and other improvements and facilities, not inconsistent with or in violation of the agreements applicable to and the grants under which the real property of the airport is held; to lease these improvements and facilities for a term or terms not to exceed 25 years; to borrow money for use in making and paying for these improvements and facilities, secured by and on the credit only of the lease agreements in respect to these improvements and facilities, and to pledge and assign the leases and lease agreements as security for the authorized loans.
- (13) Subject to the limitations set out in this act, to have all the same power and authority granted to cities and counties pursuant to Chapter 63 of the General Statutes, Aeronautics.
- (14) To have a corporate seal, which may be altered at will."

Section 5. Section 8 of S.L. 1997-275 reads as rewritten:

"Section 8. The Airport Authority shall make an annual report to the Halifax County Board of ~~Commissioners—Commissioners, the Northampton County Board of Commissioners,~~ and the Roanoke Rapids City Council setting forth in detail the operations and transactions conducted by it pursuant to this act. The Airport Authority shall not have the power to pledge the credit of Halifax ~~County—County, Northampton County,~~ or the City of Roanoke Rapids, or any subdivision thereof, or to impose any

obligation on Halifax ~~County~~ County, Northampton County, or the City of Roanoke Rapids, or any of their subdivisions, except when that power is expressly granted by statute."

Section 6. Section 9 of S.L. 1997-275 reads as rewritten:

"Section 9. Subject to the limitations as set out in this act, all rights and powers given and granted to counties or municipalities by general law, which may now be in effect or enacted in the future relating to the development, regulation, and control of municipal airports and the regulation of aircraft are vested in the Airport Authority. The Halifax County Board of ~~Commissioners~~ Commissioners, the Northampton County Board of Commissioners, or the Roanoke Rapids City Council may delegate their powers under these acts to the Airport Authority, and the Airport Authority shall have concurrent rights with Halifax ~~County~~ County, Northampton County, and the City of Roanoke Rapids to control, regulate, and provide for the development of aviation in Halifax ~~County~~ County and Northampton County."

Section 7. Section 12 of S.L. 1997-275 reads as rewritten:

"Section 12. The Halifax County Board of ~~Commissioners~~ Commissioners, the Northampton County Board of Commissioners, or the Roanoke Rapids City Council may appropriate funds derived from any source including ad valorem taxes to carry out the provisions of this act in any proportion or upon any basis as may be determined by the Halifax County Board of ~~Commissioners~~ Commissioners, the Northampton County Board of Commissioners, or the Roanoke Rapids City Council."

Section 8. Section 15 of S.L. 1997-275 reads as rewritten:

"Section 15. The powers granted to the Airport Authority shall not be effective until the members of the Airport Authority have been appointed by the Halifax County Board of ~~Commissioners~~ Commissioners, the Northampton County Board of Commissioners, and the Roanoke Rapids City Council, and nothing in this act shall require the Board of Commissioners or City Council to make the initial appointments. It is the intent of this act to enable but not to require the formation of the ~~Halifax Roanoke Rapids~~ Halifax Regional Airport Authority."

Section 9. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 8th day of September, 1998.

s/ Dennis A. Wicker
President of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives