

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 1996

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HOUSE BILL 36

Short Title: Lincolnton-Lincoln Airport Auth'y.

(Local)

Sponsors: Representatives Kiser; Berry and Gamble.

Referred to: Rules, Calendar, and Operations of the House.

July 9, 1996

A BILL TO BE ENTITLED

1
2 AN ACT TO ENABLE THE COUNTY OF LINCOLN AND THE CITY OF
3 LINCOLNTON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE
4 MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY.

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.

1 Sec. 3. The Airport Authority may adopt suitable bylaws for its management.
2 The members of the Airport Authority shall receive compensation, per diem, or otherwise
3 as the Lincolnton City Council or the Lincoln County Board of Commissioners from time
4 to time determines and be paid their actual traveling expenses incurred in transacting the
5 business and at the instance of the Airport Authority.

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

8 (1) To purchase, acquire, establish, construct, own, control, lease, equip,
9 improve, maintain, operate, and regulate airports and landing fields for
10 the use of airplanes and other aircraft within the limits of the County
11 and for this purpose to purchase, improve, own, hold, lease, or operate
12 real or personal property. The Airport Authority may exercise these
13 powers alone or in conjunction with the City of Lincolnton or the
14 County of Lincoln.

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

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

23 (4) To make all reasonable rules and regulations it deems necessary for the
24 proper maintenance, use, operation, and control of the airport and
25 provide penalties for the violation of these rules and regulations;
26 provided, the rules and regulations and schedules of fees not be in
27 conflict with the laws of North Carolina and the regulations of the
28 Federal Aviation Administration. The Airport Authority may
29 administer and enforce any airport zoning regulations adopted by the
30 City of Lincolnton or the County of Lincoln.

31 (5) To issue bonds pursuant to Article 5 of Chapter 159 of the General
32 Statutes.

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

38 (7) To purchase any insurance that the Federal Aviation Administration or
39 the Airport Authority shall deem necessary. The Airport Authority shall
40 be responsible for any and all insurance claims or liabilities.

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 period
- 3 not to exceed 25 years, the right to operate on any airport premises
- 4 restaurants, snack bars, vending machines, food and beverage
- 5 dispensing outlets, rental car services, catering services, novelty shops,
- 6 insurance sales, advertising media, merchandising outlets, motels,
- 7 hotels, barber shops, automobile parking and storage facilities,
- 8 automobile service establishments, and all other types of facilities as
- 9 may be directly or indirectly related to the maintenance and furnishing
- 10 to the general public of a complete air terminal installation.
- 11 (11) To contract with persons, firms, or corporations for terms not to exceed
- 12 25 years, for the operation of airline-scheduled passenger and freight
- 13 flights, nonscheduled flights, and any other airplane activities not
- 14 inconsistent with the grant agreements under which the airport property
- 15 is held.
- 16 (12) To erect and construct buildings, hangars, shops, and other
- 17 improvements and facilities, not inconsistent with or in violation of the
- 18 agreements applicable to and the grants under which the real property of
- 19 the airport is held; to lease these improvements and facilities for a term
- 20 or terms not to exceed 25 years; to borrow money for use in making and
- 21 paying for these improvements and facilities, secured by and on the
- 22 credit only of the lease agreements in respect to these improvements and
- 23 facilities, and to pledge and assign the leases and lease agreements as
- 24 security for the authorized loans.
- 25 (13) Subject to the limitations set out in this act, to have all the same power
- 26 and authority granted to cities and counties pursuant to Chapter 63 of
- 27 the General Statutes, Aeronautics.
- 28 (14) To have a corporate seal, which may be altered at will.

29 (b) The Airport Authority shall possess the same exemptions in respect to payment

30 of taxes and license fees and be eligible for sales and use tax refunds to the same extent

31 as provided for municipal corporations by the laws of the State of North Carolina.

32 Sec. 5. The Airport Authority may acquire from the City and the County, by

33 agreement with the City and County, and the City and County may grant and convey,

34 either by gift or for such consideration as the City and County may deem wise, any real

35 or personal property which it now owns or may hereafter acquire, including nontax

36 monies, and which may be necessary for the construction, operation, and maintenance of

37 any airport located in the County.

38 Sec. 6. Any lands acquired, owned, controlled, or occupied by the Airport

39 Authority shall be, and are declared to be acquired, owned, controlled, and occupied for a

40 public purpose.

41 Sec. 7. Private property needed by the Airport Authority for any airport,

42 landing field, or as facilities of an airport or landing field may be acquired by gift or

1 devise, or may be acquired by private purchase or by the exercise of eminent domain
2 pursuant to Chapter 40A of the General Statutes.

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

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

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

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

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

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

34 Sec. 14. The Airport Authority shall elect from among its members a chair and
35 other officers at its initial meeting and then annually thereafter. A majority of the Airport
36 Authority shall control its decisions. Each member of the Airport Authority, including
37 the chair, shall have one vote. The Airport Authority shall meet at the places and times
38 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 Lincoln County
41 Board of Commissioners and the Lincolnton City Council, and nothing in this act shall
42 require the Board of Commissioners or City Council to make the initial appointments. It

1 is the intent of this act to enable but not to require the formation of the Lincolnton-
2 Lincoln County Airport Authority.

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

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