

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1575

Short Title: South Wake Airport Authority.

(Local)

Sponsors: Representative Jordan.

Referred to: Local and Regional Government I.

June 4, 1992

A BILL TO BE ENTITLED

AN ACT TO MODIFY CHAPTER 546 OF THE 1987 SESSION LAWS TO REMOVE THE MUNICIPALITIES OF APEX AND FUQUAY-VARINA FROM THE SOUTH WAKE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

Section 1. Chapter 546 of the 1987 Session Laws reads as rewritten:

"AN ACT AUTHORIZING THE COMBINED MUNICIPALITIES OF APEX, TOWN OF HOLLY SPRINGS AND FUQUAY-VARINA TO ESTABLISH AN AIRPORT AUTHORITY FOR THE PURPOSE OF ACQUIRING LANDS, CONSTRUCTING AND OPERATING AN AIRPORT AND VESTING IN SAID AIRPORT AUTHORITY ALL POWERS SET OUT IN CHAPTER 63 OF THE GENERAL STATUTES OF NORTH CAROLINA.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created an airport authority to be known as 'WakeSouth Regional Airport' which shall be a body politic and corporate. The said authority shall be composed of six members, two members appointed by the Board of Commissioners of the municipality of Apex, two by the Board of Commissioners of the municipality of Fuquay-Varina and two by the Board of Commissioners of the municipality of Holly Springs. The said members shall be allowed a reasonable compensation and shall be paid actual expenses incurred in the transaction of business at the instance of the authority provided however, that a full-time employee of either municipality or an elected member of the Board of Commissioners of either municipality shall not be paid a reasonable compensation for his services but shall be entitled to reimbursement of actual expenses.

1           Sec. 2. ~~The initial term of one member~~ two members appointed by each ~~the~~  
2 Board of Commissioners of the Town of Holly Springs ~~as above set out~~ shall serve ~~two~~  
3 ~~years~~ be one year. and ~~the other member~~ appointed by said Board of Commissioners shall  
4 ~~serve three years and then each Board of Commissioners shall appoint one member every year~~  
5 ~~thereafter from the expiration of the first two-year appointee's term.~~ The initial term of two  
6 members appointed by the Board of Commissioners of the Town of Holly Springs shall  
7 be two years. The initial term of two members appointed by the Board of  
8 Commissioners of the Town of Holly Springs shall be three years. Thereafter, all  
9 members shall serve three-year terms. The authority shall determine its own  
10 organization and shall annually at the first meeting in January of each calendar year  
11 elects its officers who shall serve for terms of one year. Officers shall be eligible to  
12 succeed themselves in office and shall be eligible to serve consecutive terms at the will  
13 of their respective Board of Commissioners.

14       Sec. 3. (a)       The authority shall, in addition to the powers conferred in Chapter  
15 63 of the General Statutes of North Carolina, have the following powers:

- 16           (1)       To sue and be sued in the name of the airport authority and all  
17 pleadings served upon the airport authority shall be served of the  
18 chairperson or the secretary of the airport authority.
- 19           (2)       To expend funds appropriated from time to time by the ~~said~~  
20 ~~municipalities, jointly or severally,~~ Town of Holly Springs for ~~joint~~  
21 airport purposes and to appropriate and expend funds received by it  
22 from fees, charges, rents and dues arising out of the operation of said  
23 airport, the facilities, improvements and concessions located thereat or  
24 operated thereon.
- 25           (3)       To establish, construct, control, lease, maintain, improve, operate and  
26 regulate an airport with buildings necessary to accommodate all types  
27 of business to operate an airport, runways, taxi ramps, parking ramps,  
28 and any equipment to operate an airport, to have complete authority  
29 for rules and regulations over all airport property for the control of all  
30 types of vehicular traffic, mobile or stationary, and pedestrian traffic  
31 with respect to areas or roadways not under the control of the  
32 Department of Transportation and any rules and regulations adopted  
33 by the airport authority for property exclusively under its control and  
34 to have conjunctive authority to work with and cooperate with all other  
35 duly constituted law enforcement agencies to enforce rules and  
36 regulations established by the State of North Carolina. The penalty for  
37 the violation of rules and regulations established by the airport  
38 authority shall be a misdemeanor and upon conviction, shall be  
39 punishable by a fine not to exceed fifty dollars (\$50.00) or  
40 imprisonment not to exceed 30 days. All rules and regulations so  
41 adopted by the airport authority shall be recorded by certified true  
42 copies by the chairperson and secretary of the authority with the  
43 ~~municipalities of Apex, Holly Springs and Fuquay Varina.~~ Town of Holly  
44 Springs.

- 1 (4) To acquire property by gift, devise, negotiated purchase or  
2 condemnation, and if by condemnation, then the procedure to be  
3 followed shall be the procedure set out in Article 9 of Chapter 136 of  
4 the General Statutes of North Carolina and shall have all powers  
5 therein granted. The said airport authority shall have authority to  
6 dispose of land, improvements or equipment owned by it. If property  
7 acquired by condemnation shall have a graveyard, then it shall be  
8 lawful for said airport authority, after 30 days notice, to the surviving  
9 spouse or the next of kin of the deceased buried therein, or the person  
10 in control of such graves, if any are known, to remove the body  
11 interred therein and re-inter the same in some cemetery in the same  
12 county. If no surviving spouse or next of kin or person in control can  
13 be found, then the airport authority can advertise for four consecutive  
14 weeks in a newspaper published in Wake County of the intended  
15 removal of said gravesite and the removal shall be conducted under the  
16 supervision of the Wake County Clerk of Court or his representative  
17 and the expense of said removal shall be borne by the airport authority.
- 18 (5) To lease for a term not to exceed 40 years and for purposes not  
19 inconsistent with airport purposes or usage, real and/or personal  
20 property under the supervision of or administered by the airport  
21 authority.
- 22 (6) To contract with persons, firms or corporations for terms not to exceed  
23 40 years, for the operation of passenger and freight flights, scheduled  
24 or nonscheduled, and any other plane or flight activities not  
25 inconsistent with airport operations and to charge and collect  
26 reasonable fees, charges, and rents for the use of such property and  
27 services rendered in the operation thereof.
- 28 (7) To operate, own, control, regulate, lease or grant to others the license  
29 to operate amusements or concessions for a term not exceeding 40  
30 years.
- 31 (8) To enter into contracts and to pledge as security the property of the  
32 airport authority, provided however, that neither the airport authority  
33 nor the individual members thereof shall have authority to pledge the  
34 credit of or contract for the ~~municipalities of Apex, Holly Springs or~~  
35 ~~Fuquay-Varina or any combination of them.~~ Town of Holly Springs. The  
36 airport authority is authorized to pledge any lease as security for any  
37 loan.
- 38 (9) To borrow money for the use of making improvements to the airport  
39 property which capital improvement loans may be long term to the  
40 extent of moneys appropriated by the ~~joint or several Boards~~ Board of  
41 Commissioners of the ~~municipalities of Apex, Holly Springs and Fuquay-~~  
42 ~~Varina~~ the Town of Holly Springs and to borrow money for operating  
43 purposes, which operating loan shall not become due in excess of 12

1 months from the date of the loan and which operating loan shall be  
2 repayable solely out of the operating revenues of the airport.

3 (10) To adopt and use a seal.

4 (11) To contract with the Federal Aviation Administration of the United  
5 States of America or the State of North Carolina or any of their  
6 agencies or representatives relating to the grading, constructing,  
7 equipping, improving, maintaining or operating of an airport or its  
8 facilities.

9 (b) The airport authority shall not be liable for damages arising from injuries to  
10 persons or property caused by or growing out of fueling, refueling, or servicing any  
11 aircraft at said airport.

12 Sec. 4. The WakeSouth Regional Airport authority may exercise the powers  
13 granted political subdivisions under the Model Airport Zoning Act contained in Article  
14 4, Chapter 63 of the General Statutes and may exercise the powers granted to  
15 municipalities by the terms of Article 6, Chapter 63, of the General Statutes concerning  
16 public airports and related facilities.

17 Sec. 5. WakeSouth Regional Airport authority may issue bonds, securities,  
18 and notes, as provided by Chapter 159 of the General Statutes. The said bonds,  
19 securities or notes shall not be obligations of the ~~municipalities of Apex, Holly Springs or~~  
20 ~~Fuquay Varina, Town of Holly Springs,~~ but the airport authority is authorized to pledge  
21 the revenues, rents, income and tolls arising from the operation of said airport until the  
22 sums borrowed therefor are fully amortized and paid.

23 Sec. 6. It is hereby declared to be the policy of the State of North Carolina to  
24 promote, encourage and develop air transportation, service and facilities in connection  
25 with commerce of the United States of America and to foster and preserve air  
26 transportation; and the area within Wake County is hereby declared to be an area which  
27 should be developed in connection with the interior of the State of North Carolina and  
28 other states and it is hereby declared to be necessary and desirable and in the public  
29 interest of the entire State to establish air transportation facilities and the said airport  
30 authority herein created shall be regarded as performing an essential governmental  
31 function in undertaking the construction, maintenance and operation of an airport and  
32 shall not be required to pay ad valorem taxes or assessments upon properties acquired or  
33 otherwise used for it for such purposes.

34 Sec. 7. In the event of cessation of the operation of an airport established  
35 under this act, or the abandonment of any of the property acquired hereunder for airport  
36 purposes, the title to any real or personal or rights under any existing lease shall revert  
37 to and vest in the ~~municipalities of Apex, Holly Springs and Fuquay Varina~~ Town of Holly  
38 Springs and upon the sale of any property after cessation of operations, the proceeds  
39 therefrom shall vest equally in each said municipality.

40 Sec. 8. This act is effective upon ratification."

41 Sec. 2. This act is effective upon ratification.