

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 719
SENATE BILL 303

AN ACT ENABLING THE COUNTIES OF CARTERET, CRAVEN, JONES AND
PAMLICO TO JOINTLY ESTABLISH AN AIRPORT AUTHORITY FOR THE
ESTABLISHMENT AND MAINTENANCE OF AIRPORT FACILITIES.

The General Assembly of North Carolina enacts:

Section 1. There is hereby created the "Carteret, Craven, Jones, Pamlico Airport Authority" (for brevity hereinafter referred to as the "Authority"), which shall be a body corporate and politic, having the powers and jurisdiction hereinafter enumerated and such other and additional powers as shall be conferred upon it by future acts of the General Assembly.

Sec. 2. The Authority shall consist of eight members, two of whom shall be residents of Carteret County, two of whom shall be residents of Craven County, two of whom shall be residents of Jones County and two of whom shall be residents of Pamlico County.

Each county shall be entitled to have two representatives on said Authority and the representatives shall be appointed biennially by a majority of the board of county commissioners of said county at the first regular meeting of such commissioners in July.

Within 30 days after the ratification of this act, each board of county commissioners shall appoint its representatives on said Authority to hold office until successors shall be appointed in the manner hereinbefore set forth, provided, however, that the representatives first so appointed shall hold office from appointment until the second July thereafter, at which time successors shall be appointed in the manner hereinabove provided.

Upon the occurrence of any vacancy on said Authority, said vacancy shall be filled within 60 days after notice thereof by the board of county commissioners which has a vacancy within its representation.

Each of the members of the Authority and each successor shall take and subscribe to an oath of office before the Clerk of Superior Court of the county in which they reside and file certified copies of same with the boards of county commissioners of the counties of Carteret, Craven, Jones and Pamlico.

Sec. 3. The fiscal year of the Authority shall begin on July 1 and end on June 30. On or before the first day of May of each calendar year, the Authority shall prepare and adopt a budget for its proposed expenditures for the next ensuing fiscal year and file copies of such budget with the boards of commissioners of the counties of Carteret, Craven, Jones and Pamlico.

The Authority and the boards of commissioners of the counties of Carteret, Craven, Jones and Pamlico, or representatives of such boards as may be designated by the individual boards of commissioners, shall meet at the Craven County Courthouse at 3:00 P.M. on the last Thursday in May of each year to discuss the aforesaid budget of the Authority. Not later than 10 days after such meeting, the boards of commissioners of the counties of Carteret, Craven, Jones and Pamlico each shall file with the Authority and with each of the other boards of county commissioners written notice of the intention of such county to contribute an equal share or not to contribute to the budget of the Authority for the next ensuing fiscal year.

The payment by each county contributing an equal amount to the Authority budget shall be due from such county to the Authority not later than the first day of September of the fiscal year involved or such other later date or dates as may be agreed upon by the Authority and all contributing counties.

Sec. 4. All funds of the Authority shall be kept separately and shall be disbursed by the county auditor of the county of Carteret or Craven as may be determined by the Authority upon vouchers issued by the Authority. All vouchers issued for the payment of money by the Authority shall be signed by the county auditor disbursing such funds together with the chairman of the Authority and shall be paid when there are sufficient funds on hand for such payment, provided, however, that no disbursement shall be made which is not authorized and provided for in the budget of the Authority.

Sec. 5. Only a county or counties contributing and having contributed an equal amount to the establishment and operation of airport facilities shall be entitled to have voting representatives on the Authority. Upon the failure of any county (1) to give notice of its intention to contribute equally to the Authority budget, (2) to adopt a county budget providing for equal contribution of the county to the Authority budget, or (3) to make equal contribution to the Authority budget as herein provided, the representatives appointed to the Authority by such county automatically shall be disqualified from voting on any matter requiring a vote of the Authority, such disqualification to be effective as of the date of the aforesaid failure by the county to act with regard to the Authority budget.

Sec. 6. The Authority shall appoint from its voting members a chairman, vice chairman and such other officers as it may deem necessary for the orderly conduct of its business. A majority of the voting members shall control the decisions of the Authority and each voting member of the Authority, including the chairman, shall have one vote. A majority of the duly appointed and qualified voting members of the Authority shall constitute a quorum.

The Authority shall hold meetings at least quarterly at such time and place as it from time to time may designate and at such other times on call by the chairman or by two voting members of the Authority provided at least five days' notice is given or such notice is waived in each instance by all voting members.

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

(a) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate and regulate airports or landing fields for the use of airplanes and other aircraft at or upon the Cherry Point Marines Corps Air Station in Craven County and for any of such purposes, to purchase, improve, own, hold, lease and/or operate real or personal property.

(b) To sue or be sued in the name of said Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any airport within the limits of said counties; and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Authority. The said Authority may acquire by purchase, or otherwise, any existing lease, leasehold right or other interest in any existing airport located at or upon the Cherry Point Marine Corps Air Station in Craven County.

(c) To charge and collect reasonable and adequate fees and rents for the use of the airport property or for services rendered in the operation thereof.

(d) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of the said airport; to provide penalties for the violation of such rules and regulations; provided said rules and regulations and schedules of fees be not in conflict with the laws of the State of North Carolina, and the rules and regulations of the federal government.

(e) To issue revenue bonds pursuant to the provisions of the Local Government Revenue Bond Act contained in Article 5 of Chapter 159 of the General Statutes of North Carolina.

(f) To sell or otherwise dispose of, any property, real or personal, belonging to the Authority.

(g) To purchase such insurance as the Authority shall deem necessary.

(h) To operate, own, lease, control, regulate, or grant to others the right to operate on any airport premises, restaurants, snack bars and 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 stations, garage service facilities, motion picture shows, personal service establishments, and all other types of facilities as may be directly or indirectly related to the maintenance and furnishing to the public of a complete air terminal installation.

(i) To possess the same exemptions in respect to payment of taxes and license fees as provided for municipal corporations by the laws of the State of North Carolina.

Sec. 8. For the purpose of aiding the Authority in the financing of improvements of the airport facilities of the Authority, the counties of Carteret, Craven, Jones and Pamlico are hereby authorized to issue bonds, under and pursuant to the Local Government Revenue Bond Act as contained in Article 5 of Chapter 159 of the North Carolina General Statutes, for airport purposes the same as if such bonds were to be issued to finance improvements at an airport owned and operated by the aforesaid counties. The proceeds of the sale of any such bonds may be expended by the Authority as may be determined by the board of commissioners of the county issuing same.

Sec. 9. Any lands acquired, owned, controlled or occupied by said Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Sec. 10. Private property needed by the said Authority for any airport, landing field or facilities of same may be acquired by gift or devise, or may be acquired by private purchase or by the exercise of the power of eminent domain, pursuant to the provisions of Chapter 136 of the General Statutes of North Carolina, as amended.

Aviation easements needed by the Authority for any airport, landing field or facilities of same likewise may be acquired by gift, devise or private purchase or by the exercise of the power of eminent domain by said Authority, pursuant to the provisions of Chapter 136 of the General Statutes of North Carolina, as amended.

Sec. 11. The Authority shall make an annual report to the boards of commissioners for the counties of Carteret, Craven, Jones and Pamlico setting forth in detail the operations and transactions conducted by it pursuant to this act. The Authority shall be regarded as a corporate instrumentality and agent for the counties of Carteret, Craven, Jones and Pamlico for the purpose of developing airport facilities in such counties but it shall have no power to pledge the credit of the counties of Carteret, Craven, Jones and Pamlico or any subdivision thereof, or to impose any obligation upon the counties of Carteret, Craven, Jones and Pamlico or any subdivision thereof, except and when such powers expressly granted by statute or the consent of the counties of Carteret, Craven, Jones and Pamlico.

Sec. 12. All rights and powers given to the counties by the statutes of North Carolina, which may now be in effect or be enacted in the future relating to the development, regulation and control of airports and the regulations of aircraft are hereby vested in said Authority, and the counties of Carteret, Craven, Jones and Pamlico may delegate their powers under the said act to the Authority and the Authority shall have concurrent right with the counties of Carteret, Craven, Jones and Pamlico to control, regulate, and provide for the development of aviation in the counties of Carteret, Craven, Jones and Pamlico as hereinbefore provided and limited.

Sec. 13. The Authority is hereby authorized to employ such agents, engineers, attorneys and other persons whose services may be deemed by the Authority to be necessary or useful in carrying out the provisions of this act. Members of the Authority shall not be personally liable, in any manner, for their acts as members of the Authority, except for misfeasance or malfeasance.

Sec. 14. The governing bodies of the counties of Carteret, Craven, Jones and Pamlico are hereby authorized to appropriate and use funds derived from any source other than ad valorem taxes, sums sufficient to carry out the provisions of this act as to the establishing and maintenance of any airport facilities in such proportion and upon such basis as may be determined by the Authority.

Sec. 15. The Authority shall have the right and is empowered to expend such funds as are appropriated from time to time by the counties of Carteret, Craven, Jones and Pamlico and is empowered to enter into contracts and pledge the credit of the Authority to the extent of the moneys appropriated for its use.

Sec. 16. If any part or parts of this act shall be held to be unconstitutional, such unconstitutionality shall not affect the validity of the remaining parts of this act, and all laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 17. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.