

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 829
SENATE BILL 546

AN ACT AUTHORIZING THE CITY OF OCEAN ISLE BEACH IN BRUNSWICK COUNTY TO ESTABLISH AN AIRPORT COMMISSION VESTED WITH THE POWER OF EMINENT DOMAIN AND THE POWER TO ISSUE BONDS OR OTHER SECURITIES OR OBLIGATIONS FOR THE PURPOSE OF PROVIDING FUNDS FOR THE ACQUISITION OF LANDS, CONSTRUCTION AND OPERATION OF AN AIRPORT FACILITY TOGETHER WITH ALL POWERS AS 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 a board to be known as the Airport Commission of Ocean Isle Beach, which board is hereby constituted a body politic and corporate. The board shall be comprised of three members, all of whom shall be experienced businessmen with no qualifications as to residence. The membership of the board shall be named by the governing body of the Town of Ocean Isle Beach and shall be selected initially to serve one, two, and three year terms respectively beginning on July 1, 1973. All subsequent appointments shall be for terms of three years and until the successor is selected and qualifies. The governing body of the town shall name the chairman. The members of the board shall receive no compensation, per diem or otherwise, but shall be allowed and paid actual expenses incurred in the transaction of business and at the instance of the Commission.

Sec. 2. The Airport Commission shall, in addition to the powers conferred in Chapter 63 of the General Statutes of North Carolina, have the following powers:

(1) To sue and be sued in the name of the Airport Commission; to acquire by purchase and condemnation, and to hold lands for the purpose of construction, maintaining or operating the airport facilities hereinafter referred to; and make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the Airport Commission.

(2) To issue bonds or other securities or obligations for the purpose of providing funds for such acquisition of lands, construction, maintenance or operating the airport facilities, said bond, if and when issued, shall be denoted "Airport Commission Bonds of Ocean Isle Beach" and shall be issued in such form and denominations and shall mature at such time or times not exceeding fifty (50) years after their date and shall bear such rate of interest not exceeding six percent (6%) per annum payable either annually or semi-annually as the Airport Commission may determine; provided, however, that neither the Airport Commission Board, nor the

individual members thereof, shall have authority to pledge the credit of or contract for or on behalf of the Town of Ocean Isle Beach. The bonds shall be signed by the Chairman of the Airport Commission Board and the corporate seal affixed or impressed on each bond and attested by the secretary to the Board. The coupons to be attached to said bond shall bear the facsimile signature of the Chairman officiating at the time of issuance of the bond. Such bonds or notes issued for the purpose or purposes above set out may be sold at private sale for not less than par to any U. S. governmental agency with the approval of the governing body of the Town of Ocean Isle Beach, but if such private sale is not made to a U. S. governmental agency, then the sale shall be made under the provisions of the Municipal Finance Act of the State with the approval of the local government board and commission.

Bonds and notes issued under this act shall be exempt from all State, county or municipal taxes or assessments, direct or indirect, general or special, and the interest paid on said bonds or notes shall not be subject to taxation as income, nor shall said bonds or notes, or coupons of said bonds, be subject to taxation when constituting part of the surplus of any bank, trust company or other corporation.

(3) Any resolution or resolutions authorizing any bonds may contain provisions which shall be part of the contract with the holders of the bonds, as to:

(A) Pledging any and all revenue received by the Airport Commission in the operation of the airport facilities after operational costs.

(B) The rates of any charges by the Commission for the use of the facilities of the Commission and the use and disposition of such revenues.

(C) The setting aside of reserve and sinking funds and the rate and disposition thereof.

(D) Limitations on the purposes to which the proceeds of sale of any issue of bonds to be issued may be applied.

(E) Limitations on the issuance of additional bonds, and

(F) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which the consent may be given.

(4) To do all things necessary or convenient to carry out all powers expressly given in the act.

Sec. 3. It is hereby declared to be the policy of the State of North Carolina to promote, encourage and develop air transportation, service, and facilities in connection with the commerce of the United States, and to foster and preserve in full vigor air transportation, and that Ocean Isle Beach is hereby declared to be an area which should be developed in connection with the interior of the State of North Carolina and other states, and that it is hereby declared and deemed by the State of North Carolina necessary and desirable and in the public interest of the entire State that there shall be established air transportation facilities in areas of Ocean Isle Beach in accordance with the provisions of the Acts of Congress in the United States and the laws of North Carolina. The Airport Commission shall be regarded as performing an essential governmental function in undertaking the construction, maintenance, and operation of the facilities and in carrying out the provisions of this act in relation thereof, and shall

be required to pay no taxes or assessment upon any of the properties acquired or used by it for such purposes. This section shall not take effect unless and until said Airport Commission is organized and acting, and unless and until bonds or other securities as provided in section two (2) are issued.

Sec. 4. All laws and clauses of laws in conflict with the provisions of this act are hereby repealed.

Sec. 5. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 29th day of January, 1974.