

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 814
HOUSE BILL 951

AN ACT ENABLING THE COUNTY OF ALAMANCE AND THE CITY OF BURLINGTON TO ESTABLISH AN AIRPORT AUTHORITY FOR THE MAINTENANCE OF AIRPORT FACILITIES IN THE COUNTY OF ALAMANCE FOR THE CITIZENS OF BURLINGTON, ALAMANCE COUNTY AND VICINITY.

Section 1. There is hereby created the "Burlington-Alamance Airport Authority" (for brevity hereinafter referred to as the "Airport 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 Airport Authority shall consist of five (5) members who shall be appointed to staggered terms of four years. Two (2) members shall be appointed by the City Council of Burlington, two (2) members shall be appointed by Alamance County Commissioners and one (1) member shall be appointed by the City Council of the City of Burlington and Alamance County Commissioners in a joint meeting. All of the members shall be residents of the County of Alamance but need not be residents of the City of Burlington. The terms of the initial five (5) members of the Authority shall be as follows: the two members to be appointed by the City Council of the City of Burlington and the member to be appointed at the joint meeting of the boards shall be a term of four years, the two members appointed by the County Commissioners shall be a term of two years; thereafter, all terms shall be for four years. Each of the members and their successors so appointed shall take and subscribe before the Clerk of the Superior Court of Alamance County, an oath of office and file same with the County Commissioners of Alamance County. Upon the occurrence of any vacancy on said Authority, said vacancy shall be filled within sixty (60) days after notice thereof at a regular meeting of the governing body of the governmental unit which has a vacancy within its representation.

Sec. 3. The members shall, for the purpose of doing business, constitute a board of directors, which may adopt suitable by-laws for its management. The members of the board shall receive no compensation per diem or otherwise, but shall be allowed and paid their actual traveling expenses incurred in transacting the business and at the instance of the said Airport Authority.

Sec. 4. The said 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 or landing fields for the use of

airplanes and other aircraft within the limits of the County of Alamance; and for any of such purposes, to purchase, improve, own, hold, lease and/or operate real or personal property.

(1-a) To borrow money and to issue bonds and to secure the same by mortgages, with the consent of the Board of County Commissioners of Alamance County and the City Council of the City of Burlington, upon any property held or to be held by it.

(2) To sue or be sued in the name of said Airport Authority, to acquire by purchase and to hold lands for the purpose of constructing, maintaining or operating any airport within the limits of said County, and to make such contracts and to hold such personal property as may be necessary for the exercise of the powers of the said Airport Authority. The said Airport Authority may acquire by purchase, or otherwise, any existing lease, leasehold right or other interest in any existing airport located in the County of Alamance.

(3) 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.

(4) To make all reasonable rules and regulations as it deems necessary for the proper maintenance and operation of the said airport – 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 Civil Aeronautics Administration of the Federal Government.

(5) To issue bonds or other securities and obligations for the purpose of providing funds for the construction, maintenance, purchase, improvement and operation of the said airports, landing fields or other facilities. The said bonds, if and when so issued, shall be denominated "Burlington-Alamance Airport Authority Bonds", shall be issued in such form and denomination and shall mature at such time or times, not exceeding fifty years after their date, and shall bear such rate of interest, not exceeding six percent (6%) per annum, payable annually or semi-annually, as the said Airport Authority may determine. The bonds shall be signed by the chairman of the said Airport Authority and the corporate seal affixed or impressed upon each bond, and attested by the secretary of the said board. The coupons to be attached to said bonds shall bear the facsimile signature of the chairman of the Authority. Such bonds, notes or securities issued for the purpose, or purposes above set out, may be issued and sold with the approval of the County Commissioners of Alamance County and the City Council of the City of Burlington, but the sale shall be made under the supervision, and with the approval of the Local Government Commission.

Bonds and notes issued under this Act shall be exempt from all State, Federal, County or Municipal taxes or assessments, direct or indirect, general or special, and the interest paid of such bonds or notes shall not be subject to taxation as income. The said bonds, notes or other security shall not be obligations of the County of Alamance or the City of Burlington, but the said Airport Authority is authorized and empowered to pledge the revenues, rents, income and tolls arising out of the use of any airport property or any specific part of said airport property until such time as the sums

borrowed therefor are fully amortized and repaid. The said bonds or other securities which the said Airport Authority may incur shall be issued and incurred upon such other terms, covenants and conditions as the said Airport Authority may deem proper.

(6) To sell, or otherwise dispose of, any property, real or personal, belonging to the Airport Authority, but no sale of real property shall be made without the approval of the Board of County Commissioners of Alamance County and the Council of the City of Burlington.

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

(8) To invest or reinvest, subject to the approval of the Local Government Commission, any of its funds in either bonds, notes or certificates of indebtedness of the United States of America, or in bonds or notes of any agency or instrumentality of the United States of America, the payment of principal and interest of which is guaranteed by the United States of America, or in bonds or notes of the State of North Carolina, or in bonds of any county, city or town of North Carolina, which have been approved by the Local Government Commission.

(9) To purchase any of its outstanding bonds or notes.

(10) To operate, own, lease, control, regulate or grant to others the right to operate on any airport premises, restaurants, agricultural fairs, motion picture shows, and other amusements.

(11) To lease (without the joinder in the lease agreements of the owning municipalities, to-wit, the County of Alamance and the City of Burlington) for a term not to exceed twenty-five (25) years, and for purposes not inconsistent with the grants and agreements under which the said airport is held by said owning municipalities, real or personal property under the supervision of or administered by the said Authority.

(12) To contract with persons, firms or corporations for terms not to exceed twenty-five (25) years, for the operation of airline- scheduled passenger and freight flights, non-scheduled flights, and any other airplane activities not inconsistent with said grant agreements under which the airport property is held by the owning municipal corporations, and to charge and collect reasonable and adequate fees, charges and rents for the use of such property or for services rendered in the operation thereof.

(13) 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 the same for a term or terms not to exceed twenty-five (25) years; to borrow money for use in making or paying for such improvements and facilities, secured by and on the credit only of the lease agreements in respect thereto, to pledge and assign such leases and lease agreements as security for loans herein authorized.

Sec. 5. The Airport Authority is hereby authorized and empowered to acquire from the County of Alamance and the City of Burlington, by agreement therewith, and such County and City are hereby authorized and empowered to grant and convey, either by gift or for such consideration as it may be deemed wise, any real or personal property which it now owns or may hereafter be acquired, including non-tax monies, and which

may be necessary for the construction, operation and maintenance of any airport located in the County of Alamance.

Sec. 6. Any lands acquired, owned, controlled or occupied by said Airport Authority shall, and are hereby declared to be acquired, owned, controlled and occupied for a public purpose.

Sec. 7. Private property needed by said Airport 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 or eminent domain, pursuant to the provisions of Chapter Forty of the General Statutes of North Carolina, as amended.

Sec. 8. The said Airport Authority shall make an annual report to the Alamance County Commissioners and the Council of the City of Burlington, setting forth in detail the operations and transactions conducted by it pursuant to this Act. The said Airport Authority shall be regarded as the corporate instrumentality and agent for the County of Alamance and the City of Burlington for the purpose of developing airport facilities in the County of Alamance, but it shall have no power to pledge the credit of the County of Alamance, or any subdivision thereof, or to impose any obligation upon the County of Alamance or any subdivision thereof, except and when such power is expressly granted by statute or the consent of the County of Alamance and the City of Burlington.

Sec. 9. All rights and powers given to the counties or municipalities 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 municipal airports and the regulations of aircraft, are hereby vested in said Airport Authority, and the County of Alamance and the City of Burlington may delegate its powers under the said acts to the Authority and the Authority shall have concurrent right with the County of Alamance to control, regulate and provide for the development of aviation in the County of Alamance.

Sec. 10. The said Airport Authority is hereby authorized to employ such agents, engineers and attorneys and other persons whose services may be deemed by the Airport Authority to be necessary or useful in carrying out the provisions of this Act. Members of the said Airport Authority shall not be personally liable, in any manner, for their acts as members of the Airport Authority, except for misfeasance or malfeasance.

Sec. 11. The governing bodies of said City and County and each of them are hereby authorized to appropriate and use from the net proceeds derived from the operation by said City or said County, of any public utility, or from 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 in such proportion and upon such basis as may be determined by agreement between said County and City.

Sec. 12. Said authority shall have the right and is empowered to expend such funds as are appropriated from time to time by the said governmental units jointly or severally for joint airport purposes and is empowered to enter into contracts and pledge the credit of the Authority to the extent of the moneys appropriated by the said governmental units for joint airport purposes.

Sec. 13. The said Board shall have authority to deal with the Federal Aviation Administration of the United States Government and any other representative of the United States Government relative to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields established or acquired under the authority of this Act. A majority of said board shall control its decisions. Each member of said board, including the chairman, shall have one vote. At the first meeting of said board and annually thereafter, it shall elect from among its members a chairman and a secretary and a treasurer. The said board shall meet at such places and time as the chairman shall designate.

Sec. 14. The powers granted to the Authority, including the specific powers contained in Section 9 hereof, shall not be effective until such time as the members of the Authority have been appointed by the Alamance County Commissioners and the Council of the City of Burlington, and nothing herein contained shall require the Alamance County Commissioners or the Council of the City of Burlington to make initial appointments to said Authority, it being the specific intent of this legislation to enable but not require the formation of the Burlington-Alamance Airport Authority.

Sec. 15. 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. 16. This Act shall take effect from and after its ratification.

In the General Assembly read three times and ratified, this the 12th day of June, 1969.

NORTH CAROLINA GENERAL ASSEMBLY
1971 SESSION

CHAPTER 263
HOUSE BILL 609

AN ACT AMENDING CHAPTER 814, SESSION LAWS OF 1969, RELATING TO
THE ESTABLISHMENT AND POWERS OF THE BURLINGTON-ALAMANCE
AIRPORT AUTHORITY.

Section 1. That Chapter 814, Session Laws of 1969 be, and the same is hereby, amended as follows:

(a) That there is hereby added a new subsection (1-b) to Section 4 of said Act, said subsection (1-b) to read as follows:

"(1-b) To purchase real or personal property and to issue bonds, installment, demand, or other type notes in payment of part or all of the purchase price therefor, and to secure the payment of any such bonds or notes by purchase money mortgages, deeds of trust, or conditional sales contracts upon the property so purchased. All such security instruments shall expressly limit and confine the liability of the Airport Authority to the real or personal property so purchased constituting the collateral security in such mortgage, deed of trust, or conditional sale contract."

(b) That Subsection (5) of Section 4 of said Act be, and the same is hereby, amended to read as follows:

"(5) To issue bonds, notes, or other securities for the purpose of providing funds for the acquisition, construction, reconstruction, improvement, betterment, or extension of airport facilities of the Airport Authority, or for the acquisition of property for such facilities. The Airport Authority is hereby further authorized to issue revenue refunding bonds, notes, or other securities for the purpose of refunding any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act or the Revenue Bond Act of 1938, including the payment of any redemption premium thereon and any interest accrued or to accrue to the date of redemption of such bonds, notes, or other securities, and, if deemed advisable by the Board of Directors of the Airport Authority, to provide for the issuance of its revenue refunding bonds, notes, or other securities for the combined purpose of refunding any bonds, notes or other securities then outstanding which shall have been issued by the Authority under the provisions of this Act or the Revenue Bond Act and financing in whole or in part the reconstruction, improvement, betterment, or extension of the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking or facility combined or to be combined with the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued. The issuance of such bonds, notes, or other securities, the maturities and other details

thereof, and the rights, duties, and obligations of the Airport Authority in respect of the same, shall be governed by the provisions of this Act insofar as the same may be applicable. Such bonds, notes, or other securities shall be issued in such form and denomination, shall mature at such time or times not exceeding 50 years from their date or dates, may be redeemable at such price or prices and under such terms and conditions, and shall bear interest at such rate or rates, payable annually or semiannually, as the Board of Directors may determine by resolution. The Board of Directors shall also determine by resolution the form and manner of execution of any such bonds, notes, or other securities, including any interest coupons attached thereto; provided, however, that at least one manual signature must appear on every bond, note, or other security which signature may be the manual signature of the representative of the Local Government Commission to the certificate of the Commission on such bond, note, or other security.

No bonds, notes, or other securities issued by the Airport Authority under provisions of this Act shall be obligations of the County of Alamance or City of Burlington.

The sale of any such bonds, notes, or other securities shall be made by and with the approval of the Local Government Commission. The Board of Commissioners for the County of Alamance shall not be required to approve any such sale.

Upon the request of the Board of Directors, any such bonds, notes, or other securities may be sold by the Local Government Commission in exchange for real property; provided, however, that the value of any such real property to be acquired by the Airport Authority shall have been either judicially determined or determined by at least two certified appraisals approved by the Board of Commissioners for the County of Alamance and the City Council of the City of Burlington prior to such exchange and that the exchange shall have been approved by the Local Government Commission.

Upon the filing with the Local Government Commission of a resolution of the Board of Directors requesting that its bonds, notes, or securities issued pursuant to this Act be sold at private sale and without advertisement and upon the approval of such request by said Commission, such bonds, notes, or securities may be sold by said Commission at private sale and without advertisement to any purchaser or purchasers thereof, such sale to be for the price as said Commission shall determine to be for the best interests of the Airport Authority and as shall be approved by the Board of Directors.

The Airport Authority is hereby authorized and empowered to pledge to the payment of the principal of and the interest on any bonds, notes, or other securities all or any part of the revenues, rents, income, and tolls arising out of the use of or in connection with any airport property or any specific part of the airport property. Such bonds, notes, or other securities shall be issued upon such terms, covenants, and conditions as the Board of Directors may determine by resolution.

Bonds, notes, or other securities issued by the Airport Authority 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 such bonds, notes, or other securities shall not be subject to taxation as income."

(c) That there is hereby added a new subsection (5-a) to Section 4 of said Act, said subsection (5-a) to read as follows:

"(5-a). The Airport Authority is hereby declared to be a 'municipality' within the meaning of the Revenue Bond Act of 1938 having the power to issue revenue bonds for airport purposes under and pursuant to the provisions thereof. In addition to the power conferred upon the Airport Authority by the Revenue Bond Act to issue revenue refunding bonds for the purposes set forth in said Act, the Airport Authority is hereby authorized to issue revenue refunding bonds under the Revenue Bond Act for the purpose of refunding any revenue bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act or any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act, or any combination thereof, including the payment of any redemption premium thereon and any interest accrued or to be accrued to the date of redemption of such bonds, notes, or other securities, and, if deemed advisable by the Board of Directors, to provide for the issuance of revenue refunding bonds under the Revenue Bond Act for the combined purpose of (a) refunding any bonds then outstanding which shall have been issued under the provisions of the Revenue Bond Act or any bonds, notes, or other securities then outstanding which shall have been issued under the provisions of this Act, or any combination thereof, and (b) financing in whole or in part the reconstruction, improvement, betterment, or extension of the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued, or the acquisition, construction, reconstruction, improvement, betterment, or extension of any undertaking or facility combined or to be combined with the undertaking or facility for which the bonds, notes, or other securities to be refunded shall have been issued. The issuance of any such revenue refunding bonds by the Airport Authority under the provisions of the Revenue Bond Act shall be governed by the provisions of the Revenue Bond Act insofar as the same may be applicable. The powers contained in the Revenue Bond Act and hereby conferred on the Airport Authority shall be deemed to be in addition to and not in substitution for the powers conferred on the Airport Authority by this Act so that the Airport Authority may, at its option, proceed under the Revenue Bond Act without regard to any restrictions or limitations imposed by this Act or proceed under this Act without regard to any restrictions or limitations imposed by the Revenue Bond Act."

(d) That Section 13 of said Act be, and the same hereby is, amended to read as follows:

"Sec. 13. The said board shall have authority to deal with the Federal Aviation Administration of the United States Government and any other representative of the United States Government relative to the grading, constructing, equipping, improving, maintaining and operating of airports and landing fields established or acquired under the authority of this Act. A majority of said board shall control its decisions. Each member of said board, including the chairman, shall have one vote. At the first meeting of said board and annually thereafter, it shall elect from among its members a chairman, a vice-chairman, a secretary, and a treasurer. The said board shall meet at such places and time as the chairman shall designate."

Sec. 2. 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 this act are hereby repealed.

Sec. 3. That this act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 29th day of April, 1971.