

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS75391-LM-142* (02/18)

Short Title: Goldsboro-Wayne Airport Authority/Changes.

(Local)

Sponsors: Senators Davis, and Rouzer.

Referred to:

A BILL TO BE ENTITLED

AN ACT AUTHORIZING THE CITY OF GOLDSBORO TO CONVEY BY PRIVATE NEGOTIATION AND SALE ITS RIGHT, TITLE, AND INTEREST IN THE GOLDSBORO-WAYNE MUNICIPAL AIRPORT TO WAYNE COUNTY, DISSOLVING THE GOLDSBORO-WAYNE AIRPORT AUTHORITY, AND CREATING THE WAYNE AIRPORT AUTHORITY.

The General Assembly of North Carolina enacts:

SECTION 1. Notwithstanding Article 12 of Chapter 160A of the General Statutes, the City of Goldsboro may convey by private negotiation and sale, with or without monetary consideration, under the terms and conditions it deems proper, any or all of its right, title, and interest in the following described property, known as the Goldsboro-Wayne Municipal Airport, to Wayne County:

BEGINNING at a point on the western right-of-way of Mt. Carmel Church Road and running southwesterly a distance of approximately 162 feet to the northwestern corner of 06-3612-17-7907; thence proceeding in a southwesterly direction a distance of approximately 612 feet to a point on the northern property line of 06-3612-07-5438; thence continuing along this line a distance of approximately 1,301 feet to the northwestern corner of 06-3612-06-0547; thence continuing along the line of 06-3612-06-0547 a distance of approximately 939 feet to a point on the northeastern corner of 06-3602-85-1420; thence from that point, continuing in a northwesterly direction a distance of approximately 783 feet to the northwestern corner of 06-3602-85-1420; thence continuing in a southwesterly direction a distance of approximately 1,051 feet to the northeastern property line of 06-3602-75-1582; thence extending in a northwesterly direction a distance of approximately 835 feet to the northwestern property line of 06-3602-75-1582; thence continuing in a southwesterly direction a distance of approximately 229 feet to the southwestern corner of 06-3602-75-1582; thence continuing in a southeasterly direction a distance of approximately 842 feet to a point near the northwestern corner of 06-3602-74-2736; thence extending in a southwesterly direction a distance of approximately 637 feet to a point on the property line of 06-3602-74-2736; thence turning and extending northwesterly a distance of approximately 1,003 feet to the northwestern corner of 06-3602-64-5889; thence extending in a southwesterly direction a distance of approximately 1,092 feet to the eastern right-of-way line of Airport Road; thence running in a southerly direction along the eastern right-of-way of Airport Road a distance of approximately 37 feet to the southwestern corner of 06-3602-64-5889; thence turning and extending northwesterly a distance of approximately 442 feet to a point on the southern property line of 06-3602-64-5889; then continuing in a southeasterly direction a distance of approximately 966 feet to a point on



1 the southern property line of 06-3602-64-5889; thence continuing in a southerly direction a
2 distance of approximately 547 feet to a point on the northern right-of-way of Aviation Road;
3 thence turning and extending in a northeasterly direction a distance of approximately 388 feet
4 to the southeastern corner of 06-3602-74-2736; thence turning and extending along the
5 right-of-way terminus for Aviation Road a distance of approximately 68 feet to the northeastern
6 property line of 06-3602-63-5707; thence turning and extending in a southwesterly direction a
7 distance of approximately 1,325 feet to a point on the northwestern corner of 06-3602-63-5707;
8 thence turning and proceeding in southwesterly direction a distance of approximately 109 feet
9 to the western property line of 06-3602-63-5707; thence proceeding southeasterly a distance of
10 approximately 1,331 feet to a point on the southern line of 06-3602-63-5707; thence turning
11 and extending in a southwesterly direction a distance of approximately 989 feet; thence turning
12 and extending in a southeasterly direction a distance of approximately 48 feet; thence turning
13 and extending in a southwesterly direction a distance of approximately 915 feet to the
14 southwestern property corner of 06-3602-62-7208; thence turning and extending in a
15 southeasterly direction a distance of approximately 930 feet; thence turning and extending in a
16 northerly direction a distance of approximately 60 feet; thence turning and following the
17 southern property line of 06-3602-62-7208 in a southeasterly direction a distance of
18 approximately 343 feet; thence extending in a northeasterly direction a distance of
19 approximately 1,976 feet to a point on the eastern property line of 06-3602-72-4566; thence
20 extending in a southeasterly direction a distance of 548 ft. to the eastern property line of
21 06-3602-72-1121; then turning and extending in a northwesterly direction a distance of
22 approximately 536 ft. to a point on the eastern property line of 06-3602-62-7208; thence
23 turning and extending in a northeasterly direction a distance of approximately 821 feet to the
24 northeastern corner of 06-3602-62-7208; thence turning and extending in a westerly direction a
25 distance of approximately 70 ft. to a point at the southeastern corner of 06-3602-84-3207;
26 thence continuing in a northerly direction a distance of approximately 2,255 ft. to the
27 southeastern property corner of 06-3602-95-7457; thence continuing in a northeasterly
28 direction a distance of approximately 1,918 ft. to a point in the eastern property line of
29 06-3612-06-0547; thence continuing in a northeasterly direction a distance of approximately
30 1,271 ft. to the southwestern property corner of 06-3612-17-7907; thence continuing on the line
31 a distance of approximately 203 ft. to the western right-of-way of Mt. Carmel Church Road;
32 thence turning and extending a distance of approximately 755 ft. to the point of beginning and
33 containing approximately 12,605,392 sq. ft., or 289.38 acres, more or less.

34 **SECTION 2.** Chapter 927 of the 1963 Session Laws, as amended by Chapter 1006
35 of the 1987 Session Laws and S.L. 1998-20, reads as rewritten:

36 "Section 1. Airport or landing field, for the purposes of this and the Sections following, is
37 defined as any plot of land or water formally set aside, and designated as a place where aircraft
38 may land or take off.

39 "Sec. 2. The governing ~~bodies-body~~ of the ~~City of Goldsboro, and of the~~ County of Wayne
40 ~~are-is~~ hereby authorized to ~~jointly~~ acquire, establish, construct, own, control, lease, equip,
41 improve, maintain, operate, and regulate airports or landing fields for the use of airplanes and
42 other aircraft within the limits of ~~said-the~~ County, and may use for such purpose or purposes
43 any properties suitable therefor that are now or may at any time hereafter be ~~jointly~~ owned or
44 controlled by ~~said-City~~ the County.

45 "Sec. 3. Any lands acquired, owned, controlled, or occupied by ~~said-City and~~ the County for
46 the purposes enumerated in Section 2 hereof shall and are hereby declared to be acquired,
47 owned, controlled and occupied for public purpose, and ~~said-City and~~ the County shall have the
48 right to acquire property for such purpose or purposes under the power of eminent domain as
49 and for a public purpose.

50 "Sec. 4. Private property needed by the ~~said-City and~~ County for an airport or landing field
51 may be acquired by gift or devise or shall be acquired by purchase if ~~said-City and~~ the County

1 ~~are~~ is able to agree with the owners on the terms thereof, and otherwise by condemnation, in
2 the manner provided by law under which the ~~said City and County~~ are is authorized to acquire
3 real property for public purposes, other than street purposes, or if there be no such law, in the
4 manner provided for and subject to the provisions of the condemnation law. The purchase
5 price, or award, for property acquired for an airport or landing field may be paid for by
6 appropriation of monies available therefor, or by the application of any funds derived by ~~said~~
7 ~~City or by said~~ the County from the sale of any lands now or heretofore or hereafter owned for
8 airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the
9 sale of bonds of ~~said City or of said~~ the County as the governing bodies of ~~such City and~~ the
10 County shall determine.

11 "Sec. 5. The power to acquire lands by condemnation herein granted to the ~~said City and~~
12 County for the purpose of such airport or landing field shall embrace the power to acquire by
13 condemnation any dwelling, yard, orchard, garden, kitchen, burial ground, graveyard or
14 cemetery located or situate upon the lands found necessary to be acquired for such purpose; and
15 in the event there are graves located upon such lands which may be necessary to be acquired by
16 condemnation, it shall be lawful for ~~said City and~~ the County, after thirty days' notice to the
17 surviving husband or wife, or next of kin of the deceased buried therein, or the person in
18 control of such graves, if any are known, and if not known, then after publishing a notice once
19 a week for four (4) weeks in a newspaper published in Wayne County, to open any such graves,
20 and to take therefrom any dead body, or part thereof buried therein, and anything interred
21 therewith, and to remove and reinter the same in some other cemetery or suitable place in the
22 same county to be selected by the next of kin, or the welfare officer of the County or by the
23 Clerk of the Superior Court of said County in the order named. Due care shall be taken to do
24 said work in a proper and decent manner, and, if necessary, to furnish suitable coffins or boxes
25 for reintering said remains. Due care shall also be taken to remove all tombstones and other
26 markers from said graves, and to protect and replace all such tombstones or other markers so as
27 to leave the new grave in as good condition as the former one. All of said work shall be done
28 under the supervision and direction of the welfare officer of the County, if one, or his
29 representatives, but if there is no welfare officer, then under the supervision and direction of the
30 Clerk of the Superior Court of said County, or his representatives. All the expense connected
31 with said work, including the actual expense of one of "next of kin" in attending to same, if one
32 does attend, shall be borne by the ~~said City and~~ County doing or causing same to be done.

33 "Sec. 6. The governing ~~bodies of said City and County and each of them~~ are body of the
34 County is hereby authorized to appropriate and use from the net proceeds derived by the ~~said~~
35 ~~City or~~ County from the operation of any public utility, or from funds derived from any source
36 other than ad valorem taxes, sums sufficient to carry out the provisions of this Act as to the
37 establishment and maintenance of any ~~airport in such proportion and upon such equal basis as~~
38 ~~may be determined upon by a joint board to be appointed by the governing bodies of the said~~
39 ~~City and County; provided airport.~~ However, nothing herein shall be construed to permit the
40 governing ~~bodies of said City or~~ body of the County to issue bonds under the provisions of this
41 Act without a vote of the people.

42 "Sec. 7. The ~~joint board to be appointed by the governing bodies of the said City and~~ body
43 of the County shall be appointed as follows:

44 ~~Said City shall be entitled to have three (3) representatives on said board and the~~
45 ~~representatives shall be appointed biennially by a majority of the governing body of the said~~
46 ~~City, at the first regular meeting in January. Said representatives shall hold office from their~~
47 ~~appointment until their successors are appointed and qualified and until the first regular~~
48 ~~meeting of the governing body in the second January thereafter, when successors shall be~~
49 ~~appointed.~~

50 ~~Said~~ The County shall be entitled to have ~~three (3)~~ six representatives on ~~said the~~ board and
51 the representatives shall be appointed biennially by a majority of the board of county

1 commissioners of said County at the first regular meeting in January. ~~Said~~The representatives
2 shall hold office from their appointment until their successors are appointed and qualified and
3 until the first regular meeting of the board of county commissioners in the second January
4 thereafter, when successors shall be appointed. The ~~said~~ board so appointed by the governing
5 ~~bodies of the City and~~body of the County shall be known as the "~~Goldsboro-Wayne Airport~~
6 ~~Authority~~". "Wayne Airport Authority." Upon the occurrence of any vacancy on ~~said~~the board,
7 ~~said~~the vacancy shall be filled within sixty (60) days after notice thereof by a majority of the
8 governing body of the ~~City or County which has a vacancy within its representation~~County.

9 "Sec. 8. The board, appointed as herein provided by the governing ~~bodies of said City and~~
10 ~~County~~body of the County shall act in an administrative capacity and it is hereby authorized
11 and empowered:

12 (a) To establish, construct, control, lease, maintain, improve, operate and regulate joint
13 airports and landing fields established under the provisions of this Act; to have complete
14 authority over any airport or landing field ~~jointly~~ acquired, established, or constructed by ~~said~~
15 ~~City and County represented on said board~~the County.

16 (b) (1) To adopt, repeal, amend, readopt rules, regulations, laws and ordinances not
17 inconsistent with this Act, for its own government, management and
18 operation; and

19 (2) To adopt, repeal, amend and readopt rules, regulations and ordinances with
20 respect to traffic on and use of streets, alleys, driveways, roadways, parking
21 areas, crosswalks and safety areas (not included in the public road system of
22 the State of North Carolina) located within the territorial limits of the lands
23 comprising the ~~Goldsboro-Wayne Airport~~Wayne County Airport, including
24 by way of illustration but not in limitation of the authority herein granted,
25 the establishment of routes of traffic, the regulation of speed, the location of
26 parking areas, the regulation and prohibition of parking and standing in
27 designated areas and on said streets, driveways, alleys and roadways, the
28 prohibition of obstruction thereof, the prohibition of vehicles and pedestrians
29 on the aprons, ramps, taxiways, runways and other designated parts of the
30 Airport.

31 (3) To adopt, repeal, amend and readopt rules, regulations, and ordinances with
32 respect to the use of the Airport and its facilities by the public, including by
33 way of illustration but not in limitation of the authority granted, the Terminal
34 Building, the ramps, aprons, hangars, taxiways, runways, water plants and
35 shops, and to prohibit the use of, occupation of, or trespass upon any part
36 thereof.

37 (c) To lease real or personal property under the supervision of or administered by the
38 Authority, without the joinder in the lease agreements of the owning ~~units of local government,~~
39 ~~to wit, the County of Wayne and the City of Goldsboro~~unit of local government, to wit, the
40 County of Wayne, for purposes that the board considers advantageous or conducive to the
41 development of the Airport and that are not inconsistent with the grants and agreements under
42 which the Airport is held by the owning units of local government. The term of a lease to ~~the~~
43 ~~City of Goldsboro, Wayne County~~Wayne County or Wayne Community College may not
44 exceed 50 years. The term of a lease to any other lessee may not exceed 20 years.

45 (d) To contract with persons, firms or corporations for terms not to exceed twenty (20)
46 years, for the operation of airline-scheduled passenger and freight flights, non-scheduled
47 flights, and any other airplane activities, not inconsistent with said grant agreements under
48 which the airport property is held by the owning municipal corporations, and to charge and
49 collect reasonable and adequate fees, charges and rents for the use of such property or for
50 services rendered in the operation thereof.

1 (e) To operate, own, control, regulate, lease or grant to others the right to operate any
2 airport premises, restaurants, apartments, hotels, motels, tracks, motion picture shows, cafes,
3 soda fountains, or other businesses, amusements or concessions for a term not exceeding
4 twenty (20) years, as may appear to said Authority advantageous or conducive to the
5 development of said Airport.

6 (f) To erect and construct buildings, hangars, shops and other improvements and
7 facilities, not inconsistent with or in violation of the agreements applicable to and the grants
8 under which the real property of the Airport is held; to lease the same for a term or terms not to
9 exceed twenty (20) years, to borrow money for use in making or paying for such improvements
10 and facilities, secured by and on the credit only of the lease agreements in respect thereto, to
11 pledge and assign such leases and lease agreements as security for loans herein authorized.

12 (g) To expend funds appropriated from time to time by ~~said City and County, jointly or~~
13 ~~severally, for joint airport~~ the County for airport purposes, and to appropriate and expend for
14 airport purposes funds received by it from fees, charges, rents and dues arriving out of the
15 operation of said Airport, the facilities, improvements and concessions located thereat or
16 operated thereon.

17 (h) To enter into contracts and to pledge the credit of the said Airport Authority to the
18 extent herein authorized; provided, however, that neither said Airport Authority nor the
19 individual members thereof shall have authority to pledge the credit of or contract for the ~~City~~
20 ~~of Goldsboro or the~~ County of Wayne.

21 (i) To contract and deal with the Federal Aviation Authority of the United States
22 Government and any other representative or agency of said government relating to the grading,
23 constructing, equipping, improving, maintaining and operation of airports and landing fields
24 acquired under the authority of this Act.

25 "Sec. 9. A majority of the ~~Goldsboro-Wayne~~ Wayne County Airport Authority members
26 shall control its decisions. Each member of the Authority, including the chairman, shall have
27 one vote. The Authority shall elect annually in April, from among its members, a chairman, a
28 vice chairman, a secretary and treasurer. In the absence of rules of the Authority in respect
29 thereof, the Authority shall meet at such places and times as the chairman shall designate. Each
30 member of said Authority shall take an oath of office to faithfully perform his duties. All
31 members of said Authority shall serve without compensation.

32 "Sec. 10. The ~~Goldsboro-Wayne~~ Wayne County Airport Authority shall in no case be liable
33 for damages for injuries to persons or property caused by or growing out of fueling, refueling
34 or servicing any airplane at said Airport, or from falling, exploding and burning airplanes.
35 Members of said Authority shall not be personally liable in any manner for their acts as
36 members of the Authority, except for misfeasance or malfeasance.

37 "Sec. 11. The Authority shall operate under a budget on a fiscal year basis from July 1 to
38 June 30, and shall make its requests for appropriations from the ~~City of Goldsboro and the~~
39 County of Wayne in the same manner as that provided under the Fiscal Control Act, and shall
40 maintain complete and adequate records of all receipts and disbursements to be audited and
41 reported thereon at least annually to the ~~City of Goldsboro and~~ County of Wayne as required by
42 the aforesaid Fiscal Control Act. The treasurer shall furnish bond in some surety company
43 authorized to do business in North Carolina, in the amount to be fixed by the Wayne County
44 Board of ~~Commissioners and the Board of Aldermen of the City of Goldsboro.~~ Commissioners.

45 "Sec. 12. It is hereby declared to be the policy of the State of North Carolina to promote,
46 encourage and develop air transportation, service and facilities in connection with the
47 commerce of the United States and to foster and preserve air transportation; and the area
48 including the County of Wayne ~~and the City of Goldsboro~~ is hereby declared to be an area
49 which should be developed in connection with the interior of the State of North Carolina and
50 other states and it is hereby declared to be necessary and desirable and in the public interest of
51 the entire State that there shall be established air transportation facilities in such area in

1 accordance with the provisions of the Acts of Congress and the laws of this State. The ~~joint~~
2 Authority established pursuant to the provisions of this Act shall be regarded as performing an
3 essential governmental function in undertaking the construction, maintenance and operation of
4 the facilities herein provided for and in carrying out the provisions of this Act, and shall be
5 required to pay no taxes or assessments upon any of the property acquired or used by it for such
6 purposes. Except as herein specifically otherwise provided, the provisions of Chapter 63 of the
7 General Statutes of North Carolina shall be applicable to the ~~joint~~ Authority herein established.
8 To the extent that G.S. 63-53 requires that the ~~Goldsboro-Wayne~~ Wayne County Airport
9 Authority follow the provisions of G.S. 160A-272, G.S. 160A-272 shall be applied by
10 substituting 'the maximum term provided in Section 8 of this act' for '10 years' in each place
11 those words and figures appear.

12 "Sec. 13. All rules, regulations and ordinances adopted pursuant to the authority of this Act
13 shall be recorded in the proceedings of the ~~Goldsboro-Wayne~~ Wayne County Airport Authority
14 and a true copy of all such rules, regulations and ordinances, certified under the hand of the
15 secretary and the seal of the Authority, shall be filed with the Board of County Commissioners
16 of ~~Wayne County and the Board of Aldermen of the City of Goldsboro~~ County.

17 The ~~Goldsboro-Wayne~~ Wayne County Airport Authority shall cause to be posted at
18 appropriate places on the ~~Goldsboro-Wayne~~ Wayne County Airport, notice to the public of
19 applicable rules, regulations and ordinances pertaining to the ~~Goldsboro-Wayne~~ Wayne County
20 Airport.

21 Any person violating any rule, regulation or ordinance adopted pursuant to Section 8 (b) (2)
22 and (b) (3) shall be guilty of a misdemeanor and upon conviction shall be punishable by a fine
23 not exceeding fifty dollars (\$50.00) or imprisonment not exceeding thirty (30) days.

24 "Sec. 14. This Act shall apply only to ~~the City of Goldsboro and~~ the County of Wayne.

25 "Sec. 15. If any part or parts of this Act shall be held to be unconstitutional, such
26 unconstitutionality shall not affect the validity of the remaining parts of this Act. The General
27 Assembly expressly declares that it would have passed the remaining parts of this Act, if it had
28 known that such part or parts thereof would be declared unconstitutional.

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

30 **SECTION 3.** The terms of the three representatives appointed by the City of
31 Goldsboro to serve on the Goldsboro-Wayne Airport Authority shall expire on October 1,
32 2010. Within 30 days after this act becomes law, the governing body of Wayne County shall
33 appoint three representatives to the Wayne County Airport Authority, as enacted by Section 2
34 of this act, to hold office until their successors are appointed in the manner set forth in Chapter
35 972 of the 1963 Session Laws, as amended by Chapter 1006 of the 1987 Session Laws, S.L.
36 1998-20, and Section 2 of this act.

37 **SECTION 4.** Nothing in this act shall be deemed to affect any pending litigation
38 involving the Goldsboro-Wayne Municipal Airport or the Goldsboro-Wayne Airport Authority.

39 **SECTION 5.** This act becomes effective October 1, 2010.