

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 511

Short Title: Goldsboro-Wayne Airport Authority. (Local)

Sponsors: Representatives Sager, Bell, and LaRoque (Primary Sponsors).
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Government.

March 30, 2011

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 property known as the Goldsboro-Wayne Municipal Airport, and described in Cabinet N at Slides 58G, 58H, and 58I of the Wayne County Register of Deeds Office, to Wayne County.

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

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

"Sec. 2. The governing ~~bodies~~ body of the ~~City of Goldsboro, and of the~~ County of Wayne ~~are~~ is hereby authorized to ~~jointly~~ 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 ~~said the~~ County, and may use for such purpose or purposes any properties suitable therefor that are now or may at any time hereafter be ~~jointly~~ owned or controlled by ~~said City the~~ County.

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

"Sec. 4. Private property needed by the ~~said City and~~ County for an airport or landing field may be acquired by gift or devise or shall be acquired by purchase if ~~said City and the~~ County ~~are~~ is able to agree with the owners on the terms thereof, and otherwise by condemnation, in the manner provided by law under which the ~~said City and~~ County ~~are~~ is authorized to acquire real property for public purposes, other than street purposes, or if there be no such law, in the manner provided for and subject to the provisions of the condemnation law. The purchase



1 price, or award, for property acquired for an airport or landing field may be paid for by
2 appropriation of monies available therefor, or by the application of any funds derived by ~~said~~
3 ~~City or by said~~ the County from the sale of any lands now or heretofore or hereafter owned for
4 airport or landing field purposes or other purposes, or wholly or partly from the proceeds of the
5 sale of bonds of ~~said City or of said~~ the County as the governing bodies of ~~such City and~~ the
6 County shall determine.

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

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

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

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

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

1 ~~bodies of the City and~~body of the County shall be known as the "~~Goldsboro-Wayne Airport~~
2 ~~Authority~~". "Wayne Airport Authority." Upon the occurrence of any vacancy on ~~said the~~ board,
3 ~~said the~~ vacancy shall be filled within sixty (60) days after notice thereof by a majority of the
4 governing body of the ~~City or County which has a vacancy within its representation.~~County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

40 "Sec. 12. It is hereby declared to be the policy of the State of North Carolina to promote,
41 encourage and develop air transportation, service and facilities in connection with the
42 commerce of the United States and to foster and preserve air transportation; and the area
43 including the County of Wayne ~~and the City of Goldsboro~~ is hereby declared to be an area
44 which should be developed in connection with the interior of the State of North Carolina and
45 other states and it is hereby declared to be necessary and desirable and in the public interest of
46 the entire State that there shall be established air transportation facilities in such area in
47 accordance with the provisions of the Acts of Congress and the laws of this State. The ~~joint~~
48 Authority established pursuant to the provisions of this Act shall be regarded as performing an
49 essential governmental function in undertaking the construction, maintenance and operation of
50 the facilities herein provided for and in carrying out the provisions of this Act, and shall be
51 required to pay no taxes or assessments upon any of the property acquired or used by it for such

1 purposes. Except as herein specifically otherwise provided, the provisions of Chapter 63 of the
2 General Statutes of North Carolina shall be applicable to the ~~joint~~ Authority herein established.
3 To the extent that G.S. 63-53 requires that the ~~Goldsboro-Wayne~~ Wayne County Airport
4 Authority follow the provisions of G.S. 160A-272, G.S. 160A-272 shall be applied by
5 substituting 'the maximum term provided in Section 8 of this act' for '10 years' in each place
6 those words and figures appear.

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

12 The ~~Goldsboro-Wayne~~ Wayne County Airport Authority shall cause to be posted at
13 appropriate places on the ~~Goldsboro-Wayne~~ Wayne County Airport, notice to the public of
14 applicable rules, regulations and ordinances pertaining to the ~~Goldsboro-Wayne~~ Wayne County
15 Airport.

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

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

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

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

25 **SECTION 3.** The Goldsboro-Wayne Airport Authority shall cease to exist at
26 midnight on June 30, 2011, and all of its property shall become the property of Wayne County.

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

29 **SECTION 5.** This act is effective when it becomes law.