

ORDINANCE NO. O-2021-22

**AN ORDINANCE AMENDING CHAPTER 1 ADMINISTRATION
ARTICLE IV. BOARDS AND COMMISSIONS
DIVISION 2. – AIRPORT COMMISSION OF THE
CODE OF THE CITY OF LAURINBURG**

WHEREAS, Session Law 2020-19 Senate Bill 795 renamed the Laurinburg-Maxton Airport Commission as the Southeast Regional Airport Authority and increased membership of the Authority's Board and clarified Authority's powers and duties.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAURINBURG that Chapter 1 Administration Article IV. Boards and Commissions Division 2.- Airport Commission of the Code of the City of Laurinburg is hereby amended by deleting it in its entirety and replacing it with the following :

Division 2. – Airport Commission of Article IV. Boards and Commissions of Chapter 1 Administration of the Code of the City of Laurinburg is hereby deleted in its entirety and replaced with the following:

Sec. 2-131. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport means the Laurinburg-Maxton Airport.

Airport Authority means the Southeast Regional Airport Authority as created in section 2-132.

Sec. 2-132. - Created.

There is hereby created an airport authority, to be known as the "Southeast Regional Airport Authority."

Sec. 2-133. - Composition.

The Airport Authority shall be composed of seven voting members and one nonvoting member who shall be the Scotland County Economic Development Director.

Sec. 2-134. - Members, Vacancies and Removal.

(a) The Airport Authority shall consist of the following members:

(1) Three registered voters of the City of Laurinburg appointed by the Mayor of the City of Laurinburg.

- (2) Three registered voters of the Town of Maxton appointed by the Mayor of the Town of Maxton.
 - (3) One registered voter of Scotland County appointed by the Chair of the Board of Commissioners of Scotland County.
 - (4) The Scotland County Economic Development Director, who shall serve as an ex officio nonvoting member.
- (b) Except as provided in subsection (c) of this section, members shall serve for a term of two years, beginning on January 1, and the terms shall be staggered. Members may serve no more than two successive terms. An initial term described in subsection (c) of this section shall be counted when determining the number of successive terms served. A member who has served two successive terms may not be reappointed to the Authority except after a lapse of two years following the most recent term served. In the event a member is appointed to fill an unexpired term, and at least one year of the unexpired term remains to be served, the appointment shall be counted in determining the number of successive terms served. Upon the expiration of a member's term, the member may continue to serve until a successor has been appointed, but in no case shall the member serve for more than 60 days beyond the end of the member's term. Any vacancy occurring among the membership of the Authority shall be filled within 60 days after notice thereof by the appointment of a successor by the mayor or chair who made the original appointment. The successor member shall serve for the remainder of the unexpired term. Each member shall take and subscribe before the clerk of the town or county an oath of office, and the oath shall be filed in the office of the clerk. The provisions of this subsection shall not apply to the Scotland County Economic Development Director who shall not be limited to the number of terms he or she may serve.
- (c) Initial members of the Airport Authority shall be appointed as follows:
- (1) Three registered voters of the City of Laurinburg appointed by the Mayor of the City, two of whom shall serve for a term of one year and one of whom shall serve for a term of two years.
 - (2) Three registered voters of the Town of Maxton appointed by the Mayor of the Town, one of whom shall serve for a term of one year and two of whom shall serve for a term of two years.
 - (3) One registered voter of Scotland County appointed by the Chair of the Board of Commissioners, who shall serve for a term of two years.

- (4) The Scotland County Economic Development Director, who shall serve as an ex officio nonvoting member.

- (d) A member may be suspended or removed from office by the appointing mayor or chair for (i) cause affecting the member's duties and responsibilities as a member of the Airport Authority, (ii) misfeasance, malfeasance, or nonfeasance in office, (iii) conduct tending to undermine any decisions of the Airport Authority, or (iv) conduct exposing the Airport Authority to liability for damages. Except for malfeasance, members shall not be personally liable, in any manner, for their acts or omissions as members of the Airport Authority.

- (e) The members of the Airport Authority shall elect annually from their membership a chair, vice-chair, and secretary, and may elect any other officers they deem appropriate to provide for the efficient administration of the Airport Authority's affairs.

Sec. 2-135. - Meetings; Compensation.

- (a) Members shall constitute the governing board of the Airport Authority and may, among other things and from time to time, adopt suitable bylaws not inconsistent with the provisions of this act. Each member, including the chair, shall have one vote. A majority of the members shall constitute a quorum and, unless otherwise provided in this act, all actions of the Airport Authority shall be determined by a majority vote of the members present and voting in a duly called meeting at which a quorum is present. The Airport Authority shall hold meetings at least monthly at such times and places as it, from time to time, may designate and at such other times on the call of the chair or a majority of the members of the Airport Authority. All meetings and closed sessions of the Airport Authority shall be conducted in accordance with Article 33C of Chapter 143 of the General Statutes.

- (b) Members shall receive no compensation for serving on the Airport Authority; however, members shall be reimbursed for their actual traveling expenses incurred when conducting business outside Scotland County on behalf of the Airport Authority.

Sec. 2-136. - Powers; Duties.

The Airport Authority shall have the following powers and duties:

- (a) To purchase, acquire, establish, construct, own, control, lease, equip, improve, maintain, operate, and regulate airports and landing fields for the use of airplanes and other aircraft within the limits of Scotland County and for this purpose to purchase, improve, own, hold, lease, or operate real or personal property. The Authority may

exercise these powers alone or in conjunction with the City of Laurinburg, Town of Maxton, or Scotland County.

- (b) Members shall receive no compensation for serving on the Airport Authority; however, members shall be reimbursed for their actual traveling expenses incurred when conducting business outside Scotland County on behalf of the Airport Authority.
- (c) To make contracts and hold any personal property necessary for the exercise of the powers of the Authority, and to acquire by purchase, lease, or otherwise any existing lease, leasehold right, or other interest in any existing airport located in Scotland County.
- (d) To sell, lease, or otherwise dispose of any property, real or personal, belonging to the Airport Authority, according to the procedures provided in Article 12 of Chapter 160A of the General Statutes, but no sale of real property shall be made without the approval of the City of Laurinburg City Council, Town of Maxton Town Council, and Scotland County Board of Commissioners.
- (e) To make all reasonable rules and regulations it deems necessary for the proper maintenance, use, operation, and control of the airport and to provide penalties for the violation of these rules and regulations; provided, the rules and regulations and schedules of fees are not in conflict with the laws of North Carolina and the regulations of the Federal Aviation Administration. The Airport Authority may administer and enforce any airport zoning regulations adopted by the City of Laurinburg, Town of Maxton, or Scotland County.
- (f) To operate, own, lease, sublease, control, regulate, and/or grant to others the right to operate on any airport premises owned, operated, or controlled by the Airport Authority, general aviation terminal and fixed base operations, aircraft deicing equipment and systems, restaurants, snack bars and vending machines, food and beverage dispensing outlets, rental car services, catering services, novelty shops, insurance sales, advertising media, merchandise outlets, motels, hotels, barber shops, automobile parking and storage facilities, automobile service stations, garage service facilities, motion picture shows, personal service establishments, and/or all other types of facilities, activities, and enterprises as may be directly or indirectly related to the maintenance and/or furnishing of public commercial service and/or general aviation airport facilities.
- (g) To charge and collect reasonable and adequate fees and rents for the use of airport property or for services rendered in the operation of the airport.

- (h) To purchase any insurance that the Federal Aviation Administration or the Authority shall deem necessary. The Authority shall be responsible for any and all insurance claims or liabilities.
- (i) To deposit or invest and reinvest any of its funds as provided by the Local Government Finance Act, as it may be amended from time to time, for the deposit or investment of Airport Authority funds.
- (j) Subject to the limitations set out in this act, to have all the same power and authority granted to cities and counties pursuant to Chapter 63 of the General Statutes.
- (k) To contract with and accept grants from the Federal Aviation Administration, the State of North Carolina, or any of the agencies or representatives of either of said governmental bodies relating to the purchase of land and air easements and to the grading, constructing, equipping, improving, maintaining, or operating of an airport or its facilities or both.
- (l) To acquire from the City of Laurinburg, Town of Maxton, and Scotland County, by agreement with the municipalities and county, and the municipalities and county may grant and convey, either by gift or for such consideration as the municipalities and county may deem wise, any real or personal property which it now owns or may hereafter acquire, including nontax monies, and which may be necessary for the construction, operation, and maintenance of any airport located in the county.
- (m) To acquire private property needed by the Authority for any airport, landing field, or as facilities of an airport or landing field by gift or devise, by private purchase, or by the exercise of eminent domain pursuant to Chapter 40A of the General Statutes.
- (n) To employ any agents, engineers, attorneys, and other persons whose services may be deemed by the Authority to be necessary and useful in carrying out the provisions of this act.
- (o) To have a corporate seal, which may be altered at will.
- (p) To purchase real and personal property.
- (q) To sue and be sued in the name of the Airport Authority.
- (r) To issue bonds pursuant to Article 5 of Chapter 159 of the General Statutes.
- (s) To purchase any of the Airport Authority's outstanding bonds or notes.

Sec. 2-137. - Taxes; License Fees.

The Authority shall possess the same exemptions in respect to payment of taxes and license fees and be eligible for sales and use tax refunds to the same extent as provided for municipal corporations by the laws of the State of North Carolina.

Sec. 2-138. - Airport Property.

All right, title, and interest of the Laurinburg-Maxton Airport Commission in and to the Laurinburg-Maxton Airport property and facilities and all other property held or owned by the Laurinburg-Maxton Airport Commission, real or personal, tangible or intangible, including all cash and cash equivalents and checking, investment, and demand deposit bank accounts held by the Laurinburg-Maxton Airport Commission pertaining to or generated from revenues of the Laurinburg-Maxton Airport, shall hereby be vested in the Southeast Regional Airport Authority as a matter of law when this act becomes law, and no action by the Laurinburg-Maxton Airport Commission or the Southeast Regional Airport Authority shall be necessary to effect any change in any right, title, and interest in and to the Laurinburg-Maxton Airport property and facilities and other property described in this section. Any lands acquired, owned, controlled, or occupied by the Airport Authority shall be, and are declared to be acquired, owned, controlled, and occupied for a public purpose.

Sec. 2-139. – Annual Report.

The Airport Authority shall make an annual report to the Laurinburg City Council, Maxton Town Council, and the Scotland County Board of Commissioners setting forth in detail the operations and transactions conducted by it during the year. The Airport Authority shall not have the power to pledge the credit of the City of Laurinburg, Town of Maxton, or Scotland County, or any subdivision thereof, or to impose any obligation on the City of Laurinburg, Town of Maxton, or Scotland County, or any of their subdivisions, except when that power is expressly granted by general law.

Sec. 2-140. - Authority to Operate Airports.

Subject to the limitations set out in this Division 2, all rights and powers given and granted to counties or municipalities by general law, which may now be in effect or enacted in the future relating to the development, regulation, and control of municipal airports and the regulation of aircraft are vested in the Airport Authority. The City of Laurinburg, Town of Maxton, or Scotland County may delegate their powers under these acts to the Authority, and the Authority shall have concurrent rights with the municipalities and county to control, regulate, and provide for the development of aviation in Scotland County.

Sec. 2-141. - Funds.

The City of Laurinburg City Council, Town of Maxton Town Council, or Scotland County Board of Commissioners may appropriate funds derived from any source, including ad valorem taxes, to carry out the provisions of this Division 2 in any proportion or upon any basis as may be determined by the City of Laurinburg City Council, Town of Maxton Town Council, or Scotland County Board of Commissioners. The Airport Authority may expend funds appropriated by the City of Laurinburg, Town of Maxton, or Scotland County for joint airport purposes and may pledge the credit of the Airport Authority to the extent of the appropriated funds.

Sec. 2-142. - Severability.

If any one or more sections, clauses, sentences, or parts of this Division 2 shall be adjudged invalid, such judgment shall not affect, impair, or invalidate the remaining provisions thereof, but shall be confined in its operation to the specific provisions held invalid, and the inapplicability or invalidity of any section, clause, sentence, or part of this Division 2 in one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

Sec. 2-143. - Terms of Current Members.

The terms of the current members of the Laurinburg-Maxton Airport Commission shall expire on December 31, 2020. Initial members of the Southeast Regional Airport Authority, as enacted in Section 1 of this Division 2, shall be appointed as provided in Section 2-134(c) of this Division 2, and the terms of the initial members shall begin January 1, 2021.

This ordinance is in effect on and after July 20, 2021.

James T. Willis, Mayor

Jennifer A. Tippet, City Clerk