



AGENDA

Asheville Regional Airport Authority Regular Meeting
Friday, April 21, 2017, 8:30 a.m.
Conference Room at Administrative Offices

NOTICE TO THE PUBLIC: The Airport Authority welcomes comments from the public on any agenda item. Comments are received prior to the Board's discussion of the agenda item. Comments are limited to five minutes. If you wish to comment on an agenda item, please deliver a request card (available in the meeting room) to the Recording Secretary prior to the agenda item being called by the Chairman.

I. CALL TO ORDER

II. CONSENT ITEMS:

- A. Approval of the Asheville Regional Airport Authority February 17, 2017 Regular Meeting Minutes ([document](#))

III. NEW BUSINESS:

- A. Resolution Approving and Authorizing the Execution of the Assignment and Assumption Agreement Dated April 21, 2017 with the Greater Asheville Regional Airport Authority, the City of Asheville, and the County of Buncombe and Authorizing its Submission to the FAA as Part of the Greater Asheville Regional Airport Authority's FAA Part 139 Application; and, Effective Upon the Federal Aviation Administration's Approval of the Greater Asheville Regional Airport Authority's FAA Part 139 Application by Issuance of an Airport Operating Certificate in the Name of the Greater Asheville Regional Airport Authority, Appointing the Greater Asheville Regional Airport Authority as Successor to all Minutes of the Asheville Regional Airport Authority and Formally Dissolving the Asheville Regional Airport Authority ([document](#))

IV. Adjournment

This agenda of the Asheville Regional Airport Authority is provided as a matter of convenience to the public. It is not the official agenda. Although every effort is made to provide complete and accurate information in this agenda, the Airport Authority does not warrant or guarantee its accuracy or completeness for any purpose. The agenda is subject to change before and/or during the Board meeting.

REGULAR MEETING
ASHEVILLE REGIONAL AIRPORT AUTHORITY
February 17, 2017

The Asheville Regional Airport Authority ("Authority") met on Friday, February 17, 2017 at 8:30 a.m. in the Conference Room at the Authority's Administrative Offices, Asheville Regional Airport ("Airport"), 61 Terminal Drive, Suite 1, Asheville, NC 28732.

MEMBERS PRESENT: Robert C. Roberts, Chairman; Matthew C. Burril; K. Ray Bailey; Stephanie Pace Brown; and David Gantt

MEMBERS ABSENT: None

STAFF AND LEGAL COUNSEL PRESENT: Cindy Rice, Authority Legal Counsel; Lew Bleiweis, Executive Director; Michael Reisman, Deputy Executive Director of Development and Operations; Kevan Smith, Chief of Public Safety; Suzie Baker, Director of Administration; Tina Kinsey, Director of Marketing and Public Relations; Janet Burnette, Director of Finance and Accounting; Shane Stockman, IT Director; John Coon, Director of Operations; Sam Sales, Public Safety Captain; Jeremy Arthur, Maintenance; Roy Whitaker, Maintenance; and Ellen Heywood, Clerk to the Board

ALSO PRESENT: Amira Trebincevic, Delta Airlines; Ken Moody, Delta Airport Consultants

CALL TO ORDER: The Chairman welcomed everyone in attendance and called the meeting to order at 8:30 a.m.

CONSENT ITEMS:

A. Approval of the Asheville Regional Airport Authority March 13, 2015 Regular Meeting Minutes: Mr. Bailey moved to approve the Asheville Regional Airport Authority March 13, 2015 Regular Meeting Minutes. Mr. Burril seconded the motion and it carried unanimously.

NEW BUSINESS:

A. Approval of Resolution Authorizing the Submission of the Draft Airport Assignment & Assumption Agreement to the Federal Aviation Administration for Purposes of Coordinated Review and Acknowledgement of the Anticipated Dissolution of the Asheville Regional Airport Authority (ARAA): The Director advised the Board that staff has been working with Steve Baldwin, consultant, as well as legal counsel from Patla Straus and legal counsel for the City of Asheville and the County

of Buncombe to prepare the application seeking a new Airport Operating Certificate for the Greater Asheville Regional Airport Authority (GARAA) as well as seeking authorization for GARAA to act as sole sponsorship of the Asheville Regional Airport under 49 C.F.R. Part 139. As part of this process, the City of Asheville would also execute a Special Warranty Deed transferring title to the Real Property that comprises the Asheville Regional Airport to the GARAA in accordance with NC Session Law 2012-121.

As part of the process, Mr. Baldwin will be required to submit a draft Airport Assignment & Assumption Agreement to the FAA for coordinated review. If approved, the City of Asheville and County of Buncombe will terminate the Restated and Amended Airport Authority Agreement dated January 22, 2008 and the ARAA would be formally dissolved by resolution of the ARAA Board.

Mr. Burril inquired as to the time frame for completion of this process. The Director stated that staff and Mr. Baldwin hope to finalize the process by the end of June.

Mr. Bailey moved to (1) find the draft Airport Assignment and Assumption Agreement to be accurate and appropriate; (2) authorize the Executive Director and the consultant for the GARAA to submit the draft Airport Assignment and Assumption Agreement to the FAA for review; (3) acknowledge that upon the FAA's approval of the GARAA's application, the City and the County will terminate the Restated and Amended Airport Authority Agreement dated January 22, 2008, and that upon termination of such Agreement, the ARAA will be formally dissolved by resolution of the ARAA Board; and (4) resolve to approve the Resolution Authorizing the Submission of the Draft Airport Assignment and Assumption Agreement to the Federal Aviation Administration for the Purposes of Coordinated Review and Acknowledgement of the Anticipated Dissolution of the Asheville Regional Airport Authority. Ms. Brown seconded the motion and it carried unanimously.

ADJOURNMENT: At 8:39 a.m. Mr. Gantt moved to adjourn the meeting. Mr. Bailey seconded the motion and it carried unanimously.

Approved:

Robert C. Roberts
Chairman

ASHEVILLE REGIONAL AIRPORT AUTHORITY

RESOLUTION NO. 042117-01

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ASSIGNMENT AND ASSUMPTION AGREEMENT DATED APRIL 21, 2017 WITH THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, THE CITY OF ASHEVILLE, AND THE COUNTY OF BUNCOMBE AND AUTHORIZING ITS SUBMISSION TO THE FAA AS PART OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY'S FAA PART 139 APPLICATION; AND, EFFECTIVE UPON THE FEDERAL AVIATION ADMINISTRATION'S APPROVAL OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY'S FAA PART 139 APPLICATION BY ISSUANCE OF AN AIRPORT OPERATING CERTIFICATE IN THE NAME OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, APPOINTING THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AS SUCCESSOR TO ALL MINUTES OF THE ASHEVILLE REGIONAL AIRPORT AUTHORITY AND FORMALLY DISSOLVING THE ASHEVILLE REGIONAL AIRPORT AUTHORITY.

WHEREAS, the City of Asheville, North Carolina (the "City") and the County of Buncombe, North Carolina (the "County") are currently co-sponsors of the Asheville Regional Airport (the "Airport") located in Asheville, North Carolina for purposes of compliance with Federal Aviation Administration ("FAA") obligations; and

WHEREAS, the Asheville Regional Airport Authority (the "Old Authority") was created, pursuant to N.C. Gen. Stat. § 160A-462, by the City and the County, and, prior to October 12, 2012, operated and maintained the Airport in accordance with that Restated and Amended Airport Authority Agreement dated January 22, 2008 (the "ARAA Agreement"); and

WHEREAS, on June 28, 2012, the General Assembly of the State of North Carolina ratified House Bill 552, Session Law 2012-121 (the "Act"), which created the Greater Asheville Regional Airport Authority (the "New Authority") to operate and maintain the Airport, in accordance with the Act; and

WHEREAS, on July 2, 2014, the General Assembly of the State of North Carolina ratified House Bill 1247, Session Law 2014-52, which amended the Act; and

WHEREAS, the New Authority is a body corporate and politic having all of the powers, authority, and jurisdiction enumerated in the Act, as amended, and such other and additional powers and authority as shall be conferred upon it by future acts of the North Carolina General Assembly, including, but not limited to, the power and authority to: acquire aeronautical facilities and other property; incur debt; enter into lease agreements; collect fees and charges; and make rules, regulations and policies governing the use of the Airport and airport facilities; and

WHEREAS, the New Authority is further empowered by the Act, as amended, to accept grants of money and/or materials and property of any kind from, and to enter into contracts and grant agreements with, the FAA; and

WHEREAS, on September 23, 2014, the Asheville City Council adopted Resolution number 14-230 (the "City Resolution"), which, among other things: approved the change in FAA-recognized sponsorship for the Airport from the City and the County to the New Authority; and authorized the City Manager and City Attorney to take appropriate action to prepare and submit an application to the FAA to effectuate the purposes of the Act, as amended, including the transfer of any real or personal property owned by the City at the Airport to the New Authority, and the transfer of responsibility for the Airport operations to the New Authority; and

WHEREAS, on February 4, 2014, the Buncombe County Commissioners adopted Resolution number 14-02-03 (the "County Resolution"), which, among other things: authorized the Chairman of the Board of Commissioners for the County and other appropriate officials to assist and cooperate with the New Authority in all approvals and/or releases needed for the transfers and conveyances required by the Act, as amended, so that the Airport property could be transferred to the New Authority; and

WHEREAS, the New Authority has been diligently working to effectuate the requirements of the Act, as amended, by preparing an application to the FAA for issuance of an Airport Operating Certificate in the name of the New Authority and for authorization for the New Authority to act as sole sponsor of the Airport, under 49 C.F.R. Part 139 ("FAA Part 139 Application"); and

WHEREAS, the City, the County, the Old Authority and the New Authority have cooperatively prepared the Assignment and Assumption Agreement included in the FAA Part 139 Application; and

WHEREAS, the City is prepared to execute a Special Warranty Deed to transfer title to all Airport property owned by the City to the New Authority; and

WHEREAS, the FAA Part 139 Application is now ready for submission to the FAA; and

WHEREAS, after having reviewed the final Airport Assignment and Assumption Agreement to be submitted in connection with the FAA Part 139 Application, the Board of the Old Authority ("the Board") finds the information to be accurate and appropriate for execution by the Old Authority and for submission to the FAA; and

WHEREAS, the Board acknowledges that it is the intention of the City and the County to terminate the ARAA Agreement effective upon the FAA's approval of the New Authority's FAA Part 139 Agreement by issuance of an Airport Operating Certificate in the name of the New Authority; and

WHEREAS, the Board acknowledges that, upon termination of the ARAA Agreement, the Old Authority will serve no further purpose and should dissolve; and

WHEREAS, it is the desire of the Board to agree to the formal dissolution of the Asheville Regional Airport Authority effective upon the FAA's approval of the New Authority's FAA Part 139 Agreement by issuance of an Airport Operating Certificate in the name of the New Authority; and

WHEREAS, it is the desire of the Board to make arrangements for the preservation and retention of all minutes of the Old Authority, including regular meeting minutes, closed session minutes and committee minutes, after the dissolution of the Old Authority.

NOW THEREFORE, BE IT RESOLVED, by the Asheville Regional Airport Authority as follows:

1) The Assignment and Assumption Agreement dated April 21, 2017 is hereby approved, and the Board Chair is hereby authorized to execute the same;

2) The submission of the Assignment and Assumption Agreement dated April 21, 2017 to the FAA, as part of the Greater Asheville Regional Airport Authority's FAA Part 139 Application, is hereby authorized;

3) The Board Chair and the Executive Director are hereby authorized to execute any other documents and to take any other action necessary in connection with the Greater Asheville Regional Airport Authority's FAA Part 139 Application;

4) Effective upon the FAA's approval of the New Authority's FAA Part 139 Agreement by issuance of an Airport Operating Certificate in the name of the New Authority, the Board hereby appoints the Greater Asheville Regional Airport Authority as successor to all minutes of the Asheville Regional Airport Authority, including, but not limited to, all regular meeting minutes, closed session minutes, and committee minutes, which minutes are to be retained by the Greater Asheville Regional Airport Authority in accordance with North Carolina law, so long as the Greater Asheville Regional Airport Authority is the sponsor of the Asheville Regional Airport; and

5) Effective upon the FAA's approval of the New Authority's FAA Part 139 Agreement by issuance of an Airport Operating Certificate in the name of the New Authority,

the Board, as its final act, hereby formally dissolves the Asheville Regional Airport Authority.

Adopted this the ____ day of April, 2017.

ASHEVILLE REGIONAL AIRPORT AUTHORITY

By: Robert C. Roberts, Chair

ATTESTED BY:

Ellen M. Heywood, Clerk to the Board

STATE OF NORTH CAROLINA
COUNTY OF BUNCOMBE

I, Ellen Heywood, the Clerk to the Board of the Asheville Regional Airport Authority, do hereby certify that the foregoing is a true and exact copy of a resolution entitled **"RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF THE ASSIGNMENT AND ASSUMPTION AGREEMENT DATED APRIL 21, 2017 WITH THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, THE CITY OF ASHEVILLE, AND THE COUNTY OF BUNCOMBE AND AUTHORIZING ITS SUBMISSION TO THE FAA AS PART OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY'S FAA PART 139 APPLICATION; AND, EFFECTIVE UPON THE FEDERAL AVIATION ADMINISTRATION'S APPROVAL OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY'S FAA PART 139 APPLICATION BY ISSUANCE OF AN AIRPORT OPERATING CERTIFICATE IN THE NAME OF THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY, APPOINTING THE GREATER ASHEVILLE REGIONAL AIRPORT AUTHORITY AS SUCCESSOR TO ALL MINUTES OF THE ASHEVILLE REGIONAL AIRPORT AUTHORITY AND FORMALLY DISSOLVING THE ASHEVILLE REGIONAL AIRPORT AUTHORITY"** adopted by the Board of the Asheville Regional Airport Authority at a meeting held on the 21st day of April, 2017.

Witness my hand and the corporate seal of the Asheville Regional Airport Authority, this the _____ day of April, 2017.

Ellen M. Heywood
Clerk to the Board
Asheville Regional Airport Authority