

MONDAY-7:00 P.M.

MAY 2, 2011

SPECIAL MEETING

The City Council of the City of Elizabeth City held a Special Meeting on the above date and time in the City Council Chambers of the Municipal Administration Building with Mayor R. A. McLean presiding. Councilors attending were: L. A. Hummer, J. M. Baker, M. E. Brooks, L. M. Hill-Lawrence, R. E. King, B. S. Meggs, J. A. Stimatz and J. B. Walton. City staff members were: City Manager R. C. Olson, City Clerk D. S. Pierce-Tamplen, Deputy City Clerk V. D. White and Planning Director J. C. Brooks.

Mayor McLean established a quorum was present and called the meeting to order. He called upon Councilman R. E. King for the invocation after which the Pledge of Allegiance to the Flag of the United States of America was given.

1} APPROVAL OF THE AGENDA:

Mayor McLean called for the approval of the agenda.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilman R. E. King to approve the agenda as presented. Those voting in favor of the motion were: Hummer, King, Baker, Brooks, Hill-Lawrence, Meggs, Stimatz and Walton. Against: None. Motion carried.

2} PUBLIC HEARING-2011 REDISTRICTING:

Mayor McLean called upon City Manager Olson for comments.

Mr. Olson stated on February 28, 2011 of this year, the Mayor appointed a total of nine individuals to a Mayor's Task Force concerning redistricting. There were four members of the City Council that served on that committee. There were also four members from the general public, one from each Ward along with the President of the Local Chapter of the NAACP. This committee met on seven occasions between March 16th and April 19th. The committee evaluated eight different options that were brought forward to them. On April 19th, 2011 they voted unanimously to forward to the City Council Option 1.8 which we will be discussing here very shortly. He asked to go through a power point that city staff has put together justifying why we do need to do redistricting. He showed a map of the current wards. Pursuant to General Statute 160A-123 the only time the City can redistrict is associated with the census. Of course that happens every ten years. Under Federal Law you are required to redistrict if you break

what we call the 10% Rule. The 10% Rule is the number of seats divided by the new population which equals the ideal population. Percentage difference of ideal population of most populous ward plus percentage difference of the ideal population of least populous ward added together is 10% or greater you must redistrict. When we did the 2010 Census it turned out that we had 4405 individuals in the First Ward, 4150 in the Second Ward, 5046 in the Third Ward and 5191 in the Fourth Ward for a total population of 18,792. Also, the racial makeup was Ward One 57% white, 38% black, Second Ward was 51% white, 41% black; Third Ward was 29% white, 64% black and Fourth Ward was 26% white and 68% black. The total population breakout is 40% white, 54% black and 6% other. City staff made a determination concerning the 10% Rule. The ideal population for the City of Elizabeth per Ward is 4,670. Ward One was 6% under, Ward Two was 11% under, Ward Three was 8% over and Ward Four was 11% over. We had more than the 10% so we were required to redistrict at this particular time. What State Statute says when establishing district boundaries the Council may use data derived from the most recent federal census and shall not be required to use any other population estimates. The statute is consistent with case law that says the Federal Census data should be used for redistricting. The principle reason for using this is the census data in its uniformity. It is a snapshot of the community as of April 1st of 2010. Federal Law requires one man one vote or he should say one man/one woman one vote to be politically correct. We do fall under Section 5 of the Voting Rights Act and we are required to have two majority minority wards and two majority white wards. He showed the map that the Redistricting Committee has forwarded to the full City Council. He knows because of the scale it is hard to read. City Council has on the dais a verbal description of what is going from what ward to the other ward except there is a mistake in the first one which he needs to correct when he reads them. Going from the Fourth Ward to the First Ward is the east side of River Road/north side of Weeksville Road/east side of Edgewood to east side of Hopkins/east side of Crescent to the east side of Midget/ east side of Brothers back to Rivershore. Number Two is the block bounded by Francis/Parkview/Park and Horner will go from the Fourth Ward to the First Ward. From the Second Ward to the First Ward is the north side of West Main from North Road to Locust-along east side of Locust to Maple-east on south side of Maple crossing the south side of Elizabeth to North Road Street, south of North Road to Main Street. From Ward I to Ward 2 starting at the intersection of Griffin and Elizabeth west along the south side of Elizabeth to Route 17 crossing over to Railroad Tract. Follow CSX Railroad south to Spur at Halstead Extended east along spur to Hughes-North of Hughes on the west side of Church Street, north side of Church easterly to Griffin-Griffin north on east side back to Elizabeth Street. From Ward I to Ward 3 is the intersection of Griffin and Church west on the south side to Hughes south to railroad east to Pritchard south along Pritchard on east side of Ehringhaus east along Ehringhaus to Griffin back north on Griffin to Church Street. Finally, from Ward Three to Ward Two is the intersection of

Hughes and McArthur west side of Hughes south to Halstead along south side on Halstead to Ehringhaus south on Ehringhaus back to Hughes wind along to corporate limits at Georgewood Drive/Sungrow Road up to Tanglewood south side of Halstead back east taking in City Center West to Railroad Tract east along RR to Hughes. Those are the areas that are being shifted from one ward to another ward. The racial makeups in Option 1.8 are: Ward One the total population is 4,591 57% white 38% black; you have 70% of the individuals over the age of 18 which makes them qualified to be registered voters. In Ward Two you have 4,736 53% white 40% black and 77% of the individuals living in that ward are of voting age. In Ward Three you have 4,823 individuals that live in the Ward and 27% are white, 66% are black with 72% of voting age. In Ward Four there are 4,642 total individuals with 22% white and 71% black with 84% of them are over the age of 18. The City staff will be happy to answer any questions.

Councilman Stimatz said he had a couple of questions. Are the other members of the Redistricting Committee here in the audience?

Mr. Olson replied that there are no other members of the Redistricting Committee in the audience.

Mr. Stimatz said the question that he has is and he knows it is a concern to us because of the total number issue and it has to do with the number we used for the number of resident students at ECSU. What was the number we used? What were we given?

Mr. Olson replied 1200. The best of his recollection it was 1200 individuals. Then there was 343 that were in Microtel.

Mr. Stimatz said his understanding is that the number of resident students at the University counts are significantly higher; 1600 to 1800. How are we dealing with that difference?

Mr. Olson replied that we are not addressing it. Under 160A-123 we use the Census data. We did have a discussion with Michael Crowell who is the School of Government guru on this thing and we have provided his opinion to the City Council several weeks ago if he remembers right.

Mr. Stimatz said so we are under counting 600 people. It is a very easy number to get. The number of students who pay for dorms are no different than any other citizen. If that number is 1600 they should be counted whether the census got them or not and in his mind it is immaterial and his understanding is that if we updated it is more accurate than the census we can use it. His concerns are twofold. Number one; are we going to challenge that number

because of the Federal dollars or State dollars we might lose because of the per capita loss. A} that is revenue we are losing, am I correct.

Mr. Olson said that is correct but it is very minimal.

Mr. Stimatz said in this day and age every dollar counts, Rich. His other concern is that makes it a challengeable thing because that in essence would put 600 more people in the Fourth Ward. Then you would have to distribute out 450 to even it out.

Mr. Olson said that is correct buy you have to remember is that the Census data is a snapshot as of April 1st, 2010. It is not a snapshot of what is presently at the University. Now the University probably does have very detailed records about who resides where on that particular date. The problem is and that is why we put up the information in establishing the district boundaries the Council may use data derived from the most recent Federal Census and shall not require you to use any other type of population estimates.

Mr. Stimatz said we are not required too but we could.

Mr. Olson said you could. That is correct.

Mr. Stimatz said so you pack one ward with 600 extra voters.

Mr. Olson said possibly.

Mr. Stimatz said he is just trying to make a point here. Just trying to understand the logic.

Mr. Olson said this is a problem with any university town whether it is Wilmington, Greensboro, Durham, etc. That is a problem with any type of college campus. There are historically under counts in these towns.

Mayor McLean declared the meeting into public hearing.

City Clerk D. S. Pierce-Tamplen called Richard Gilbert to the podium.

Richard Gilbert, , 1623 Penny Drive, Elizabeth City stated good afternoon ladies and gentlemen of City Council, Mr. Mayor, City Manager. One of the things that he just heard during your conversation Section 5 also says you can use an estimate which is what the census is until you have more reliable information. That is what Section 5 says and the City Manager admitted as much during the briefing he held last week. He understands that Section 5 says that but we went to the Institute of Government. He is going to talk about that in a minute. A

vibrant democracy rests on the principle of "one person, one vote". Far too often this pledge is violated by the abuses of gerrymandering. There is an inherent flaw in our system of government when elected representatives are allowed to draw their own districts and choose their own voters with little public input or knowledge of the process. In the end, the voters are the ones that suffer under this system as they are forced into noncompetitive districts and are often left with no real choice on Election Day. We need a better system that adheres to fair, commonsense rules and criteria for how our district lines are drawn. During the process for developing the new ward boundaries the members of the committee who were appointed by the Mayor have come to a decision using both flawed data and advice. He just talked about Section 5 of the Voter Rights Act allows the estimates but it says when you have more reliable data you should use that. Elizabeth City State University for the last three to five years have provided data to the Board of Elections that shows they have between 1600 and 1800 students that live on campus. They should all be counted as registered voters because they all have the potential to vote during the one stop process. Many members of this Council have stood before the Courts and set in the courtroom and supported the student's right to vote and he also supports the student's rights to vote, every one of them. All 1800 of them. When questioned about this during the briefing the City Manager responded that they suspected the census were not correct but had consulted the Institute of Government and were told to use the census numbers. It appears the Department of Justice was never consulted. The Institute of Government has shown itself to be politically biased and should never have been the decision maker in this type of issue. We should have went back to the Department of Justice and asked the question. It is on their web site. All you have to do is look up the phone number and you can call them and ask them. It was a simple process to call. The second issue that he has is the "secrecy" of the process during the development of the map. Even the very councilpersons that are setting here today that have to vote on the process where denied access to information to the process. When this gets further along down the line and you get into the courts you will find that the standard you should be using is strict scrutiny. If somebody set here you can honestly look him in the eye and tell me you used the standard strict scrutiny to do this process you are lying to yourself. He is a member of the Fourth Ward. If the number, the magic number is 65% which he really doesn't think is the case then why did we drive the percentage to 71%. Was there a reason that we packed more people in and if you count the 600 to 700 extra votes at the college that you are not counting what is the real percentage, about 80%? So then what do you do? The people, some of the folks in the Fourth Ward their votes will not count. That is the way they feel too. What you have done with this map is you have assured that the white voters in the Fourth Ward don't have a say because their votes don't count this time. He has collected data for the Kermit E. White Center the last six years. The number of white voters voting at the Kermit E. White Center has steadily declined. He

believes we have with the protest marches and this type of attitude from our City government we have driven people away and kept them from voting and that is the intention. Instead of going that route we have figured out an easy way to do it. We just kick all the white voters out of the Ward and we allow the percentage to grow so high that no matter what happens chosen ones will win. That is what we have done. We have redrawn the lines with the intent to determine the outcome of the elections. During this process it is clear that there is a collective intent by the members of the Committee to draw the wards to predetermine elections based on the racial stereo type that races vote different. In the Fourth Ward that is not the case. The Third and Fourth Wards there have been several candidates of color elected with the support of white voters. During this process it appears that support is being moved from both the Fourth and Third Wards to the First and Second Wards. It is obvious that the two council persons of color that don't go along with the Mayor's agenda were punished during this process by having a large block of their support moved from their wards. In addition to this process the very makeup of the council is suspect. The appointments of the four council persons that do go along with the Mayor's agenda along with a member of a political organization ensure that the process would not be fair and would be driven by political motives. During the process it was apparent that the NAACP member drove the other members to get the desired results. It was recently a vote before the Supreme Court so he is going to leave you with this last thought. It was thrown out on sort of a technicality. They found a reason not to decide it, but there are two votes now that are headed to the Supreme Court that will determine this. So Chief Justice Roberts noted in his opinion that the Congress's actions raised serious constitutional questions about whether Section 5 is still needed or can be deemed a relic of the nation's past. Voter turnout and registration rates for blacks and whites approach parity. Blatantly discriminatory evasions of federal decrees are rare. And minority candidates hold office at unprecedented levels. But, he will tell you this, whatever you decide tonight the voters will hold you responsible on the next Election Day.

Holley Koerber, 800 West Main Street, Elizabeth City thanked the Mayor and members of Council for the opportunity to speak on this issue to you tonight. She wants to share with you all a little bit of her involvement as a member of the public in this current redistricting. The first thing she was interested in was seeing how we acted as a local government the last time we faced redistricting. And that required her to review the 2000-2001 time period of city council. In that process it brought her here to express some gratitude up front to members of our staff. First of all, Dianne Pierce-Tamplen office as you all know for the last several years has been working for the last several years has been working admirably to put on line all the minutes from past city council meetings. This is an egregiously process but unfortunately that process has not gone back as far as this 2000-2001 redistricting did. But Ms. Tamplen's office was incredibility cooperative with her in assisting her in finding the relevant city council minutes

through a manual process where you have to look at books and turn pages and she wishes to take a moment to commend her office for their cooperation. Honest to goodness she has dealt with a lot of governments before that could not have been an easier process for her than it was with Ms. Tamplen's assistance. Now that she has complimented her and she thinks she would agree with this there were some holes in that process as a result of the fact that all the minutes have yet to be put on line. We found minutes relevant to the redistricting process in 2000-2001 that had not yet been indexed in this new process that is going on. There is clearly more work to be done and again she can't say enough about Ms. Tamplen's cooperation as well as Ms. White's. One of the frustration as a member of the public in trying to look at the history of redistricting in the City was that the last redistricting effort for whatever reason and she can't even speculate what the reasons, did a very, very, very poor job of putting together historic record for this city to review looking back at similar processes. For example, she called the Local Board of Elections and assumed because we were under the Federal guidance of the Department of Justice with respect to the Voting Rights Act that at least our Board of Elections would be required to keep the history of every redistricting process. She was shocked to learn that our local Board of Elections which of course is a County office but it does handle our municipal elections as well had the history from the County's perspective of the last redistricting but had absolutely nothing with regards to the municipal election history with regards to redistricting from 2000-2001. She has to correct herself, there was one memo the last memo of correspondence between the Department of Justice and the Board of Elections when they got the approval from the DOJ but nothing else which required her to go to the City Manager office and make a request for the this history through whatever means we could compile it. Ms. Tamplen provided me the information that she had through her indexing process and the City Manager was incredibly cooperative as well in providing her everything they could find. But, she thinks it would be accurate to say it was very incomplete. There should have been a record of every bit of correspondence and activity involving redistricting between Council Members, members of staff and members of the public and there was not. It was difficult, you could read through the minutes the final vote involved a review of three maps. Three maps were on the table for the final vote but yet we had difficulty with coming up with the actual official copies of those three maps. That is horrible in her opinion and we should not be proud of that process in 2000-2001 with regards to putting together history. After saying all that, what she does want to share with you is she feels like this City has made monumental strides in doing a much more proficient job at keeping a history. In fact, Ms. Brooks out of the Planning Office had several conversations with her about how the Planning Staff is trying to recreate the history from 2000-2001 to keep a copy in the Planning Office as well. While we are on the theme of the Planning Office she must also commend the staff there. Every question that she had and she asks a lot of questions. Every thing she wanted to see, put her hands on,

look at with her eyeballs, they made available to her. They were pleasant, cooperative, proficient and professional and she thinks we should be very, very proud of the efforts staff has made in this redistricting process. They were sent to school and she thinks they were very clear in their instructions to Council with regards to what they have learned. From her point of view she can tell you that she was very, very pleased to have the assistance of the Planning Office when she was trying to do due diligence as a member of the community and look at this process. Now on to the actual process itself. It was extraordinarily discouraging to her to have a process that talked about public involvement but she wants to talk about the reality of what that meant in this case from her perspective. There was constant reassurance that the public would be involved in the process and they were invited to come view the process but not participate in. The limited way in which they were invited to view where we couldn't make information easily accessible through a web site that we do very well in this City, etc. was disappointing to her. Having someone tell her she can call them on the phone and ask them questions that is like telling her you don't really need to see the facts but they would be happy to provide you their version of the facts. That doesn't work for her. She wants to see the actual, factual information. She came to multiple meetings to be able to view, etc. That was disappointing to her. What is the end result tonight? When you have a process that every step up to now you say you can come look, but you can't participate and then you have members who sat on the Redistricting Committee announce we have four votes and the final vote to break the tie is basically an announcement to the public to don't bother coming to the public hearing, this is a done deal. We already have the votes and we know what we want and we have the tie breaking vote. First of all she thinks it is inappropriate for any member of Council to make a presumption about anybody else's vote or how they are going to behave that are serving in local government. Secondly, she thinks it is very inappropriate to basically tell the public they shouldn't even bother to show up at the final point in time when you actually invite them to be involved in the process. She thinks you see the results tonight. In essence the community concluded that participating in the way they were invited to participate was worthless that this was a predetermined outcome based on counting heads and votes on Council and she thinks that is an unfortunate way to conduct what is supposed to be a public process. Now that she has said something critical she would also like to make another commendation. She was very pleased that the Mayor took the initiative with the support of Council to make this a public process, at least to the degree that you did. You weren't obligated to do that as you all know by law and you chose to do that. Even though she wished that you had done it differently and she thinks as a result of how you chose to do it you limited public participation. She is still very pleased that we have a local government that decided to invite us at all. So she thanks you for that. As to the final results, this recommended map that you all will consider and vote on; she will tell you what concerns her about it. Everybody

has the basic understanding of the 10% variable. City Manager did a very good job of repeatedly showing the public where population needed to be moved from in order to comply with the law. The Third and Fourth Wards had too many people. So by putting some elected members on a Redistricting Committee where you have to move bodies in order to comply with the law you asked people with a personal self interest to decide which of those bodies you are going to move for political purposes. As a result of doing that, opening that process to only some members of the elected body that self interest became incredibility apparent. As far as she knows she was the only member of the public to go to the very first meeting held at the Public Works facility. That conversation that occurred regarding that meeting was so bothersome to her a person who regularly attends government meetings, that she physically left the meeting because she could not believe what she was witnessing. There were blatantly open conversations about political benefits to individual members of the Redistricting Committee who were also members of this City Council with regards to how the lines should be changed. When challenged by the press for example the explanation was it was just funny. It was just humor. But one of the interesting things about looking back in history was interestingly the last Council decided to explain to the public that they were only kidding when they talked about personal political motives like moving certain people out of their existing wards. You all were given outlying information even prior to the census data coming out from the City Manager at a City Council meeting she attended. One of the explanations out of that information was that there is a presumption of incumbent protection. Now our last Council had no regard for this presumption. Ms. Hummer was very actively involved in ending up with a map that eliminated her political rival so to speak from her existing ward. All over the newspaper, all over the headlines, major conversations in the community and the explanation at the time looking back at the history were we were just kidding, it was just humor. Guess what, the end result was not funny. The end result was exactly, "was the humor". What everybody was kidding about who was going too moved out of their ward and their explanation was we were just joking; the result was a map that took those people out of their wards. So that humor apparently turned into reality in our City's history. Well in this case city staff presented to this Redistricting Committee maps that met the legal requirements. We have members of the Committee who are also are members of this body who decided that we need other maps. That those versions that met the law weren't enough versions, that we needed another particular version. Interestingly that version which resulted eliminated an incumbent from their existing ward despite the fact this body was given the guidance from the Institute of Government about incumbent protection and despite the fact that multiple other versions of maps were proposed by staff and explained that they complied with law that didn't move an incumbent out of their ward. How can this public see that but any thing other than politically motivated. Her final point is this. She is a huge believer that until we as a community and as a country move past the issue of

race we will not make real progress. She is a major supporter of the two pieces of Civil Rights legislation that resulted from the 60's. The Civil Rights Act and the Voting Rights Act. She absolutely believes there was a critical need for remedy in this country so that every resident of the United States of America had equal access to the political process. She would have voted for that, would have led the parades for it no question about it. She believes to this day that it was absolutely necessary remedy. Unfortunately what happened after the Federal Voting Rights Act was passed there were local communities and States that imposed State and Local Laws that watered down the constitutional right to vote for minorities. That is why we had the Federal Legislation that said, look the constitution has it right but the State involvement in the political election process is still prohibiting people from exercising their constitutional right and we the Federal Government are not going to allow that. One of the things that happened after we as a body politic were required to open the process constitutionally up to everyone. Was that people who did not approve of that remedy said ok you are going to require us for example to have majority districts but here is what we are going to do to get around it. You say we have to have 65% minority we are going to give you 95% minority. We are going to take every minority and put them in one district so they can't bother the outcome of the election in the other areas. The courts called that packing and they refused to allow it. In every single case where people who oppose minorities having equal access to elections tried to, well they had to deal with the Federal Law, but tried to get around the effect of the Federal Law by shoving all minorities into one place. Well we will let them have that but we don't want them bothering us anywhere else. The Courts said we will not allow this process called packing. Well, how have we made progress? This many years later where we were given maps on the table that met the law and we had to tinker with them for what result. The newspaper said it repeatedly in appropriately reporting the facts. The final map that came out of this committee did every thing it could to remove as many white bodies from the majority minority wards that it could. There were all kinds of other options out there. Now, who benefits from packing the Third and Fourth Wards? Now we have reverse packing if you will. Well she can assure you that the very members of the Redistricting Committee who are members of this body were hugely politically benefitted by specifically targeting people on the basis of the color of their skin because they saw it as their own political advantage. She sees no progress for us as a community or a nation when we return to packing. She is very, very proud to be a member of this community and she is so proud that we have had elections in the recent past where members of the community have come together irrespective of race and supported candidates of every color because that is who we want to be as a community and who she really believes we are. And, those people who want to maintain political power at the expense of the betterment of this community as a whole, by taking this process and tinkering politically with it along racial grounds are not advantaging this community as a whole in her opinion. It is absolutely

unnecessary to have wards with 71% of any particular racial makeup. We are not a community that needs to have those kind of things forced on us. We are a fair minded good hearted generous community of people. We don't need our political system manipulated to the political benefit of a few. That Mr. Mayor and members of Council was a major disappointment to her in the result of this process. She thanks you for the opportunity to speak with you about her experiences as well as her concerns. She hopes you have also heard her praise tonight. There were many, many things about this process that made her very proud as a member of this community. Again, she wants to personally thank Ms. Dianne Pierce-Tamplen and Ms. June Brooks as well as the City Manager for all of their assistance in everything that she personally requested to try and do due diligence about participating in it.

Ginger Giarrusso, Oxford Heights resident, Elizabeth City stated that other than the first meeting which from what she heard was like an atom bomb went off in town she has been to every meeting. She listened and took home whatever she could. She went to the forum on redistricting run by the NAACP. She listened to them and it just so happened that the girl that gave the lecture lives six blocks away from her in Brooklyn most of her life. She is not use to this kind of thing. It is totally alien to her. But the law is the law and it has to be done. While she was listening to everything that was going on and she has to say as she has said before she has seen you at your best and she has seen you at your worst. People were very emotional as it is a very emotional subject but with all the things when you didn't feel you had enough information with the census you asked Mr. Olson what about this, what about people over 18, what about others, what about census and all kinds of other information and the thing that he said more than once was, the Census was wrong. Look at the map over her head, it is not real. The way that you redistricted you did not take into consideration anything that exists in fact but does not exist on paper. Oxford Heights is one that you did consider, however, you shoved Rivers Edge, Rivers Retreat, Adams Landing and a mess of multi complex behind Wal Mart which numbers were simply not included in your figures because you didn't have them. The first thing she would have thought you did was say, wait a minute what about all these other people because basically a lot of things were very common sense at the meetings. But this map isn't real and she thinks that if it is true what Holly said it is not up to her to judge. She does not think you would have achieved even that. She thinks the first thing that should have been done was somebody should have said these numbers are wrong. The 135 people that were counted by the census in the city jail on Pritchard simply are no longer there. The place has been closed for two years. There are just so many things that you didn't have the information that you needed to make the decisions that you had to make. She is sure you did the best that you could but she thinks by not asking is this real. She knows it sounds a little stupid but she knows that one lady even said is there anything else you got in your hip pocket Mr. Olson because you

simply wanted more and more information which you needed. But you didn't get what you needed and it hasn't come out right. The numbers in the University, the numbers that are in the Second Ward now, these things, people are people and they are human beings and they are not on a piece of paper. What is going to happen with whatever your intent was she simply doesn't think it will be pulled off because of all the things that you weren't told, that you didn't consider, that you have no numbers for. Never mind how many people are over the age of 18. Those numbers worked out to prove that there were only 4000 children in school in this town which is a joke. The whole thing doesn't add up right and she thinks maybe you should take another look at it and she doesn't think it would take that long to add those numbers in that you now know exists and see if a computer can like come up with something else. Otherwise whatever your purpose was she doesn't think it is going to be served because the numbers simply aren't real. She thanked all for working so hard and she knows that you did and she hopes it works out for the best. She just hopes that you all get what you want to get out of it.

Since there were no others who wished to speak for or against the proposed redistricting plan, Mayor McLean declared the public hearing closed.

Councilman Stimatz said he guess his question is, is it ok to ask for a map or is he going to be obstructing justice if he asks for a map. His question would be what would a redistricting map look like if we had to count the students at ECSU? He would like to see that map unless he is prohibited.

Mr. Olson said that we have not generated such a map.

Councilman Stimatz said no kidding. He knows he asked for one three weeks ago and he was told he couldn't do it because the chairman wouldn't let him. He was told that he was obstructing justice for asking for a map. He was taken to task by people on this Council for asking for that map. He is not blaming you Mr. Olson. He is asking for it now. He would hope that he gets more than 50 minutes to have input on this process verses the five weeks everybody else has had. So he would like to see that map. The other thing when he looked at this and it is very difficult job, don't get him wrong. Unfortunately the fallout on this that he sees and maybe some other people don't is it doesn't matter how you end up cutting this up every version seems to put 80-90% of all the flooding areas in the City in the Second Ward. Most of the places that flood are in the Second Ward. He hopes that when it comes time to spend that Stormwater Utility money he won't get out voted because you guys say, well it is not our problem that is your problem. That is a significant issue for those people whether it is Oxford Heights, the people at the end of Colonial, Cedar or Maple, folks in Sawyertown, it doesn't matter. They are the ones that are getting blasted the most, over and over again. That is his concern. How did that or was

that even a factor in looking at the map. His feeling was that it should be along with keeping neighborhoods together and looking at who you are representing. The other thing is that he doesn't know the exact numbers but he would say a significant amount of the business community is also in the Second Ward now. It is not distributed to any other wards. There are some in the Third along Halstead and then there is the downtown district and you guys share Ehringhaus. But, a significant amount of business and new business and new growth is going to be in the Second Ward. The third thing is he calls it the scorpion district. Use your imagination. Up by the golf course is the tail and the claws are out there at Tanglewood. That is not a very compact district. In terms of distance to travel other than possibly the First Ward if you look at the First Ward some of that is empty land that is a lot of ground to cover and it is very disparate. You have residential district and long commercial strip and you have residential district. You are hop scotching around. So when he asks you all to take \$5 out of your travel budget in those compact wards and give it to him for his ward he hopes Ms. Hummer and he will be able to get the benefit of your largesse because we have to travel further to get to our constituents. Those are just some of the things. He knows it is not easy because of the way the City is shaped. There is just no way around it. It is an odd shape. It is a very odd shaped city. It will change. Ten years from now who knows what it will be. Who knows? It is very difficult. These are just some things that he saw in the process and he doesn't know if the Committee considered them. He is not sure Rich at what extent you can consider it, but he would think you should be able to, subject to meeting your census rules.

Mr. Olson said he thinks what you will find out Councilman Stimatz is that this map is very similar to the 1990 Census map that was changed in the 2000 Census especially in the Second Ward.

Mr. Stimatz said he knows that but it is not an easy thing to do, but he hopes you all will remember he doesn't just represent the Second Ward, never have. People call him all the time from other wards. We have to do what is best for all the people in the City. Just remember that he has got the low ground guys, you have got the high ground.

Councilman Walton said all of us are human and that is why rhetoric does pay a part of it because he is sure about him saying about the \$5 from Council members was relic. If that is put in the newspaper then it is just not a quality newspaper. That was rhetoric. He applauds the people that came up and spoke. We as a committee went through all of these things that you all have ideally come up with, we discussed those things. He praised people that come up and made a good speech. They really didn't break any language; they said words the way they were supposed to be said. But to him, the substance is when you go through a mapping process; you need to be there every day or

every meeting. A person made the statement that they were at multi meetings. He saw that person one time, then he saw her at another meeting making a redistricting speech to a ward but he has not seen that person to all the meetings that he went too unless his eyesight was kind of blinding. That person came to the first meeting and stayed for 30 minutes maybe and now that person has become a guru on redistricting. He thinks the Committee did a great job on what we came up with and race was not a part of it. If you want to put race as a part of something when it is time at ECSU to vote, people in here came up and said that they can't vote. That is race. Now they want everybody in the Ward to vote, even everybody that is not in the Ward to vote. So we need to stop the rhetoric if you can't come up with facts don't come up with anything. When he hears rhetoric that is when he will tell you what it is. The facts are we met as a committee, we did our job. We asked Mr. Olson many times about different things he was bringing us. We asked him about the problem with ECSU and asked about the problem about the jail and everything came up but now you think we didn't do the good job that we were supposed to have done. He commends the Committee and he still thinks that Map 1.8 is the best map to have.

Councilman Brooks said he wanted to commend the Mayor in putting together the Redistricting Committee. He wants to commend those that were on the Redistricting Committee. Mayor Pro Tem Hummer did a good job in chairing the meetings. Ms. Brooks, Ms. Amy and City Manager Olson all did a fantastic job in getting the information out to us. He thinks they all did an outstanding job. What the public don't know is with all the maps that we had even the maps that drew Councilwoman Lena Lawrence out of the Fourth Ward; Councilman Johnnie Walton who is in the Fourth Ward drew Map 1.8 to bring Councilwoman Lena Lawrence back into the Fourth Ward. We were very mindful that it wouldn't get political although it would have met Section 2 and 5. Councilman Walton made sure that there would be no rock and roll.

A motion was made by Councilman M. E. Brooks, seconded by Councilwoman B. S. Meggs that the City Council of the City of Elizabeth City hereby adopts Option 1.8 which was recommended by the Mayor's Redistricting Advisory Committee as the new voting Ward District Map for the City of Elizabeth City, North Carolina; and further moved to adopt the following resolution.

Mayor McLean said it will be a roll call vote but first he would like to make a statement. First of all he wants to thank those who came up to the podium. It is not always easy to do that. Your comments were very much appreciated and welcome. He wants to thank the Redistricting Committee. We have talked about this quite a bit. This is like they were eating, sleeping and dreaming this stuff because this has been on their minds to a great extent. He was here when

the City was sued by the NAACP to come up with this ward system. It was not a very good time because it more or less divided the City. Once it was done we came back together again to work within the requirements of the Department of Justice. Since that time it has worked out pretty well. As he looks at the process that we have just gone through, it was a good process. We expected that there would be differences and challenges but he thinks it was done in a very orderly manner. Mayor Pro Tem Hummer whom he has known for some years chaired this committee. She worked extremely hard and she took what she had to do very seriously. There were at least two times when she more or less wanted to quit because of the criticism she was receiving but after encouraging her to stay on she did a wonderful job. Some other council members who got the telephone calls both good and bad but he thinks that Councilman Walton, Councilwoman Betty Meggs and Councilman Brooks deserves a great deal of credit of what we were able to do. At the same time we don't want to take away from Councilman Stimatz, Councilwoman Hill-Lawrence, Councilman Rickey King and Councilwoman Jean Baker for showing interest in the process. That is the way it is suppose to be. But at the end of the day he believes that we have a good map that is going to be approved by the Department of Justice. He has a couple of things that he just wants to say. If we were to challenge the census he believes we would have to delay the elections. You can't challenge it until after June 1st. That is one reason why we feel it is necessary to proceed with what we have been given by the Census. In addition to that, we have been assured by the Staff, Mr. Olson and Ms. Brooks that they have done a good job in terms of working with this map from Day One. He does agree with Ms. Koerber that Ms. Pierce-Tamplen and Ms. White and the entire staff has done a real good job. But, he is hoping that we can go from this point on. The other thing is that what is good on one side is good on the other side. Right now you have 57% African-Americans in Elizabeth City and 40% white or Caucasian. If you were to do away with the Ward System what would happen?

Mr. Olson replied that the majority of your elected officials could be of one race, African-American.

Mr. McLean said it would be the way in which it was when the lawsuit was brought about. Prior to the lawsuit, the City Council and the Mayor were both at large. The reason why the NAACP sued the City was because of that very fact. What is good on one hand is good on the other hand. Here again we have got to think about what we are doing and what we say that we need to do if we really want to keep things the way that we need them to be. This process has been really thought out and as he said before he thinks it was a good process and it takes everyone regardless of color. He thinks that is what has been done. He called for the roll call vote.

Roll Call Vote:

Hill-Lawrence	Yes
King	Yes
Baker	No
Walton	Yes
Hummer	Yes
Meggs	Yes
Stimatz	Yes
Brooks	Yes

Motion carried 7 yes – 1 no.

**RESOLUTION #2011-10
ADOPTING CITY OF ELIZABETH CITY
VOTING WARDS MAP AND
AUTHORIZING SUBMISSION TO THE
US DEPARTMENT OF JUSTICE**

WHEREAS, North Carolina General Statutes §160A-23 authorizes a city council to redraw its election district boundaries to correct population imbalances after receipt of the federal decennial census; and

WHEREAS, the City of Elizabeth City must comply with Section 2 and Section 5 of the Voting Rights Act of 1965; and

WHEREAS, Mayor Roger A. McLean established a Redistricting Advisory Committee on February 28, 2011 to work with City staff to adjust Elizabeth City's population imbalances; and

WHEREAS, the Mayor's Redistricting Advisory Committee met in a public meeting setting seven times to discuss options for modification to the city's voting ward districts; and

WHEREAS, the Mayor's Redistricting Advisory Committee held a public forum on April 19, 2011 to present its proposed map (Option 1.8) in order to solicit public input; and

WHEREAS, the City Council of Elizabeth City held a public hearing on May 2, 2011 to gain citizen comments on Option 1.8.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Elizabeth City hereby adopts Option 1.8, which was recommended by the

Mayor's Redistricting Advisory Committee, as the new voting ward districts map for the City of Elizabeth City, NC;

BE IT FURTHER RESOLVED that City staff and the City Attorney are hereby authorized to submit the proper documentation to the US Department of Justice for pre-clearance opinion of Option 1.8.

ADOPTED, this 2nd day of May 2011.

Roger A. McLean
Mayor

Dianne S. Pierce-Tamplen, MMC
City Clerk

3} ADJOURNMENT:

City Manager Olson asked to remind Council of the ribbon cutting ceremony for the dedication of the newly construction Charles Creek Bridge at 9:00 a.m. next Monday, May 9, 2011.

Councilwoman Hill-Lawrence said that Mr. James Mitchell, NLC President who will be here on Friday, May 6 from 3:00 p.m. to 5:30 p.m. here in City Hall. He would like to talk about what is it that Elizabeth City wants the National League of Cities to work on in Washington. As you all well know they were instrumental in getting the Community Block Grants approved. They want your input on what should happen. Please come and join us.

There being no further business to come before the Council at this time, Mayor McLean entertained a motion for adjournment.

A motion was made by Mayor Pro Tem L. A. Hummer, seconded by Councilwoman B. S. Meggs to adjourn the meeting. Those voting in favor of the motion were: Hummer, Meggs, Baker, Brooks, Hill-Lawrence, King, Stimat and Walton. Against: None. Motion carried.

Mayor McLean adjourned the meeting at 8:12 p.m.

Dianne S. Pierce-Tamplen, MMC
City Clerk

Roger A. McLean
Mayor