

**City Council Work Session  
August 23, 2021**

The City Council of the City of Elizabeth City met in work session on Monday, August 23, 2021 in Council Chambers, located on the 2<sup>nd</sup> floor of the Municipal Administration Building, 306 E. Colonial Avenue, Elizabeth City, NC.

MEMBERS PRESENT: Mayor Bettie Parker  
Mayor Pro Tem Johnnie Walton  
Councilman Billy Caudle  
Councilman Kem Spence (*Arrive at 5:43 p.m.*)  
Councilwoman Jeannie Young  
Councilman Chris Ruffieux

MEMBERS ABSENT: Councilman Michael Brooks  
Councilman Gabriel Adkins  
Councilman Darius Horton

OTHERS PRESENT: City Manager Montre' Freeman  
City Attorney Bill Morgan  
Public Safety Director Eddie Buffaloe  
Deputy Chief of Police James Avens  
Human Resources Director Montique McClary  
Public Utilities Director Dwan Bell  
Electric Superintendent Jason Value  
Parks and Recreation Director Sean Clark  
Community Development Director Kellen Long  
Fire Chief Chris Carver  
ECDI Director Debbie Malenfant  
IT Director Matthew Simpson  
Pedro Holley II, IT Systems Analyst  
City Clerk April Onley  
Deputy City Clerk Doris Walton

**1. Agenda Adjustments and Approval:**

Mayor Parker called the work session to order at 5:30 p.m. and welcomed everyone to the meeting. She recognized Councilman Caudle to provide the invocation, after which everyone joined in for the Pledge of Allegiance. She asked the Council's pleasure on the prepared agenda.

**Motion was made by Councilman Billy Caudle, seconded by Mayor Pro Tem Johnnie Walton to approve the agenda as presented. Those voting in favor of the motion were: Ruffieux, Walton, Young and Caudle. Against: None. Motion carried.**

**2. Statement of Disclosure;**

The City Clerk read the statement of disclosure. No conflict of interests regarding items on the presented agenda were made.

**3. Presentation - Redistricting;**

Manager Freeman explained that COVID had impacted the census, so there's a delay in receiving data. He'd reached out to Attorney Tara Bright with Poyner Spruill about redistricting and she was here tonight to provide a presentation for the Council. Attorney Bright told the Council that Poyner Spruill offered their services to assist governments interested in redistricting. She introduced Bill Gilkeson who had over 20 years working for the General Assembly as nonpartisan. She also introduced Caroline, who would be another primary point of contact if and when the City engaged their services. Their focus

is to provide nonpartisan redistricting expertise for local governments who elect their members by wards. They would draw up the plans and assist with the adoption. They do not use election data when drawing up the plans. They encourage open policies to elicit public feedback in their plans. The mission is to combine redistricting services in the most nonpartisan manner available. The standard package costs \$17,500 and includes three lawyer visits and demographer meetings with the jurisdiction. The meetings should be public. The suggested meeting schedule includes one initial meeting to discuss the process and solicit input regarding guiding principles and instructions to the demographer. The second meeting would be to discuss the proposed redistricting plans. The third meeting would include a public hearing and adopt the final resolution approving the selected plan. There are three potential redistricting plans included.

Attorney Bright explained that there's a two-step process to determine if you need to redistrict. First, do you use true election districts or wards? If the answer to that is yes, which it is for Elizabeth City, the second question goes into consideration. The second piece is whether or not the wards are within the permissible deviation range of population. The answer to that question is still to be determined because the data has not come in just yet. If they are not within the ideal range, then the City will have to redistrict.

Caroline highlighted a map of the state of NC that showed population changes over the last 10 years. Within each county, the population change is not constant across the county. Redistricting is required when the districts are out of balance. In NC, it's required when it's plus or minus 5% of the ideal population. Their company would look at each of the City's wards in 2020, figure out the ideal population of each of the wards and then decide if they were in plus or minus 5% of the population. She noted that this is a constitutional requirement, as is the requirement that for every one person, there will be one vote. This determines whether there is substantial equality.

The Council, staff and consultants would all give input toward drawing the new wards. The governing body for the local government is responsible for enacting new districting plans every 10 years. The General Assembly retains the power to redistrict for the board by local act.

Caroline noted that there is history of a Section 2 lawsuit in Elizabeth City, so that would have to be looked into. She explained that she was referencing Section 2 of the Voting Rights Act, which was enacted in 1965 to protect minority citizens.

The guiding principles of redistricting include equal population, contiguity, consideration of certain administrative boundaries, recognizing communities of interest (prioritizing intactness of neighborhoods or other historical, cultural or economic communities), seeking to have boundaries follow visible features like roads, waterways and other geographic features. The Council could adopt a guiding principle that could preserve the core of the existing wards or they could adopt one to ignore them completely and start with a clean slate. They may determine that they want districts to be compact and avoid pairing incumbents who have not been paired previously. They can also look ahead and plan for population growth and clearly state that no political considerations may be utilized.

The process includes determining whether or not redistricting is necessary based on population disparities. The deadline under Senate Bill 722 is November 17, 2021 unless the County's Board of Elections is notified that you need additional time, at which point we could get until December 17, 2021. If the Council chose to move forward with this, everything needs to happen within the next 11 weeks. Although the final data delivery is not in yet, the legacy data is available and the process can begin using that to get started.

Councilman Ruffieux asked if they were aware of when the formal census data might be available. Attorney Bright said she believed the data is set for some time between September 15-30<sup>th</sup>. The data they currently have is likely close to what the final numbers will be, so they can start the process and back check it after the final official formal data is released next month.

Mr. Gilkeson said he wanted to make sure the data being used was reliable. He wanted to use data that they trusted. Mayor Parker asked if that would be the September data? Mr. Gilkeson replied that they may be able to get it before then, but they were dependent on the software packages that they would use.

Councilman Caudle asked how this process had been done in the past. Attorney Morgan explained that he not been involved in the process in the past. He noted that former manager Olson may be able to give some input, but he personally was not aware of how it was handled. He said based on what we heard tonight, looking at what was required and what could go wrong, it looked like it would be money well-spent to engage a law firm. Councilman Caudle asked if there were advantages to doing it ourselves. Attorney Morgan said outsiders viewed as experts would probably go over better. Councilman Caudle asked who had the data they were speaking about. Manager Freeman said he was reaching out to the School of Government, but in his research, he only saw that they did a piece of the process and not the whole thing. He was supposed to speak with another individual later this week. In terms of the data they were discussing, it's legacy data, which is a raw snapshot of the projections and numbers. Councilman Caudle said he didn't feel there was a good plan to make sure there was community involvement. Mr. Freeman noted that the plan hadn't been fleshed out yet; this was just a high-level overview.

Mayor Pro Tem Walton stated that there were other groups that would do this. The previous process was hard to explain. There were still people complaining from the last redistricting about how they'd been removed from one ward and put into another. He felt the demographics of the city had definitely changed through redistricting.

Councilwoman Young said when she was previously on Council, the GIS put together a team of people. There were representatives from law firms who came in as volunteers who sat in to make sure it was being done properly, and they had to be mindful of the previous lawsuit that was filed. A certain amount of space had to be allowed for each ward. They had to take however many people had to be in each ward, and then the wards were divided to reflect the culture and content of people there. The GIS put a committee together to reflect that. We'd had a volunteer group, mostly local attorneys and the GIS Department drawing the lines. She said she didn't know if the League helped us back then, but she thought they may have. She said it had always been handled in house as far as she was aware. Mayor Pro Tem Walton opined there was a lot of trust that needed to be involved and this needed to happen quickly. The lawsuit happened because there was an issue about equality within all the wards.

Councilman Spence said he remembered a census in the city. The Third Ward used to include the area behind the bowling alley and after the census, it changed and no longer was part of the Third Ward. There were a lot of people that were upset about being removed from the wards they used to be in.

Mayor Parker asked who selected the committee that was involved in the process. Councilman Spence said there were a lot of problems with the selection committee because people on the outside felt they did a lot of what they wanted to do. Mayor Pro Tem Walton pointed out that there would always be skepticism. There had to be trust. Councilwoman Young noted that she was removed from the Second Ward and moved to the First Ward during the last redistricting. People would always be taken from wards and moved to others because the numbers had to match up to be fair.

Councilman Caudle asked if it was typical that the wards stayed about the same or was everything redrawn? Attorney Morgan said minor adjustments were the norm. Manager Freeman said the data showed a lot of people moving from the larger cities into smaller cities. His main question to the Council was what was the amount of time they had to do the redistricting? He was asking because of the time-line, which worried him a bit. Councilwoman Young said she thought it was always a bit crunched. She asked Mayor Pro Tem Walton if he remembered the Council choosing the people on the redistricting committee because that's what she thought happened the last time. Mayor Pro Tem Walton agreed that they had done so in the past.

Mayor Parker reminded them that they must first determine if redistricting was needed, then they'd have to reach a consensus on where to go from there. Councilman Caudle wondered what the next step would be if they wanted to engage someone to help with redistricting. Manager Freeman stated that it was set for the 30<sup>th</sup> because he wanted the Council to have time to talk through it and make a decision. He requested that the Council determine what they wanted to do by the 28<sup>th</sup> or 29<sup>th</sup> so we could get some firm numbers. Mayor Parker said after hearing that there were some questionable actions with the

previous committees, she felt that a law firm might be the way to go. She noted that we were also still in a pandemic, and numerous committee meetings may not be advisable. Councilwoman Young said she felt that we should use the League because that's what we pay them for. Councilman Caudle pointed out that they may not be available if everyone was trying to use them all at once. Councilwoman Young felt that they'd have to be there for us. She said if we did it this way, the community may be angry that they didn't have enough of a voice.

Councilman Ruffieux asked who "owned" the process? Who would go out and get the volunteers? Who would coordinate with the lawyers and the committee?

Councilman Caudle asked how the determination for redistricting was done in the past? Mayor Pro Tem Walton said the official numbers had to be received first. Councilwoman Young noted they worked with the Board of Elections as well. Mayor Pro Tem Walton related that one of his cousins lived in the Fourth Ward and they'd moved her to another ward, which she still talked about to this day, but there was nothing that could be done about it. He said there was always a lot of confusion and that's why we should just let the lawyers handle the process. Councilman Spence stated that we'd first need to find out if we needed it at all.

Councilman Ruffieux asked what we would be charged if the law firm decided we didn't need redistricting after analyzing all of this information? Manager Freeman said he didn't know, but it would certainly be less than \$17,000. Mayor Parker pointed out that they'd mentioned they felt like they could use raw data from earlier numbers. Councilman Ruffieux said if we waited to hire them until we knew for certain on our own, we would be set back significantly. Mayor Pro Tem Walton felt that our GIS personnel should be able to get the data. Mayor Parker suggested that the Council put the committee together and find volunteers. Would that be something the Council wished to do at this time?

Councilman Spence said he heard the raw data available now was already what they'd likely be getting in September, so why wouldn't we be able to decide from that data whether we needed redistricting or not? We should look at the data we have and try to decide before moving forward with hiring anyone. Mayor Parker asked who would do that? Who would make that decision? Councilman Caudle opined that we needed more information on this. We didn't really know what we'd done historically. Previously involved parties are long gone. He thought we should wait a little bit longer. The Board of Elections may have this information. We've only been presented one option. Mayor Pro Tem Walton reiterated that GIS could get the data and if there wasn't a significant change, we should be able to go by what we had there. He said he felt that Ward Two had changed tremendously in terms of the introduction of new minority groups. He said he wanted something more to look at and compare.

Councilman Ruffieux noted that according to The Daily Advance, the census data was already released, so why were we being told the data wasn't out? Manager Freeman explained that was legacy data and not official data. Councilman Ruffieux said this was in reference to the 2020 census data, which he didn't think would be legacy data. Can we go back to that firm and ask them about this?

Councilwoman Young said there were people in Public Works who knew how to use the census data on GIS. She didn't know who was over there now, but they would have the info and know how to apply it.

Councilman Caudle said he felt we should not take any action yet and seek more information. Councilwoman Young agreed. Councilman Caudle said they needed to know what they'd done in the past and what the clear numbers were.

Manager Freeman advised the Council that his father had been rushed to the emergency room and he would need to step out for a moment to take a call. Mayor Parker said the Council would jump down to Committee Reports while the manager made his call.

#### **4. Committee Reports:**

- a) **EC-PC Economic Development Commission: Councilman Adkins, Councilman Caudle, Mayor Parker –** Nothing to report at this time.

- b) **Central Communications Advisory Board: Councilman Brooks** – Councilman Brooks was not present to provide a report.
- c) **Fireman’s Relief Fund Board: Councilman Adkins, Councilman Spence** – Councilman Spence reported that the board did not meet.
- d) **NC Eastern Municipal Power Agency: City Manager Freeman and Mayor Parker-** Manager Freeman said he attended the recent ElectriCities conference as a panelist. He’d discussed initiatives in Elizabeth City, especially broadband and chargers for electric vehicles.
- e) **Elizabeth City Downtown, Inc.: Councilwoman Young** – Councilwoman Young mentioned that Music on the Green would be held tomorrow at Mariners’ Wharf. First Friday was slated for September 3<sup>rd</sup>. ECPC Summer Sounds would be at Mariners’ Wharf Park at 7:00 p.m.
- f) **Elizabeth City Area Chamber of Commerce Board: Mayor Parker** – Mayor Parker reported that the board had not met in August.
- g) **Parks and Recreation Advisory Board: Mayor Pro Tem Walton** – Mayor Pro Tem Walton stated they had not met.
- h) **Storm Water Advisory Board: Councilman Spence, Councilman Ruffieux and Councilman Horton** – Councilman Spence advised the board had not met.
- i) **Tourism Development Authority: Mayor Pro Tem Walton** – Mayor Pro Tem Walton said they will meet on Thursday.
- j) **Community Relations Commission: Councilwoman Young** – Councilwoman Young advised that the board did not meet.
- k) **Airport Authority: Councilman Caudle** – Councilman Caudle advised the board would meet on Wednesday. They passed their budget in July, and beyond that, there was nothing major to report at this time.
- l) **Albemarle RPO Transportation Advisory Committee – Councilman Ruffieux-** Councilman Ruffieux stated that the committee had not met.

**5. Discussion – SOULS Ministry;**

Manager Freeman said there was conversation about SOULS having to move out of their current space sometime in September, which has now been pushed back to December at the earliest. He stated that the City will work with them to make sure they are not displaced. Mayor Pro Tem Walton said they were asking about the former Verizon building, if that would be possible to move into. Manager Freeman said it hadn’t become an official ask and he hadn’t received anything in writing at this time. Mayor Pro Tem Walton stated that he’d received an email requesting that particular building. He noted that he would add that item to the next meeting.

**6. Adjournment:**

There being no further business to be discussed, Mayor Parker adjourned the meeting at 6:47 p.m.

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Bettie J. Parker  
Mayor

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April D. Onley  
City Clerk, NCCMC