

**THE BOARD OF COMMISSIONERS OF THE COUNTY OF CRAVEN RECONVENED ITS RECESSED REGULAR SESSION OF SEPTEMBER 17, 2001 ON SEPTEMBER 25, 2001 IN THE COMMISSIONERS' ROOM OF THE CRAVEN COUNTY ADMINISTRATION BUILDING, 406 CRAVEN STREET, NEW BERN, NORTH CAROLINA. THE PURPOSE OF THE MEETING WAS FOR FURTHER DISCUSSION OF REDISTRICTING. THE MEETING CONVENED AT 9:00 A.M.**

**MEMBERS PRESENT:**

Chairman C.W. "Pete" Bland  
Vice-Chairman Johnnie Sampson, Jr.  
Commissioner Lee Kyle Allen  
Commissioner J. Harold Talton  
Commissioner Albert H. Toon  
Commissioner Charles F. Tyson, Jr.

**MEMBERS ABSENT:**

Commissioner Donald Phillips

**STAFF PRESENT:**

Harold Blizzard, County Manager  
George B. Sawyer, Assistant County Manager  
Richard F. Hemphill, County Finance Officer  
Ray H. Moser, Human Resources Director  
Gwendolyn M. Bryan, Clerk to the Board  
James R. Sugg, County Attorney

Following an invocation by Commissioner Sampson and the Pledge of Allegiance, the Chairman restated the purpose of the reconvened session.

**VOTING DISTRICTS**

County Attorney, Jim Sugg, reviewed with the Board its previous actions on September 4<sup>th</sup> and September 17<sup>th</sup> relative to the redistricting issue, and advised the Board that the next step would be to rescind its September 4<sup>th</sup> action and to adopt an amended plan and resolution, or to adopt the resolution which reflects the plan that was already approved on September 4<sup>th</sup>. Commissioner Allen advised the Board that he had contacted Deborah Stagner of Tharrington-Smith since the last meeting to communicate his agreement with Commissioner Toon to redraw the lines between districts 5 and 6. Ms. Stagner reported that, as a result, Alternate # 1 to Commissioners' districts had been subsequently revised into Alternate # 1A, reflecting this agreement between Commissioners Allen and Toon.

Commissioner Allen requested that the Board receive comments from Havelock Mayor, George Griffin, before taking action on the redistricting issue.

Commissioner Sampson opposed changing the redistricting plan for the satisfaction of two Commissioners, inasmuch as other Commissioners have issues with the plan relative to their respective districts.

At 9:13 a.m. the Chairman declared the Board in recess.

The Board reconvened at 9:17 a.m.

Mayor Griffin was recognized to speak and presented the following resolution, which was adopted by the Havelock Board of Commissioners at its meeting on September 24, 2001.

**RESOLUTION NO. 01-R-16**

**CITY OF HAVELOCK, NORTH CAROLINA**

**RESOLUTION TO OPPOSE ANY REDISTRICTING PLAN THAT  
IN AND OF ITSELF DIMINISHES THE VOTING RIGHTS OF ANY CITIZEN  
OF THE CITY OF HAVELOCK**

**WHEREAS**, the City of Havelock Board of Commissioners has learned that the Craven County Board of Commissioners is considering a voting redistricting plan; and,

**WHEREAS**, some of the options being considered by the Craven County Board of Commissioners would result in certain citizens of Havelock being denied the same voting rights as other citizens; and,

**WHEREAS**, the City of Havelock has a long and successful history of supporting the concept of “one person one vote,” and,

**WHEREAS**, the City of Havelock Board of Commissioners supports the concept of equal voting rights for all citizens.

**NOW, THEREFORE, BE IT RESOLVED UNANIMOUSLY THAT**, the City of Havelock, Board of Commissioners meeting in regular session on this twenty-fourth day of September, 2001 will oppose any redistricting plan that acts to grant unequal voting rights to certain citizens; further,

**RESOLVED THAT** we support the delay of the election, to the extent necessary, in order to provide time to formulate a redistricting plan that ensures a equal vote for all craven county citizens; further

**RESOLVED THAT**, a copy of this document shall be furnished to the Craven County Board of Commissioners; further

**RESOLVED THAT**, we respectfully request that the Craven County Board of Commissioners grant consideration of this resolution during their deliberations concerning this important and serious issue; further

**RESOLVED THAT**, this Resolution shall be effective upon adoption.

**ADOPTED UNANIMOUSLY, BY THE BOARD OF COMMISSIONERS OF THE CITY OF HAVELOCK**, meeting in regular session on this twenty-fourth day of September, 2001.

The Chairman inquired of Mr. Mike Crowell, also of Tharrington-Smith, if redistricting is required as a result of the new census or if it is an option, as the language states that the Commissioners “may” redistrict. Mr. Crowell responded that there is a constitutional and statutory requirement; however, there is no automatic enforcement. He advised the Board that their failure to redistrict would not result in any consequences except to expose the County to a lawsuit. Commissioner Bland inquired if the one-person one-vote principal is already being compromised by the current voting method in Craven County. Mr. Crowell responded that the courts have already accepted the concept of combination voting methods. Commissioner Bland moved for adoption of the resolution which was presented on September 17<sup>th</sup>, seconded by Commissioner Talton.

During discussion Commissioner Tyson expressed support of the plan; however he advocated consideration of an alternative agreed upon by Commissioners Allen and Toon. He reported that Commissioner Phillips had also requested consideration of a change in the line between districts 2 and 4, to which he had agreed. Commissioner Talton stated that some voters in his area are also dissatisfied with the redistricting plan; however, if an alternate plan is drawn for one district then all Commissioners should have

a similar opportunity to do so. He stated that he would favor Alternative # 1 because it was devised by the law firm without any influence from the Board of Commissioners or individual Commissioners.

Commissioner Allen referenced the September 17<sup>th</sup> meeting when he asked if there was any objection to his contacting Ms. Stagner directly, with the intent to work out alternative lines between districts 5 and 6. There being no objection, he subsequently contacted Ms. Stagner. Commissioner Toon concurred with Commissioner Allen's position and reminded the Board that all Commissioners had an opportunity to contact her firm with individual concerns. Commissioner Allen moved to amend the plan adopted on September 4<sup>th</sup> to reflect the agreement reached by him and Commissioner Toon. The motion was not allowed, and the original motion carried in a roll call vote, with four (4) "Ayes" from Commissioners Bland, Sampson, Talton, and Toon, and two (2) "Nays" from Commissioners Allen and Tyson.

Commissioner Toon moved to reconsider the resolution that was adopted approving the first redistricting plan, Alternative # 1, seconded by Commissioner Tyson. The motion failed, there being three (3) "Ayes" from Commissioners Allen, Toon, and Tyson and three (3) "Nays" from Commissioners Bland, Sampson, and Talton.

### **VOTING METHOD**

Commissioner Tyson sought advice from Mr. Crowell concerning a single member district voting plan for Craven County. Mr. Crowell responded that several options are available for consideration, including single member districts in the primary and the general election; a combination method whereby single member districts are established for the primary and some combined districts are established for the general election; and at-large elections for all districts. Commissioner Tyson reported that the Attorney for the State Board of Elections has opined that changing the voting method can only be accomplished by act of the General Assembly and not by referendum; however, he conceded that the matter has never been litigated. Discussion followed concerning the likelihood of the General Assembly's willingness to consider a request from the Board of Commissioners during its current session for a change in the voting method in Craven County, and the ability to effect a timely change. Mr. Crowell responded that the chances are diminishing as the session nears completion; however, it would be possible, given the following conditions:

1. The Board would need to be in agreement.
2. The legislative delegation would need to be convinced.
3. The legislative delegation would need to be able to convince its colleagues to take the matter up as a special act.
4. Pre-clearance from the Justice Department would need to be obtained, subsequent to action by the General Assembly and prior to election

He stated that pre-clearance may not occur by the January 1<sup>st</sup> filing deadline, but would certainly be possible between January 1<sup>st</sup> and the spring primary. He further stated that there is a strong possibility that the filing period may be extended. Commissioner Bland inquired if the Board could petition the legislature for a local act that would give the Board of Commissioners the authority to decide on the method of election without a referendum. Mr. Crowell responded that there is precedent for doing so, but it could be a more complicated and time consuming process. Justice Department pre-clearance would be required prior to an act of legislature. Commissioner Talton moved to ask the legislative delegation to attempt to change the voting method to establish all seven (7) districts as single member districts for both the primary and general election, seconded by Commissioner Allen. Mr. Crowell emphasized to the Board that implicit in the request is the understanding that the change in method would be based upon the districts as approved in Alternative # 1. Board members were in agreement with this. Commissioner Tyson, during discussion, stated that he supported the request, but hesitated because of Commissioner Phillips' absence. Commissioner Allen reported that he had spoken with Commissioner Phillips about the matter, and he seemed to be in

agreement. He suggested that the Board could adopt the motion and ratify it in its next meeting. It was noted, however, that Commissioner Phillips may not be present at the next meeting; therefore, Commissioner Tyson stated that the matter probably could not wait. He informed the Board that he had also heard Commissioner Phillips' opinion on the matter, but that his hesitation was a matter of courtesy. The motion carried unanimously in a roll call vote.

## **TERRORISM RESOLUTION**

The Chairman presented the following resolution, which was unanimously adopted by motion of Commissioner Talton, seconded by Commissioner Tyson.

### **RESOLUTION OF UNITY AGAINST TERRORISM**

**WHEREAS**, America continues to mourn the incomprehensible loss that the nation suffered on September 11<sup>th</sup>, but we must be sure not to let our anger, fear and sorrow surface as violence; and

**WHEREAS**, America as a nation must strive to provide a safe and welcoming environment for all of its citizens, including the millions of Arab and Muslim Americans who are part of America's national community; and

**WHEREAS**, citizens must show patriotism by accepting all fellow Americans, and as a nation stand together, united against terrorism; and

**WHEREAS**, counties, keeping with the long held tradition of caring for America, must continue to pray for the victims, provide aid and compassion to the survivors, the families of the victims, the brave relief workers, their families and all who have been touched by this tragedy, while always remaining cognizant of the terrible toll terrorism has taken on our society;

**THEREFORE, BE IT RESOLVED**, that the governing board of Craven County ardently condemns cowardly and pointless acts of hate crimes, and;

**BE IT FURTHER RESOLVED**, that the governing board of Craven County encourages citizens to be vigilant in their efforts to become helpful and compassionate neighbors to their fellow Americans, but not vigilantes; and

**BE IT FURTHER RESOLVED**, that the governing board of Craven County condemns all acts of lawlessness and supports the President of the United States, as he works with his national security team to defend the United States of America against terrorism.

Adopted this 24<sup>th</sup> day of September, 2001.

At 11:00 a.m. Commissioner Tyson moved to adjourn, seconded by Commissioner Sampson and unanimously carried.

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Chairman C.W. "Pete" Bland  
Craven County Board of Commissioners

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Gwendolyn M. Bryan  
Clerk to the Board