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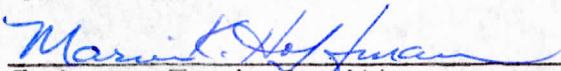
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THE WILMINGTON-NEW HANOVER COUNTY CONSOLIDATION  
ELECTION, FEBRUARY 27, 1973: A  
STUDY OF CONSOLIDATION DEFEAT

by

Ralph B. Kornegay

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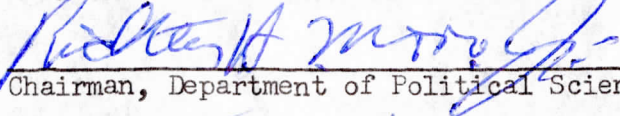
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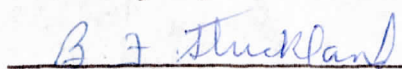
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## ABSTRACT

On February 27, 1973, an election was held in New Hanover County, North Carolina, for the purpose of consolidating the governments of New Hanover County and the city of Wilmington. The result was an overwhelming defeat of consolidation efforts. This thesis attempts to answer some of the questions surrounding this defeat and tries to explain why the voters were so opposed to consolidation.

The background of the two governments was studied first and strongly indicated that de facto merger was already underway. Research shows that the two governments had merged large portions of their operations long before the vote was held and were, in fact, completing details of further merger at the time of the vote. In spite of this de facto merger, 11,722 voters, out of 15,780, refused to approve any permanent consolidation.

To accomplish an examination of the election, several research methods were used. Each of the methods served to reinforce the findings of the other methods and, together, they paint a fairly complete picture of the causes of defeat.

First the results of the election were gathered and examined, in order to determine what voting patterns existed. This resulted in the determination that, while the county precincts had all voted "no", there was a range of votes in the fourteen city precincts. In fact the city precinct votes ranged from four to one "against" to four to one "for".

The second step was to examine the data, contained in the 1970 census, in order to determine the sociological factors of each precinct.

Of particular interest were the factors of party registration, racial population and registration, income, property value, and school years completed. Comparing these factors with the vote by precinct, using a rho correlation, enabled this writer to single out those factors which seemed to affect the vote. The results of these comparisons indicated that precincts were more likely to vote "for" consolidation when the white population and registration, Republican registration, income, property value, and education increased. This would seem to mean that educated voters, who were secure in their economic situation, were able to understand the importance of consolidation.

Step three included a review of the election campaign, the Charter itself, and interviews with various leaders from both sides of the issue. All three of these efforts tended to confirm the statistical study. All three revealed the vagueness of the Charter and the failure of the campaign to properly explain the parts of the Charter which needed more complete explanation.

The result, though by no means the final authority, is a set of conclusions which should go a long way toward explaining the causes of defeat. The most important cause of defeat appears to be a fault of the authors of The Charter for Consolidation. Such things as a failure to write questionable provisions in clear, unambiguous terms, as well as explaining those provisions in such terms, and a failure to show point-by-point the reasons how tax relief could be expected.

All of these must be cited as reasons for defeat. But the reason must be failure to explain those provisions which were designed to safeguard the citizens against the threat of "Big Government". Had the

supporters of consolidation made these efforts, consolidation might  
have passed.

*Ralph B. Kornegay*  
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Ralph B. Kornegay

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STUDY OF CONSOLIDATION DEFEAT

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A Thesis  
Presented to  
the Faculty of the Graduate School  
Appalachian State University

In Partial Fulfillment  
of the Requirements for the Degree  
Master of Arts

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by  
Ralph B. Kornegay  
August 1973

## PREFACE

On February 27, 1973, the voters of the cities of Wilmington, Wrightsville Beach, Kure Beach, and Carolina Beach, North Carolina, along with the voters of New Hanover County, cast their ballots to decide whether two of these five governments - Wilmington and New Hanover County - would become legally one. The resulting outcome of the vote, which would have been expected by anyone who had observed the campaign, was defeat by a large margin. (Some of the factors which might have led one to expect the defeat should become obvious as this work develops.)

The fact that the consolidation charter was defeated is rather strange from one viewpoint, in spite of being expected. For all practical purposes, Wilmington and New Hanover County had been moving toward de facto consolidation for many years. It is interesting that no major point was made, during the campaign, of just how much of the governments had already been merged. In fact, the vote on February 27 was an attempt to gain de jure approval for a de facto situation.

A very clear picture of the extent of merger can be gained by looking at a listing of the agencies operated under a merged system. Prior to February 27, 1973, the following boards, agencies, or commissions were operating in a merged or consolidated state in order to establish a more economic and efficient government operation.

New Hanover County Board of Elections

New Hanover County Board of Education

New Hanover County Board of Social Services

New Hanover County Board of Health

Wilmington-New Hanover Planning Commission

Inter-Agency Drug Squad

Wilmington-New Hanover Museum Board of Trustees

Board of Trustees of the Wilmington-New Hanover Public Library

Prior to February 27, and continuing since that time, discussions have been under way to begin joint operation of other areas of the two governments. Among these are operation of New Hanover Airport and the Parks and Recreation Departments. In addition, at least one joint commission had been established to oversee the operation of a specific area of the two governments. This was the Lower Cape Fear Water and Sewer Authority.

Thus it is obvious that de facto consolidation was, and is, well on its way. The two government bodies were ceasing to be separate entities, at least in actual practice. In spite of this situation, the voters overwhelmingly said "no" to total legal consolidation. From this one must ask why 11,722 voters, out of 15,780, refused to make official a consolidation which was already in progress? Perhaps a more important question would be why the voters were so apathetic about an issue which would directly affect every citizen in the county? Indeed, so much apathy that only 15,780 votes were cast, out of a total registration of 40,424. While this might seem to have been a rather good turnout, it fell far below expectations when compared with the importance of the issue being voted on. These questions will be of central importance as this work progresses.

These questions will form a central core, as the thesis of this paper is examined in the light of the available data. The author contends, as the

prime thesis, that there is a significant correlation between the sociological data and the election results. Factors such as party affiliation, race, income, education and/or property value were important in relation to the outcome of the election.

As a secondary result, evidence will be presented which will tend to indicate that the Proposed Charter For The Consolidated Government of Wilmington and New Hanover County, (herein called "the Charter") was so vague and incomplete that the voters could perceive assurance that efficiency or economy of government would be accomplished under the Charter. This vagueness, coupled with a failure to explain properly those vague portions, merely compounds the findings based on the sociological data. As will be shown, most of the precincts which tended to support consolidation were better educated, had higher incomes and property value. Or, to put it another way, a higher degree of public regardingness.

To accomplish these tasks, several different items will be examined carefully as they relate to the population, the vote, and the charter. Among the items to be examined will be The Charter, the newspaper accounts of the campaign, citizen comments prior to the vote, a series of interviews conducted with leaders of both sides, the actual voting results, and data obtained from the 1970 census. It is felt, by this author, that moderate correlations between the voting statistics and the sociological data will only serve to reinforce the original theory. The real correlation, appearing to be between education, income, property value, and the vote, seems to support the thesis that the Charter and its supporting campaign were vague.

It is hoped, that completion of this work will add to the general knowledge concerning voter attitudes toward this new concept, local government.



If in no other way, it may at least serve as a beginning point from which to try to explain why consolidations may fail and ways to avoid such failure.

It seems quite proper at this point to acknowledge the assistance of those persons without whom this work might never have been completed.

Of course the thesis committee consisting of Dr. Hoffman, Mr. Sutton, and Dr. Williamson was of immeasurable aid and encouragement during the writing.

Special thanks go to Mrs. Louise Rehder, Executive Secretary of the New Hanover County Board of Elections. Her magnificent management of registration records and voting reports made this task much lighter.

Mr. Edward Menke, General Manager of the Greater Wilmington Chamber of Commerce, was most kind in allowing an interview concerning the charter and the campaign. His special position made him a valuable witness to the charter writing, the campaign, and the election.

Mr. Herbert Fisher, President of the New Hanover Taxpayers Association, who, as a representative of over 3,000 New Hanover County residents, was able to give a viewpoint supported by many residents. His organization opposed consolidation and his interview was therefore most helpful in determining why the Charter lost.

A final interview, and most useful to the project, was with Mr. J. M. Hall, Jr., a Wilmington druggist. Mr. Hall has been a County Commissioner for over eighteen years and strongly opposed the Charter.

And last, but by far not least, thanks must be given to Mr. Steve Sharpe and Mr. Earl Sheridan who are undergraduate students here at Appalachian State University. The notes they took during the interviews enabled this author to get candid and complete views of Mr. Menke, Mr. Fisher and Mr. Hall.

All of these people, and several others to a lesser degree, made preparation for this work much easier.

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## CHAPTER I

### THE CHARTER: HISTORY AND THE VOTERS' DECISION

In July, 1970, the local governments of New Hanover County, North Carolina, created the Wilmington-New Hanover Charter Commission. The purpose of this body was to examine the idea of consolidating city and county government and, if such an idea seemed appropriate, to draw up the appropriate instrument of consolidation for presentation to the voters.

The action of establishing this commission brought into public view a concept which had been discussed privately for more than twenty years, according to some unofficial sources. While no public proof exists to prove or disprove the contention that consolidation was a topic of discussion prior to 1970, there are enough people in positions to know, who can testify to such discussions.

In a personal interview, Mr. Edward J. Menke, General Manager of the Greater Wilmington Chamber of Commerce, related, that the Chamber had authorized its own study, during the 1960's, to determine whether there was a need for consolidation. This Chamber group reported that much consolidation of city and county government had already taken place and more was planned or likely. On this basis, and additionally due to the finding that consolidation would eliminate some expensive duplication, the group suggested to both the city council and county commissioners that moves toward consolidation be considered by both groups.

Mr. Menke reported that the city council was apparently more receptive to the idea than were the county commissioners. The members of the committee, and their professions, were as follows.

"Dan Cameron - Chairman (President of Atlantic Broadcasting)  
 John Fox - (President Fox Wholesome Bakery)  
 Sam Bissett - (People's Savings and Loan)  
 William Broadfoot - (Attorney)  
 William Beery - (President of Belk-Beery Department Store)"<sup>1</sup>

The work of this group, along with their suggestions, went unused until July, 1970, when the enabling legislation, passed by the local governments, established an eighteen member study commission. This committee, all members of the leadership of the city and county, was appointed and given the responsibility of investigating the situation. As members, the Wilmington City Council and the Board of County Commissioners had the power jointly to appoint the chairman and four members of the commission. Then each group, separately, appointed four members. Finally, the towns of Carolina Beach, Kure Beach, and Wrightsville Beach each appointed one member.<sup>2</sup> The list of the eighteen members was as follows.

"Wilmington-New Hanover Charter Commission

Fred B. Graham, Chairman

Dan D. Cameron	William L. Hill, II	H. A. Marks
Robert T. Chestnut	Dr. J. W. Hooper, Jr.	F. L. Meier, Jr.
E. P. Godwin, III	Robert R. Lamb	B. D. Schwartz
John R. Godwin	Ensley Laney	Kenneth M. Sprunt
J. M. Hall, Jr.	R. E. Littell	Dr. L. W. Upperman
Meares Harriss, Jr.	Henry Longley	Dr. W. H. Wagoner" <sup>3</sup>

These men represented the financial, political and educational leaders of the community and as such they were able to command much power and respect, either for or against the issue of consolidation.

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<sup>1</sup>Edward J. Menke Interview, May 29, 1973.

<sup>2</sup>A Proposed Charter For the Consolidated Government of Wilmington and New Hanover County, March 31, 1972, p. xi.

<sup>3</sup>Ibid., cover.



Examples of this statement are Dan Cameron, president of Atlantic Broadcasting Company, J. M. Hall, Jr., druggist and county commissioner, Meares Harriss, Jr., county commissioner, Dr. J. W. Hooper, Jr., city councilman, H. A. Marks, insurance executive, B. D. Schwartz, mayor of Wilmington, Dr. L. W. Upperman, black physician, and Dr. W. H. Wagoner, chancellor of UNC at Wilmington.

The next group appointed was a Citizens Review Committee, consisting of forty-two persons. The Citizens Review Committee was designed to assist and advise the Charter Commission. For this committee, each of the three beach communities appointed two members, with Wilmington and New Hanover County each appointing eighteen members.<sup>4</sup> While the entire list might seem too extensive to list at this point, they will be listed in order to supply the background of some of the persons advising the Charter Commission.

"Citizens Review Committee

O. O. Allsbrook - Former mayor of Wilmington  
 Seymour L. Alper - Local businessman  
 Alton J. Barnhill - Citizen\*  
 Rev. B. H. Baskerville - Black minister, Human Rights Commission  
 Fred Brown - Citizen\*  
 Melvin Brown - Citizen\*  
 Richard L. Burnett - Citizen\*  
 William R. Burns - Manager of J. C. Penny  
 Mrs. Esso Clemmons - Citizen\*  
 Albert Cox, Jr. - Citizen\*  
 Thurston C. Davis - Citizen\*  
 Anthony Dombroski - Building contractor  
 S. L. Doty, Jr. - Citizen\*  
 W. L. Easton - Citizen\*  
 W. Eugene Edwards - Florist  
 F. P. Fensel - Citizen\*  
 Harry Forden - Citizen\*  
 Bruce Freeman - Freeman Shoe Company  
 G. G. Fountain - Fountain Oil Company  
 Lacy Goodyear - Plumbing and heating contractor

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<sup>4</sup>Ibid., p. xi

Charles Hass - Citizen\*  
 A. Elwood Hilburn - Citizen\*  
 Gene Humble - Citizen\*  
 Mrs. N. W. Humphrey - Citizen\*  
 B. J. Lancaster, Jr. - Citizen\*  
 Charles S. Lowrimore, Sr. - Certified Public Accountant  
 Moses McGill - Citizen\*  
 Mrs. Beatrice McIntyre - Citizen\*  
 Lloyd W. Moore - School principal  
 John Naples - Citizen\*  
 Rye B. Page - Publisher/owner of The Wilmington Star-News  
 Richard A. Shew - Realtor  
 Donald W. Sneed - Heating-Air Conditioning Contractor  
 Harry W. Stovall, Jr. - Citizen\*  
 Tom Swart - Citizen\*  
 W. B. Taylor - Citizen\*  
 Raiford Trask, Jr. - Realtor, Farmer, Financier  
 Alice von Oesen - Citizen\* (Wife of the City architect)  
 P. J. Watkins - Citizen\*  
 Richard Wetherill - Citizen\*  
 Fred Willetts, Jr. - Banker, realtor  
 Mrs. Marianne Yarboro - Citizen\*<sup>5</sup>

\*Members who are not of special interest because of their position in the community. These are "truly" citizen/members, and not merely financial executives, educational leaders, or social elite.

At this point, only one more group needed to be selected, in order for the work to begin. It is here that a strange event happened. Mr. Timothy Wood, who prior to this assignment was serving as director of the Wilmington-New Hanover Planning Commission, was appointed as the Executive Director of the Charter Commission.

Interviews with Mr. Menke and Mr. Herbert Fisher, a local realtor and President of the New Hanover Taxpayers Association, revealed that a rather strange promise was made to Mr. Wood. Reportedly Mr. Wood was promised the job of Assistant City Manager of Wilmington, once the campaign for consolidation was over. This verbal promise almost leads one to believe that even supporters of consolidation expected defeat, due to the fact that, under

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<sup>5</sup>Ibid., Back cover.

the new charter, there would be no position of assistant city manager. Perhaps Mr. Wood realized what was happening since as soon as the campaign was over he accepted the position of County Manager for Onslow County, North Carolina.<sup>6</sup>

Appointed as Charter Commission attorney was Cicero P. Yow, who has served in the state legislature and as city attorney for Wilmington.

The Institute of Government, University of North Carolina at Chapel Hill, served as consultant to the Charter Commission. Specific consultants were Warren J. Wicker, Ted A. Schumacher, David M. Lawrence, and H. Rutherford Turnbull, III. Mr. Wicker has written an article on the failure of the consolidation referendum for Charlotte-Mecklenburg, which appeared in the April, 1971, issue of Popular Government. This article will be discussed briefly in a later portion of this work.

At this point the main cast of characters was complete and work could begin. The first work fell on the shoulders of the staff, led by Mr. Wood.

Mr. Wood and his staff, assisted by the consultants and local officials, prepared and presented thirty-eight technical reports. The reports dealt with the various functions and activities of local governments in New Hanover County.<sup>7</sup>

The Charter Commission itself held some fifty public meetings to consider the reports and the preliminary drafts of the charter. These meetings were held between October, 1970, and March, 1972.<sup>8</sup>

Original plans had called for the vote on consolidation to be held

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<sup>6</sup>Edward J. Menke Interview, May 29, 1973. Herbert Fisher Interview, May 31, 1973.

<sup>7</sup>Op. Cit., The Charter, p. xii.

<sup>8</sup>Ibid.

November 7, 1972, but it was decided that there was not enough time to conduct a proper campaign. Therefore the Charter Commission, meeting on June 20, 1972, decided to change the election date to February 27, 1973.

On Tuesday, February 27, the vote was held and the result was absolute rejection of the consolidation concept. Examination of just the vote makes two points seem to come clear. First, the vote seems to indicate that the majority of the voters felt that the issue was too confusing and unimportant to even bother to vote. Secondly, it appears that those who did choose to vote were against consolidation by almost a three to one margin. At this point it would be appropriate to look at the vote.

During the course of this paper data will be presented concerning the fourteen precincts contained within the city limits of Wilmington. The only time data will appear for the eleven precincts outside of Wilmington will be where such data would show the level of interest in contrast to city precincts. There are several reasons why this approach was taken and this author feels that such a method will prove to be properly valid.

To begin with, of the 9,404 votes cast by non-Wilmington voters, 8,146 were votes against.<sup>9</sup> This represents a vote of almost eight to one against. Of the eleven precincts the vote ranged from as high as 24 to one, in Federal Point #1, to as close as two to one, in the Wrightsville Beach precinct. More important, perhaps, was the fact that three precincts showed margins of defeat of more than nineteen to one. Four precincts had margins of defeat between six to one and nine to one. Only four precincts had margins of five to one or less. Table I will serve to make this data visible.

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<sup>9</sup>Voting Data Supplied by Mrs. Louise Rehder, Executive Secretary, New Hanover County Board of Elections, May 29, 1973.

TABLE I

NON-WILMINGTON REGISTRATION AND VOTE-BY PRECINCT<sup>10</sup>

Precinct	Registration	Total Vote	"For"	"Against"
Wrightsboro	2,162	1,140	59	1,080
Castle Hayne	765	414	17	395
Ogden #1	2,107	917	115	800
Ogden #2	1,185	689	65	623
Winter Park	2,959	1,418	285	1,159
Seagate	2,152	1,039	123	916
Wrightsville Beach	1,280	459	155	304
Masonboro #1	1,807	939	169	768
Masonboro #2	2,577	1,420	191	1,228
Federal Point #1	812	475	19	455
Federal Point #2	1,320	494	76	418
Total	19,126	9,404	1,247	8,146

Table I should make it apparent that county residents did not favor the idea of consolidation, regardless of location. In any case, not one precinct came anywhere near approving consolidation.

Compare these eleven county precincts with the fourteen precincts located within the city and one sees why the use of city precincts offers a better source of comparative data. In the fourteen city precincts the vote varied from a high of four to one "against" to four to one "for". Table II should show this spread in some detail.

<sup>10</sup>Ibid.

TABLE II

WILMINGTON REGISTRATION AND VOTE-BY PRECINCT<sup>11</sup>

Precinct	Registration	Total Vote	"For"	"Against"
1	1,734	276	55	221
2	1,915	391	157	233
3	1,254	283	67	216
4	1,503	507	169	338
5	1,502	396	100	294
6	864	251	107	144
7	1,351	303	93	210
8	1,420	350	124	225
9	1,671	561	252	309
10	1,004	319	91	228
11	1,747	774	614	159
12	1,922	820	489	331
13	2,271	723	246	475
14	1,140	422	229	193
Total	21,298	6,376	2,793	3,576

Thus, from Table II, one can see that the voters in the City of Wilmington were not as single-minded in their opposition to consolidation. With such a range of votes, there is a possibility of making some comparisons with available sociological data.

A second reason for using only city precincts in this study is that very idea of availability of sociological data. Using the reports of the 1970 census, the only data of this type available, was a difficult task for the city precincts and an impossible task for those precincts outside of the city. Within the city, at least, streets and other boundaries exist

<sup>11</sup>Ibid.

existed by which the census data and voting precincts could be reconciled. Outside the city, census and precinct boundaries cross large tracts of open land where no natural boundaries are present.

Due to the fact that precinct lines do not follow the lines separating either census tracts or enumeration districts, it was necessary to compile composite data using block statistics. This was possible, though time consuming, in the city, but impossible in the county where block statistics are virtually non-existent.

Thus, it becomes apparent that use of sociological data to explain the vote must, of necessity, be confined to the city. Therefore the bulk of this paper will concern itself with the city voters. At this point, with the charter written and voted down, this paper will move to a point some weeks prior to the election to examine the campaign for passage and the opposing campaign for defeat.

## CHAPTER II

### THE CAMPAIGN: PRO AND CON

During the time the consolidation charter was being written, many thousands of words were uttered both for and against the concept. Strangely enough once the Charter was written very little was made public. It almost looked as if both sides had moved underground to wage their own little battles away from the glare of full public knowledge. In one sense this is exactly what did happen. The leaders of both sides were to work in the background to organize their respective strategies, which would not really surface until shortly before the election.

But this is not to say that activity was at a standstill. Nothing could be further from the truth than to say that no campaigning took place between June, 1972, and February, 1973. In truth, what each side was doing was getting its own groups in line and ready for an all out campaign which really opened on February 1. Due to the importance of this pre-campaign period, it will be discussed first.

Working toward passage of consolidation were two groups which, though tied to each other by a common goal, were separate entities. The first group was the Greater Wilmington Chamber of Commerce, though officially this group claimed to be merely interested in seeing that the voters were given totally objective information.

The second group supporting consolidation was a group calling itself Citizens For Consolidation. Chairman of this group was William Broadfoot, a Wilmington attorney. This group, under chairman Broadfoot, used two



techniques to try to sway voters toward a positive position of support for consolidation. First, they attempted to establish a speakers bureau. It was felt that, in this way they could answer the questions of the people immediately and directly. According to Mr. Menke, this approach was virtually unsuccessful. Mr. Menke stated that he felt two reasons caused this lack of success.<sup>12</sup>

First, he said, the Citizens for Consolidation were unable to attract the local businessmen it had hoped to use for speakers. Although some were recruited, and trained by Dr. W. H. Wagoner who is the Chancellor of U. N. C. -Wilmington, there were not enough to send to all the citizen meetings. Instead the speakers bureau was forced to concentrate on civic group meetings and a very few citizen meetings.<sup>13</sup>

Second, Mr. Menke related, the opponents of consolidation were careful to have their own representative present each time the speakers bureau sent out a speaker. And the opponents were well versed in counter tactics.<sup>14</sup>

Mr. Menke reported that representatives such as Peter Davis and Vivian Wright were always ready with "half-truths and lies" to "confuse" the listeners any time the speakers bureau was able to speak to a group. These points will be covered later in this chapter.<sup>15</sup>

The Citizens For Consolidation also used the period from June to February to map out the second approach of their strategy. This part was the type of advertising to be used during the month prior to the election. In this a decision had to be made whether to put the available advertising funds into

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<sup>12</sup>Menke Interview.

<sup>13</sup>Ibid.

<sup>14</sup>Ibid.

<sup>15</sup>Menke Interview.

answering the charges of the opposition or into explaining the need for consolidation. The final decision was made to put the bulk of the effort into explaining the need for consolidation. Of second importance would be answering the opposition charges. Perhaps this is where the issue was decided, for it now appears that some people who might have favored consolidation failed to vote because they did not understand the Charter.

At any rate the campaign for consolidation was ready to start, even if it was not ready for the type of campaign which was to come.

The forces against consolidation were also using their time to prepare for the campaign. The opponents of consolidation consisted of three distinct and separate groups of people who were bound together by a common bond. It is unusual that these three groups, who steadfastly claimed to be entirely unconnected, used the exact same issues, in some cases the exact same words, through the campaign.

First, and perhaps the most vocal and successful, was a group called New Hanover Taxpayers Association. This group, headed by its president Mr. Herbert Fisher, has fought a battle over recent years, with both city and county, to try to get a more efficient, economical government.

The second group opposing consolidation was a loose confederation of volunteer firemen in New Hanover County. This group was quite obviously afraid of what they saw as a threat to their existence.

Finally the New Hanover County Board of Commissioners opposed the consolidation. Opposition of this group appears to have been more along the lines of certain legal and procedural matters. Yet the commissioners, like the volunteer firemen and the taxpayers association, seemed worried by the vagueness of the Charter. The one thing which comes through from each group is the term vague, when they are asked to describe the Charter.

At this point, it would be quite useful to examine the actual campaign, as it appeared in the news media, during the last four weeks prior to the election. It is felt that this might serve as a useful vehicle within which to examine the Charter itself. In this way it will be easy to compare the charges of the opponents, with the answers and claims of the proponents, and the actual provisions of the Charter.

The following advertisement, in the Wilmington Morning Star, serves to indicate one of the first areas of conflict.

"ATTENTION!!  
ALL RESIDENTS

Don't be misled by the Proponents for consolidation. They say: Under Consolidation the City of Wilmington would be abolished as an independent municipal corporation and therefore could not annex adjacent areas. The proposed charter for consolidated Government of Wilmington and New Hanover County clearly states it differently. References found on page 74 section 153 under Extension of urban service districts.

1. By resolution of Board if
  - a. area is contiguous and boundary is 1/8 coincidental with boundary of existing district.
  - b. area has a resident population density of 1 person per acre and an assessed valuation of \$1,000 per resident, or is at least 50% developed, and
  - c. area requires services provided for district.

WE URGE YOU TO VOTE NO!

Paid for by the Members of The Sea Gate Volunteer Fire Dept."<sup>16</sup>

In answer to this claim, supporters of consolidation merely placed an advertisement listing three things that consolidation would do. They make an assumption that the average citizen would understand.

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<sup>16</sup>Wilmington Morning Star, February 18, 1973.

"CONSOLIDATION MEANS  
BETTER GOVERNMENT

Consolidation does only three things: (1) Combines your county commissioners and city council into one governing board. Your present government is 82% consolidated now. (2) Changes the term of office to two years so that you, the people, will be able to replace a poor commissioner without having to wait 4 years. Consolidation allows the people to elect the mayor instead of one or two people making the decision in a back room. (3) Will not raise other services you now receive. Consolidation will change nothing else regardless of what self-serving opponents have said. The following group of your friends and neighbors enthusiastically endorse consolidation. They are a broad cross-section of the people in our county and represent all political parties, all races, religions, and shades of opinion from conservative to liberal. They all have one thing in common, they want even better government in New Hanover County and progress for our community.

JOIN YOUR FRIENDS  
VOTE YES  
FOR CONSOLIDATION"<sup>17</sup>

The advertisement, paid for by Citizens for Consolidation, contained the names of one-hundred and seventy-eight residents of New Hanover County. Perhaps they felt that such an advertisement might, by weight of numbers, accomplish what was not accomplished through explanation. Certainly the advertisement did not answer the charge.

One must ask why the Charter itself was not used to answer the charge. Section 153, pages 74 and 75, would certainly have assured the citizens of their protections against unwanted annexation into any Urban Service District.

"Sec. 153- Extension of urban service districts.

(c) Report.--Prior to the public hearing required by subsection (d), the consolidated city-county shall prepare a report containing:

(1) a map of the urban service district and the adjacent territory, showing the present and proposed boundaries of the district;

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<sup>17</sup>Ibid., February 26, 1973.

(2) a statement showing that the area to be annexed meets the standards of subsection (a) or comes before the governing board by petition as provided by subsection (b); and

(3) a plan for extending urban services, facilities and functions to the area to be annexed.

The report shall be available in the office of the clerk of the consolidated city-county for at least two weeks prior to the date for the public hearing.

(d) Hearing and notice.--The governing board shall hold a public hearing prior to adoption of any resolution extending the boundaries of an urban service district. Notice of the hearing shall state the date, hour and place of the hearing and its subject, and shall include a statement that the report required by subsection (c) is available for inspection in the Office of the clerk of the consolidated city-county. Notice shall be published in a newspaper of general circulation in the county at least once and not less than one week prior to the date of the hearing. In addition notice shall be mailed at least four weeks prior to the date of the hearing to the owners as shown by the tax records of the consolidated city-county of all property located within the area to be annexed. The person designated by the governing board to mail the notice shall certify to the governing board that the mailing has been completed, and his certificate shall be conclusive in the absence of fraud."<sup>18</sup>

It would seem that section 153, when viewed in its entirety, would offer ample safeguards to prevent annexation of areas which did not so desire to be brought into the urban service district. If not, then a part of the advertisement of February 26, should have helped. Yet opponents of consolidation used this additional safeguard as a point of contention.

By using leading opponents of consolidation, the anti-consolidation forces attacked one of the procedural points. Under the Charter members of the consolidated board would be elected for two year, non-staggered terms. Interestingly, each person carefully explained how much they supported consolidation if it just were not for the method of electing officials at large. The following comments are good examples:

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<sup>18</sup>The Charter, pp. 74-75.

"It takes most politicians a year to find out where to sit," said Carolina Beach Mayor Richard B. Kepley, "and in politics, the first thing a board may do is fire the county manager, so you could have 10 people in there who have no idea what is going on or where to start."<sup>19</sup>

"Wrightsville Beach Mayor H. L. Armistead similarly objected, 'Rotating officials is crazy when conceivably you could have 10 people running the government every two years.'<sup>20</sup>

"With staggered terms, at least part of them would know what was going on while the rest were learning," said Wrightsville Beach Alderman Roy W. Rudd."<sup>21</sup>

"One half of those interviewed (the twelve members of the town councils of Carolina, Kure and Wrightsville Beaches) said that none of the programs of legislation they consider necessary to a healthy government could be enacted with such a rapid turnover of officials."<sup>22</sup>

Mr. J. M. Hall, Jr., a member of the New Hanover County Board of Commissioners for more than eighteen years, agreed with much of this in an interview with this author on May 30, 1973. Mr. Hall emphasized that in two-year terms of office, the office-holder needs at least one and one-half years to learn what to do and how to do it. Further Mr. Hall stated that with two-year terms members would spend half the time running for re-election.<sup>23</sup>

On the second part of this argument, Mr. Hall called for a one-man, one-vote type of district for election of representatives. He used as his argument the idea of guarantees of representation for minorities.<sup>24</sup> Other opponents said the same thing for different reasons.

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<sup>19</sup>Wilmington Morning Star, February 23, 1973.

<sup>20</sup>Ibid.

<sup>21</sup>Ibid.

<sup>22</sup>Ibid.

<sup>23</sup>J. M. Hall, Jr., Interview, May 30, 1973.

<sup>24</sup>Ibid.

"Most disagreed with at-large elections because, conceivably, large areas of the county could go unrepresented.

'I would hate to see this whole county run by 10 people from Wilmington,' said Carolina Beach Councilman Doug Batson, 'and it could easily happen the way it is now.'

'If people are not familiar with your community and its problems, they aren't likely to get involved in helping you,' objected Kure Beach Councilman B. F. Lancaster.

Alderman Robert W. Sawyer of Wrightsville Beach, who supports the present charter said that because of the special problems of beach communities, he feels Wrightsville Beach must have its own representative to the consolidated government if it ever elects to enter as an urban service district."<sup>25</sup>

Many other opponents of consolidation wrote letters to the Wilmington Star-news editors arguing these same concepts. The major answer to this argument, although other ads and letters tried to accomplish the same end, was presented by Dr. Joseph Hooper. Dr. Hooper, who has served as chairman of the Board of County Commissioners, gave some very good reasons for using two-year at large elections in an interview which appeared in the Star-News, on February 1, 1973.

"Consolidation would create a governing body that is responsible, and responsive to the people.

Two-year at large elections would contribute to responsiveness by giving the people of the county greater power over the governing body.

If a man's in there for four years the people can't get at him unless he breaks the law."<sup>26</sup>

On the issue of district representation, Dr. Hooper was equally vocal.

"...the county is rapidly growing and it would have to be redistricted every four years.

Competition for people's support is the single most important factor in the greatness of this county.

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<sup>25</sup>Wilmington Morning Star, February 23, 1973.

<sup>26</sup>Ibid.

Opponents of the charter's election requirements are only thinking of their welfare and political future, and not the people at large."<sup>27</sup>

A third issue used by the opponents was the question of the volunteer fire departments. In a very early draft of the Charter, a section was included which established an inspector of fire services office. The main thrust of this inspector was to regulate and standardize the operation of the volunteer fire departments in New Hanover County.

According to Mr. Menke, this idea was very quickly rejected because of the very fact that the county fire departments were volunteer units. But Mr. Menke added that removing any mention of the volunteer fire departments was not sufficient to end the discussion.

"After the rumor (that Volunteer Fire Departments would be controlled by the consolidated government) was settled, the opposition immediately asked why the volunteer fire departments were not covered and 'protected' in the charter."<sup>28</sup>

Subsequent interviews, with Mr. Hall and Mr. Fisher, would seem to bear out this comment by Mr. Menke. In fairness to the opponents of the Charter, it should be stated that there were several reasons given for including the volunteer fire departments in the consolidation.

Mr. Fisher made two points in this connection.

"At present the County Commissioners pay a token sum (for equipment purchase) toward the operation of the volunteer fire departments. Consolidation would have placed them under some type of inspector. They were afraid of such type of control."<sup>29</sup>

Mr. Hall seemed to be concerned over the lack of any definite statement concerning the relationship between the volunteer fire departments and

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<sup>27</sup>Ibid.

<sup>28</sup>Menke Interview.

<sup>29</sup>Fisher Interview.



the consolidated government.

"The Charter should have spelled out the exact status of the volunteer fire departments. I have already heard of one or two (departments) which intended to demand regular pay, if consolidation had passed."<sup>30</sup>

In this area of discussion, the complaints of the opponents of consolidation were registered primarily by verbal questions and attacks. Virtually nothing appeared in print. Whenever the names of the volunteer fire departments appeared in print, the connection was generally one of sponsoring an advertisement against some other part of consolidation.

Conversely, most of the comments, on the fire departments, by supporters of consolidated government came in speech form. Members of the speakers bureau would speak on the issue when questioned.

One public statement on the issue is available. In the Wilmington Morning Star interview, February 1, 1973, Dr. Hooper made a statement on the matter.

"Opponents of the charter have raised the issues of law enforcement and volunteer fire departments to mislead people.

The consolidation government would not take over volunteer fire department duties. They are nonprofit organizations and totally independent of county government and will remain so.

It would cost the county much more to operate a fire protection service. They (volunteer firemen) perform an irreplaceable service to the county and the consolidated government couldn't touch them if they wanted to."<sup>31</sup>

This statement, coupled with the fact that the Charter did not mention the volunteer fire departments in any way, shape or form, would seem to have ended discussion on the matter. In truth, volunteer fire department support of the campaign against consolidation makes it clear that the issue was merely submerged.

<sup>30</sup>J. M. Hall, Jr., Interview.

<sup>31</sup>Wilmington Morning Star, February 1, 1973.

Two other issues would seem to have been of key importance to the campaign. These were the issues of taxation and the sheriff's department. In the area of taxation the great fear seemed to be that consolidation would lead to a big, overly-expensive government and that the citizens of the county would be asked to pay the debts of the city. When supporters of consolidation pointed to Jacksonville, Florida, as an example of saving by consolidation, the opponents answered with advertisements such as the following one.

"TRUTH ABOUT  
CONSOLIDATION

Big Government People Tell Us....

Jacksonville, Florida, is just short of heaven on earth! Does the Jacksonville experience mean less taxes, more efficiency and fewer employees? Apparently not!

\*\*In the last two years Jacksonville added 3015 city employees (19% increase) for only about 5% population increase.

\*\*Despite the Consolidationists glowing statements on tax reductions, the taxes on a \$30,000 Jacksonville house last year were decreased only \$1.80! Last year's combined taxes were \$889.80 on this house plus \$75.00 minimum water sewage.

\*\*Jacksonville owes a debt of 502 Million Dollars - Think Citizens - that consolidated county has \$913 debt per citizen! Our Consolidated County would start with \$266 per citizen - how long would it be before our debt would be \$913 per citizen???

THINK. . .

VOTE NO<sup>32</sup>

Interestingly, this advertisement was not signed by any group or individual. No one seemed to want to claim it. The same might be said of an advertisement which appeared in the local newspaper dozens of times, on the local radio and television stations more times than could be counted, and on signs throughout the city and county. The signs were quite simple,

<sup>32</sup>Ibid., February 26, 1973.

saying merely, "Say NO to Higher Taxes! Vote NO on Consolidation!"<sup>33</sup>

Supporters of Consolidation answered the charges, about Jacksonville, completely, but the method they used was not the form of advertisements. Instead the answer came in the form of news stories.

"The consolidated government (of Jacksonville) was designed to streamline government and municipal services. Although property taxes declined for four consecutive years the government still faces revenue problems. To maintain the tax rate, the cost of services have been increased to the actual users.

. . .

Property tax reduction in the new government has generally been to the taxpayer's advantage. A house valued at \$15,000 in the old city paid \$432 in annual taxes. The present tax is \$375.

In a house of similar value in what used to be the county the tax savings have ranged from \$47-\$74. The variance is based on different rate schedules that were in effect."<sup>34</sup>

It is interesting to note that this information contains a comparison of the taxes prior to and after consolidation. The advertisements opposed to the Charter simply stated what post-consolidation taxes were, in Jacksonville, without any proof of increase. Opponents, who stated that the "minimum water and sewage" was "\$75", failed to state that this was only \$6 per month.

Even more important was a point by point listing of the accomplishments under the Jacksonville consolidation. This list gives a very clear picture of why the supporters felt consolidation was a success in Jacksonville.

"Major changes of the new plan in addition to the property tax reductions include:

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<sup>33</sup>This author personally viewed these over a period from February to June, 1973.

<sup>34</sup>Wilmington Star-News, February 23, 1973.

-An increased police force with better equipment and communications has helped provide a lower crime rate.

-The city has hired 200 additional protection fire and rescue workers and obtained lower insurance rates.

-A \$131.8 million pollution program to end the dumping of raw sewage into the St. Johns River.

-An increase in the school budget. Spending has risen from \$497 per pupil in 1967 to \$680 per pupil in 1971.

-The initiation of the first urban renewal program in the city's history.

-Placing the city-owned power company under an independent electric authority. The charged county residents a 33 per cent higher rate than city residents.

-Improvements in the port facilities.

-Achieved savings through a combination of city and county departments. For example, the merger of the tax office saved \$350,000 and centralized purchase of police vehicles saved \$500,000.

-Attracted new business and industry to the city which dropped the unemployment rate to 2 per cent."<sup>35</sup>

A further answer to the tax increase argument was made through the following advertisement.

"Consolidation Means  
Better Government

Consolidation Will  
Not Raise Taxes

City residents will receive the same police, fire, water and sewer and other services they now receive and will pay the same taxes they now pay. County residents will have the same sheriff's department with the same duties, the same volunteer fire protection and other services they now receive. They will pay the same taxes they now pay.

VOTE YES  
ON CONSOLIDATION

Paid For By Citizens For Consolidation"<sup>36</sup>

Perhaps a better answer might have been to cite specific articles of the Charter to answer this charge. This would answer a second argument of the opposition. This argument, circulated primarily by word-of-mouth,

<sup>35</sup>Ibid.

<sup>36</sup>Ibid., February 27, 1973.

related to the concept that the city merely wanted to consolidate in order for the county taxpayers to help get the city out of debt.

Chapter 8. Finance, Section 8-2, of the Charter is very clear on the separation of budget, taxation and/or debt.

"Sec. 8-2. Preparation and adoption of budget.

. . .

The costs of providing each service, function or activity shall be allocated (a) to the part of the budget (New Hanover Service District or an urban service district) corresponding to the district in which the service, function or activity is to be provided or (b) the event a higher level of some service, function or activity is to be provided in an urban service district than is to be provided county-wide.

Each urban service district is responsible for the financing of its appropriate share of debt service on all bonds issued by the consolidated government and used to finance capital facilities associated with providing or maintaining services, facilities and functions for the urban service district in addition to or to a greater extent than those provided or maintained for the entire county.

Urban service district expenses shall be paid from special taxes levied within each urban service district or from other revenues allocated to each urban service district under the provisions of this charter."<sup>37</sup>

A second answer was given in the form of a fact sheet circulated throughout the county. This sheet pointed out that the bonded indebtedness of the city was \$1,764,001 opposed to \$13,271,000 for the county. Two things were added to this statement, but not emphasized. First was a city debt of \$10,622,999 for water and sewer bonds. It was explained that this was not included due to the fact that these bonds were to be paid through the sale of services and not through taxation.

The second point of this fact sheet, included but not emphasized, was the listing of county debt. The listing shows several items, such as schools, hospital, Wilmington College, and Cape Fear Technical Institute,

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<sup>37</sup>The Charter, pp. 35-36.

which also offered services to city residents. Thus this debt might be regarded as both city and county debt. The sum of these items was \$12,691,000.

The only remaining argument was to what extent the police and sheriff departments would conflict and, indeed, which would virtually cease to exist. Opponents argued that the sheriff's office would cease to be an effective, functioning entity and the police department would take over. Supporters of the Charter argued the opposite. Chapter 6, Article 3, Section 6-13 and 6-14, was very clear on this.

"Sec. 6-13. Sheriff continued. The office of Sheriff of New Hanover County continues within the consolidated government as provided in the Constitution and laws of North Carolina.

Sec. 6-14. Duties continued. The duties of the Sheriff of New Hanover County continue within the consolidated government as provided in the Constitution and laws of North Carolina."<sup>38</sup>

This collection of arguments, pro and con, with excerpts from the Charter where possible, should serve to show how the campaign was waged. It should also serve to spotlight a major contention of this work. With so much rhetoric, how could the average citizen really understand what he or she was voting for or against? Further, would this lack of knowledge and/or understanding cause many voters simply to refrain from voting? Indeed, was this why consolidation failed? To answer this question, it will be necessary to determine whether the vote was related to sociological factors. If not, then perhaps ignorance and apathy can be considered a cause.

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<sup>38</sup>Ibid., p. 25.

## CHAPTER III

### SOCIOLOGICAL DATA AND ITS RELATION TO THE VOTE

In spite of all the publicity, claims and counter-claims, there still remains the problem of determining what voting patterns existed in the actual vote. Further, if patterns of voting did exist, then some attempt will be made to determine whether such patterns can be explained by using the available social factors.

There is much to be found in the literature which provides some insight into voter attitudes in other communities as well as the attitudes of some of the current "leaders" in the field of political science. The work ranges from those who do actual study of data to the ones who write about the techniques.

Edward C. Banfield, for example, relates that the "critical need" for local governments to merge, or integrate their operations is perhaps spurious. In his writing, Professor Banfield makes the point that the people and needs are too diverse to allow for any single government to provide any single solution to urban problems. He arrives at some possible conclusions which should be considered in any examination of annexation or consolidation.

"The problem is not, however, as many seem to think, merely one of creating organization for effective planning and administration. It is also - and perhaps primarily - effective management of conflict, especially of conflict arising from the growing cleavage of race and class."<sup>39</sup>

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<sup>39</sup>Edward C. Banfield, "The Politics of Metropolitan Area Politics," Midwest Journal of Political Science, Vol. 1 (May, 1957), Page 90.

Perhaps his most important conclusion is really a suggestion. The suggestion might be one for any urban area to consider.

"This is not to conclude that area-wide planning and administration should not be attempted. They should be attempted through the political structures which already exist. Rather than enter upon the probably futile and possibly dangerous course of creating new bodies by consolidation or federation it would be better in those places where fundamental cleavages exist to look to the political leaders of existing jurisdictions to negotiate among themselves settlements on the basis of which action may proceed."<sup>40</sup>

Other writers take a more positive view of the process of annexation and/or consolidation. They attempt to explain the factors associated with political integration, without trying to make a value judgement concerning the merger attempt. One of the leaders, in the study of urban political integration, is Thomas R. Dye. Professor Dye has written several articles and books on the subject of municipal government. In one of the articles, Professor Dye examined some general trends in annexation votes to try to determine some of the characteristics affecting such votes.

After examining some 213 cities, which had experienced some annexation move during the period from 1950 to 1960, Dye was able to come to some conclusions as to characteristics which influenced the votes. Professor Dye points out both the factors which seemed to influence the votes as well as the factors which seemed to have no effect.

"First of all, the ease or difficulty of annexation procedures under controlling statutes does not appear to be predictive of annexation activity. The permissiveness of annexation law was not closely associated with the success of annexation . . . Size of urbanized area was not particularly influential in explaining annexation activity; central cities in smaller urbanized areas had only slightly more success in annexing people than cities in larger urbanized areas."<sup>41</sup>

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<sup>40</sup>Ibid., p. 90.

<sup>41</sup>Thomas R. Dye, "Urban Political Integration: Conditions Associated With Annexation In American Cities," Midwest Journal of Political Science, Vol. 8 (November, 1964), Page 445.



In addition to determining some of the factors which seemed to have little or no affect on annexation outcome, Professor Dye then attempts to show those factors which had a definite positive influence. Here he discusses the idea of "social distance". This is more closely detailed in a separate article which shows the ways certain differences or likenesses cause consolidation, annexation or integration. Here he says that like socioeconomic areas tend to merge.<sup>42</sup>

Some of the factors affecting annexation, found by Dye include the following.

"Annexation is a likely integrative device in younger urbanized areas and those in which social differentials between city and suburb have not crystallized. It is also more likely to be the device employed by central cities with manager governments. On the other hand, in older urbanized areas and in urbanized areas where the suburbs have become socially differentiated from the central city, integrative demands will have to be met through devices other than annexation. In these areas successful integrative efforts will probably have to take the form of specialized agencies, inter-jurisdictional agreements and contracts, joint activities or boards, or informal cooperation."<sup>43</sup>

The considerations of Professor Dye are even more important when one realizes that the factors presented as non-conducive to annexation are almost perfectly matched in Wilmington and New Hanover County, by those factors which would seem to be conducive to annexation. It would seem, on first examination, that Wilmington has not really established distinct social differentials between city and suburbs. Further examination reveals that the differential occurs between the outer city and the inner city. The outer city has become closely related with the suburbs and highly separated socially from the inner city.

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<sup>42</sup>Thomas R. Dye, "City-Suburban Social Distance and Public Policy," Social Forces, Vol. 44 (September, 1965), pp. 100-106.

<sup>43</sup>Ibid., p. 446.

If Professor Dye is right, and we must assume that his data is properly interpreted, then any annexation would tend to fail, in Wilmington, because the outer city would tend to side with the suburbs against annexation. In such a case, even with a manager form of government, Wilmington/New Hanover County would tend to move toward the joint boards, informal cooperation or specialized agencies. This, as we saw in the preface of this work, is exactly what has happened and is continuing to happen in Wilmington.

In point of fact, Professor Dye is saying that urban areas tend to have higher levels of socio-economic status than their inner city neighbors and that this is the main factor in his "social distance" theory. At least one author would tend to qualify this idea, by putting forth the theory that differentiation is really a two-way process. Leo F. Schnore, using the 1960 census, puts forth a contention that would tend to give support to Professor Dye through explaining why the differences occur in socio-economic differentiation.

Professor Schnore explains the difference as relating to the age of the city being studied. Schnore says that older cities do not have inner city housing of quality attractive to an expanding middle-class. Newer cities have inner city housing of better quality.

"The first thing the student of the American city might consider is the fact that the housing stock of older areas of occupancy is obsolescent. These areas, concentrated near the center of the political city, are filled with older structures in such disrepair that enormous efforts have recently been directed toward slum clearance and renewal . . . These are the areas which have come to be occupied by groups at the bottom of the socio-economic ladder - groups which have strictly limited housing choices. In the older urbanized areas, new additions to the available housing stock have tended over the years to be added at the physical margins of the built-up area."<sup>44</sup>

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<sup>44</sup>Leo F. Schnore, "The Socio-Economic Status of Cities and Suburbs," American Sociological Review, Vol. 28 (February, 1963), pp. 82-83.

"In newer urbanized areas, the housing stock of the central city itself is neither so old nor so run-down as to be unattractive to potential home-owners of the expanding 'middle class'."45

Thus it would seem that the condition of the inner city is a direct cause of the socio-economic separation which exists between the city and the suburbs. Whereas Dye tell us that the difference exists, Schnore explains why it exists, and this explanation is key to understanding the difference in Wilmington. Here we have an inner city with housing ranging in age from forty to two-hundred years. The suburbs, in contrast, have housing which ranges in age from one to twenty years. This simply intensifies the socio-economic differentiation between Wilmington and her suburbs.

Additional support still is needed to indicate that generally people who share the same socio-economic background, also share the desires and feelings of their fellows. A study by Morton B. King, Jr., lends support to this idea. King, in a four study research process, arrives at the conclusion that not only do persons in each social class tend to choose friends in their own class, but if any mobility desire occurs it is generally an upward desire.

". . . (a) a general tendency to choose for close personal relationship those of one's own social status, as stratification theory has held; but also (b) a tendency for some persons of middle and lower status to choose associates of top status, sometimes in addition to and sometimes instead of those on their own level."46

Thus it is easy to see that much research has been done and results reported in the areas of merger, annexation, and socio-economic differentiation. Additional sources would include The Urban View, Governing the

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45 Ibid.

46 Morton B. King, Jr., "Socio-economic Status and Sociometric Choice," Social Forces, Vol. 39, No. 3, (March, 1961), Page 206.

Metropolis and Metropolitics: A Study of Political Culture all by Scott Greer, and The New Urbanization by Scott Greer, Dennis L. McElrath, David W. Minar and Peter Orleans, as well as Politics and Policies in State and Local Governments, by Herbert Kaufman.

Other votes such as this one have been analyzed before and perhaps can give a clue as to the forces operating in consolidation referendums. Such studies have been conducted, in other cities, which resulted in documenting certain patterns between the races, educational and economic groups and the way citizens vote in referendum elections. One such study, done by James Q. Wilson and Edward C. Banfield, attempts to relate economic and racial characteristics to support for such referendum items in Chicago and Cleveland. Their findings, though far from conclusive, would seem to indicate that white upper-income voters tend to have more public regarding attitudes than do the black, lower-income voters. Public regardingness refers to community minded as opposed to personally oriented attitudes.<sup>47</sup>

Brett W. Hawkins discussed a consolidation vote held in Nashville, Tennessee, which in many ways was similar to the Wilmington/New Hanover vote. Several factors relate closely to the data from the Wilmington experience.

In this case two votes are of particular importance. In 1958, the voters of Nashville and Davidson County heavily defeated the concept of consolidation. By contrast the idea was approved by a vote on June 28, 1962. Between the two votes some 85,000 county residents were annexed into the city of Nashville. Hawkins, in his article, determined that the rural precincts were more negative toward annexation than were city-dwellers and therefore favored consolidation. In addition the black precincts

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<sup>47</sup>Wilson, James Q. and Edward C. Banfield, "Public Regardingness as a Value Premise in Voting Behavior," American Political Science Review, Vol. 58 (December, 1964), pp. 876-887.

apparently voted "no" more often than did white precincts. The less educated precincts appeared to misunderstand consolidation and therefore opposed the issue.

Hawkins finds some relationship between the final vote of approval and the annexation which took place between the 1958 and 1962 elections.

"In the recently annexed areas it is possible that anti-city and anti-West, (Mayor of Nashville), sentiments . . . resulted in the 72 percent 'yes' vote. In the county it appears that the unincorporated suburban areas, which may have felt threatened by further annexations, played a part comparable to that of the annexed areas of the city; that is, they pushed the entire area into the 'yes' column. Annexation, one can argue, made it possible for the proponents of change to stigmatize successfully the status quo and to champion Metro as a device for eliminating not only future annexations but also the fomentor of such evils - namely Mayor West. In a word, most county residents perhaps voted for consolidation to fend off being annexed involuntarily."<sup>48</sup>

It would seem, upon examination, that the Wilmington/New Hanover case offers many similarities to earlier instances of urban voting behavior. This, in spite of the evidence given, will require a more detailed study before it can be stated with any degree of certainty.

Following the lead of these men an attempt will be made to evaluate the voting data from the Wilmington/New Hanover County consolidation election. The first step will be to take the voting data, shown in Table II, Chapter I, and put it into a rank order on the basis of the vote for consolidation.

From this ranking, found in Table III, it is easy to see that the votes of the precincts range from approximately 80% in favor to approximately 80% against. The next step, to develop a rank ordering of the precincts for selected sociological factors, was somewhat more difficult. To begin with,

<sup>48</sup>Brett W. Hawkins, "Public Opinion and Metropolitan Reorganization in Nashville," The Journal of Politics, Vol. 28 (1966), pp. 408-418.

as has previously been stated, precinct lines and census boundaries do not match. For this reason, it was necessary to take the census block data and build the needed data base for each precinct.

The process, discussed by Kaufman and Greer, will not be discussed in this work.<sup>49</sup> It is important to note that data derived in this manner is not the most desirable, rather it is the best available.

TABLE III  
PRECINCTS RANKED ACCORDING TO  
PERCENTAGE VOTING "FOR" CONSOLIDATION

Rank	Precinct Number	% "For"	Vote "For"
1	Wilmington #11	79.3%	614
2	Wilmington #12	59.6%	489
3	Wilmington #14	54.3%	229
4	Wilmington # 9	44.9%	252
5	Wilmington # 6	42.6%	107
6	Wilmington # 2	40.2%	157
7	Wilmington # 8	35.4%	124
8	Wilmington #13	34.0%	246
9	Wilmington # 4	33.3%	169
10	Wilmington # 7	30.7%	93
11	Wilmington #10	28.5%	91
12	Wilmington # 5	25.3%	100
13	Wilmington # 3	23.7%	67
14	Wilmington # 1	19.9%	55

The first type data considered relates to party affiliation. Due to the fact that the Democratic party is the dominant party, the precincts will be ranked by percent of Democratic registration. First the percentages

<sup>49</sup>Greer, Scott and Walter C. Kaufman, "Voting in a Metropolitan Community: An Application of Social Area Analysis," Social Forces, Vol. 38 (1960), pp. 196-204.

must be determined.

Though some precincts have some voters registered as Independent, American Independent and No Party Affiliation the members were too small to be considered.

TABLE IV  
VOTING REGISTRATION BY PARTY: NUMBERS AND PERCENTS<sup>50</sup>

Precinct	Total Registered	Democratic		Republican	
		Number	Percent	Number	Percent
#1	1,734	1,697	97.9%	27	1.6%
#2	1,915	1,661	86.7	185	9.7
#3	1,254	1,129	90.0	93	7.4
#4	1,503	1,085	72.2	380	25.3
#5	1,502	1,012	67.4	379	25.2
#6	864	758	87.7	94	10.9
#7	1,351	1,317	95.1	25	1.9
#8	1,420	1,008	71.0	358	25.2
#9	1,671	1,262	75.5	366	21.9
#10	1,004	772	76.9	202	20.1
#11	1,747	1,187	68.0	506	29.0
#12	1,922	1,312	68.3	536	27.9
#13	2,271	1,444	63.6	723	31.8
#14	1,140	730	64.0	360	31.6

Now the data from Table IV is used to rank the precincts.

Using Rho statistic to determine the correlation between Democratic registration and vote for consolidation gives a correlation coefficient of  $-.48$ . Such a statistic shows moderate correlation between a "no" vote and Democratic Party registration. Reversing the data and using Republican Party registration as the variable results in a statistic of  $+.58$ . This

<sup>50</sup>Data from files of New Hanover County Board of Elections.

would indicate that there is a definite relationship between Republican Party registration and a vote for consolidation.

TABLE V  
PRECINCTS RANKED ACCORDING TO PERCENTAGE  
DEMOCRATIC REGISTRATION

Rank	Precinct	Percent Democratic Registration
1	#1	97.9%
2	#7	95.1
3	#3	90.0
4	#6	87.7
5	#2	86.7
6	#10	76.9
7	#9	75.5
8	#4	72.2
9	#8	71.0
10	#12	68.3
11	#11	68.0
12	#5	67.4
13	#14	64.0
14	#13	63.6

The next area examined was black registration. The first step here was to establish the percentage of black registration in each precinct.

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TABLE VI

BLACK REGISTRATION BY PRECINCT RANK,  
NUMBER, PERCENT BLACK AND  
NUMBER OF BLACKS REGISTERED<sup>51</sup>

Rank	Precinct	% Black	Number of Blacks Registered
1	#1	98.4%	1,707
55	#2	52.3	1,002
3	#3	70.1	880
14	#4	.0007	1
10	#5	.007	10
44	#6	56.4	488
2	#7	95.1	1,285
13	#8	.001	14
8	#9	.04	69
7	#10	.05	47
12	#11	.0017	3
9	#12	.014	26
6	#13	.11	253
11	#14	.0018	2

Developing a Rho statistic between Black registration and positive vote on consolidation yields a correlation of  $-.47$ . Again reversing the relationship and relating a yes vote to White registration, the result is a statistic of  $+.47$ . Thus there is a moderate relationship between race and a positive vote. It can be said that white precincts were much more likely to vote "yes" than were black precincts.

In addition to the measures already reported, it was decided to try to establish a relationship between the black resident population and a yes vote. The population percentages of black residents, ranked by precinct, are shown in Table VII.

<sup>51</sup>Ibid.

TABLE VII

BLACKS AS A PERCENTAGE OF THE RESIDENT  
POPULATION, RANKED BY PRECINCT<sup>52</sup>

Rank	Precinct	Percentage Black
2	#1	74.5%
1	#2	76.2
5	#3	50.9
12	#4	2.0
14	#5	0.0
4	#6	61.2
3	#7	68.2
9	#8	4.0
7	#9	10.9
6	#10	31.9
13	#11	1.3
11	#12	2.1
8	#13	7.7
10	#14	3.9

Computing a Rho statistic between black resident population and how a precinct voted for or against the Charter result in a Rho statistic of  $-.37$ . It is obvious that this is a rather weak correlation. Once again the ranking is reversed to determine whether there is a relationship between white population and positive votes. The result is a Rho statistic of  $+.34$ , a very slight relationship. It should be noted here that normally blacks register at lower percentages than whites.

The fourth variable used, in this attempt to establish some correlation between voting favorably for consolidation and sociological data, was education. For the purposes of this comparison, the median school years completed was used. This data is represented in Table VIII, with the precincts ranked.

<sup>52</sup>Data compiled from Bureau of the Census Reports.

TABLE VIII

MEDIAN SCHOOL YEARS COMPLETED,  
RANKED BY PRECINCT<sup>53</sup>

Rank	Precinct	Median School Years Completed
14	#1	8.97
13	#2	9.5
12	#3	9.97
7	#4	11.6
4	#5	12.4
11	#6	10.03
10	#7	10.1
8	#8	11.55
5	#9	12.2
9	#10	11.3
1	#11	13.5
2	#12	13.4
6	#13	11.93
3	#14	13.0

Upon computing the Rho statistic relating education to a vote for consolidation presents a statistic of  $+0.64$ , a correlation of rather strong level.

The fifth variable used was income. For this variable two different, yet related, sets of data were prepared. Examined, after compilation from census figures, were both Median Income and Mean Income. Table IX will display Median Income and the ranks of the precincts.

<sup>53</sup>Ibid.

TABLE IX  
 MEDIAN INCOME OF RESIDENTS,  
 RANKED BY PRECINCT<sup>54</sup>

Rank	Precinct	Median Income
14	#1	\$ 3,927
13	#2	4,168
12	#3	4,234
8	#4	8,250
5	#5	11,000
10	#6	5,600
11	#7	5,155
2	#8	13,970
7	#9	9,065
9	#10	6,698
1	#11	14,094
4	#12	11,248
6	#13	9,095
3	#14	12,880

Using the data in Table IX enabled the computation of the correlation of one Rho statistic between median income and a positive vote. The result was a Rho statistic of  $+0.61$ , again a rather convincing result.

A second approach was used in order to try to relate income to the vote. It was hoped that Mean Income might serve to verify the relationships revealed by Median Income. This information is contained in Table X, with the precinct rankings.

<sup>54</sup>Ibid.

TABLE X

MEAN INCOME OF RESIDENTS,  
RANKED BY PRECINCT<sup>55</sup>

Rank	Precinct	Mean Income
14	#1	\$ 4,890
12	#2	5,032
13	#3	4,911
8	#4	8,713
5	#5	11,583
10	#6	6,593
11	#7	6,079
2	#8	16,374
7	#9	9,412
9	#10	8,200
1	#11	17,540
4	#12	13,915
6	#13	10,142
3	#14	15,355

The result of the computation of a Rho statistic for Mean Income is a statistic of  $+.65$ . This must be accepted as further, and rather conclusive, support of the correlation between income and a positive vote for consolidation.

The final variable used to try to determine some correlation was one dealing with property value. Used as the variable was Median Property Value. The data on this variable is contained in Table XI, along with the precinct ranks.

<sup>55</sup>Ibid.

TABLE XI

MEDIAN PROPERTY VALUE,  
RANKED BY PRECINCT<sup>56</sup>

Rank	Precinct	Median Property Value
14	#1	\$ 6,600
12	#2	6,800
13	#3	6,633
8	#4	10,200
4	#5	15,600
10	#6	7,767
11	#7	7,467
7	#8	11,450
6	#9	13,400
9	#10	8,700
1	#11	26,700
2	#12	23,800
5	#13	14,667
3	#14	21,500

The final step was to compute a Rho statistic for the relationship between Median Property Value and the vote for the Charter. The resulting computation yielded a Rho statistic of  $+.68$ .

Here again a rather strong relationship was indicated. In fact precinct median property value shows the highest correlation of any of the independent variables used.

#### EVALUATION OF STATISTICAL RELATIONSHIPS

In order to establish some orderly method for examining the correlations, a table was prepared to display the correlations. This display, Table XII, is arranged in ascending order as a means of showing visually the correlation, or lack thereof, which existed between the dependent and

<sup>56</sup>Ibid.

independent variables in most cases.

Table XII shows all of the ranks for each of the precincts, according to each of the selected variables.

TABLE XII

TABLE OF COMPARATIVE RANKINGS FOR EACH  
PRECINCT FOR THE SELECTED VARIABLES.

Precinct	Rank On % Yes	Rank On % Democratic	Rank On % Black Registration	Rank On % Black Population	Rank On Median School Years	Rank On Median Income	Rank On Mean Income	Rank On Median Property Value
#1	14	11	1	2	14	14	14	14
#2	6	5	5	1	13	12	12	12
#3	13	3	3	5	12	13	13	13
#4	9	8	14	12	7	8	8	8
#5	12	12	10	14	4	5	5	4
#6	5	4	4	4	11	10	10	10
#7	10	2	2	3	10	11	11	11
#8	7	9	13	9	8	2	2	7
#9	4	7	8	7	5	7	7	6
#10	11	6	7	6	9	9	9	9
#11	1	11	12	13	1	1	1	1
#12	2	10	9	11	2	4	4	2
#13	8	14	6	8	6	6	6	5
#14	3	13	11	10	3	3	3	3



TABLE XIII

LISTING OF RELATIONSHIPS BETWEEN  
VOTE "FOR" CONSOLIDATION AND SELECTED COMMUNITY VARIABLES

(Unit of analysis is election precinct in city)

Independent Variables	Rho Statistic
% White Population	+.34
% Black Population	-.47
% Black Registration	-.47
% White Registration	+.47
% Democratic Registration	-.48
% Republican Registration	+.58
Mean Income	+.61
Median School Years Completed	+.64
Median Income	+.65
Median Property Value	+.68

Once these statistical correlations are known, what really do they show? Well, some interpretations are readily obvious, which tend to disprove some parts of the original thesis.

For example, black registration and white registration, percent black population and percent white population, and Democratic registration can be cited as variables having only moderate correlations to the vote on consolidation. The Rho statistics for these variables are such as to indicate that their respective impacts on the final outcome of the election were rather small.

A second group of variables resulted in statistics which indicate a much stronger relationship to the vote.

Overall effects appear to be due to party and particularly social class. They include Per Cent Republican Registration, Mean Income, Median

Income, Median Property Value, and Median School Years Completed. The importance of these variables rises significantly, when they are considered together.

Looking first at the correlation between Republican registration and a "yes" vote illustrates this combined value. In spite of the apparent correlation established by a statistic of  $+0.58$ , it must be remembered that only 18% of the registered voters in Wilmington, or 4234, are registered as Republican. This compares with 43.8% of the voters, or 4058, who voted for consolidation.

Putting this Republican registration into proper perspective requires looking at two different sets of data. Examination of Table IV will indicate that the 11th, 12th, 13th and 14th precincts have the highest percentage of Republicans registered. The percentages are 29.0%, 27.9%, 31.8% and 31.6% respectively. This gains in apparent importance when compared with the data found in Table III. Table III shows clearly that the 11th, 12th, and 14th precincts were the only precincts which gave a majority of their votes in favor of consolidation. In addition, the 13th precinct gave 34% of its votes in favor of consolidation. This was the eighth highest percentage of "yes" votes.

Consider a further point. If a listing of characteristics were prepared, comparing Republicans and Democrats, the list would, in all probability, show that the typical Republican would be better educated, have a higher income, and live in a more expensive home. Examination of Tables VIII, IX, X, and XI would seem to follow such a generalized characteristic. Table VIII indicates that the 11th, 12th and 14th precincts are the highest three precincts in terms of Median School Years Completed. Table IX indicates the 11th, 12th and 14th precincts as three of the top four precincts on

the basis of Median Income. Table X reveals the same result for Mean Income. Finally, Table XI reveals that the 11th, 12th and 14th precincts are one, two, three when ranked against all precincts in terms of Median Property Value.

Importance of this data becomes more evident when it is added to the previous data which showed that these precincts gave the highest "yes" votes. Obviously, as social class decreased from precinct to precinct, the vote "yes" also decreased. In addition, as Democratic registration increased, then "yes" votes also decreased. Thus "yes" votes appeared to be connected to both party registration and socio-economic class. As Wilson and Banfield have said, higher socio-economic groups tend to have a higher degree of public regardness than lower socio-economic groups. This should become even more apparent.

This data would tend to support the major thesis of this work. If the thesis is correct, then only educated voters would be able to ignore the claims of the opposition and the vagueness of the working in order to see the ultimate possibilities of consolidation. Additionally, it would require a person with a secure income to ignore the claims of higher taxes in order to vote for what would be best for all.

Using those independent variables which did show a rather strong correlation with a "yes" vote, makes it possible to construct a profile of the typical precinct which voted "yes". This profile can be given with some degree of certainty, due to the statistical analysis.

The typical "yes" vote occurred in a precinct which was white, Republican, with a high income, higher educational levels and relatively expensive homes. Conversely, the typical "no" vote occurred in a precinct which was black, Democratic, with a low income level, below average education and

homes with low property value.

After examination of the data was complete, and some good indications were derived concerning which types of precincts and voters favored consolidation, one task remained. This final task is to try to examine some of the specific causes which leaders of the opposition listed as reasons their groups could not support consolidation.

In the pursuit of this goal it will be necessary to refer to some of the issues discussed in Chapter II. Additionally, there will be many other issues which these men felt were keys to the defeat or, as they felt, the victory. The main factor in each of their comments will be the factor of the lack of understanding on the part of the average voter. It was these issues which seemed to confuse and annoy them, in the view of those interviewed. It was these issues which, this author feels, led to defeat of consolidation.

## CHAPTER IV

### CONCLUSION: THE CAUSES OF DEFEAT

Mr. Warren J. Wicker, a member of the Institute of Government at the University of North Carolina, published an article in Popular Government, April, 1971. In this article, Mr. Wicker points out several pertinent facts about the Charlotte-Mecklenburg case. Some of the items he cited are remarkably similar to items related to this author from the Wilmington-New Hanover experience. Due to the similarity of the findings, Mr. Wicker's article will be compared with the issues and causes of failure cited by those interviewed by this author. First let us take a close look at the issues with which those interviewed tied defeat.

In his interview Mr. Hall listed ten major areas as causing defeat. These will be presented in list form along with his comments.

1. Non-Partisan Elections. - The election system proposed that elections should be partisan in nature. Non-partisan elections would have eliminated partisan politics.

2. Staggered terms for commissioners. - This would have allowed experience to carry over, even after election. The Charter called for non-staggered terms.

3. 2-Year terms of office. - A better system would have been 4-year terms. Under two-year system representatives would have had to campaign all the time.

4. Sheriff's Department. - This should have become the number one law enforcement agency, with spelled out powers and protection from the Board of Commissioners.

5. The beach communities. - The three beach towns were not included in the consolidation, but state law required that they be allowed to vote.

6. Single-member districts. - At-large elections tend to eliminate minority representation. Therefore the charter should have contained a districting plan of representation.

7. Volunteer Fire Departments. - Their relationship to the new government should have been spelled out.

8. Taxes. - Due to the Urban Service Districts, the tax structure under consolidation would have been a 'hodge podge' of rates.

9. Water-Sewer Needs. - This can be, and is being worked out without consolidation.

10. Economy would result. - The supporters of consolidation failed to show where one less job, or one dollar saved, would be accomplished under consolidation."<sup>57</sup>

From this list it should be easy to see that the opponents of consolidation had serious, and probably valid, questions about the Charter. It becomes even more obvious when a similar list, by Mr. Fisher, is compared with Mr. Hall's list.

"1. Not true consolidation - The beach towns were left out. There would still be two budgets and two tax rates.

2. No definite statement on elimination of positions. - Without some jobs being ended there could not be any guarantee of tax relief.

3. Volunteer Fire Departments. - Consolidation would have placed them under some type of inspector, without giving them financial support.

4. Terms of office. - Favored 2-year non-staggered term, but would have wanted a limit on consecutive terms and the ability to recall.

5. Election by districts. - Minority groups would have desired districts in order to be assured of representation.

6. Beaches. - The beach towns should have been brought in at the beginning, since they would have had their residents eligible for election to the county board immediately."<sup>58</sup>

As can be seen, many similar items appear on the two lists, indicating

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<sup>57</sup>J. M. Hall Interview.

<sup>58</sup>Herbert Fisher Interview.

that these were truly issues which ran through the entire community. Such things as terms of office, means of election, tax relief guarantees, the beaches being left out, the volunteer fire departments being left out, and confusion over the office of sheriff were certainly issues which should have been carefully explained to the voters. It is quite significant to note some of these same issues appearing on the list which Mr. Wicker included in his article, in Popular Government.

"3. Fair Representation. . . . This section stated that in making appointments to all boards, commissions, and authorities of the consolidated government, the council shall secure reasonable representation on each board, commission and authority of all sexes, races, income groups, geographic sections of the county and political parties."<sup>59</sup>

This would seem to be the same fear expressed in Wilmington over guarantee of minority representation. Charlotte apparently sought to eliminate this problem.

"5. Taxation. The financing plan called for some services to be provided county-wide and supported on a county-wide basis. Others could be provided only in urban service districts, or any could be provided at a higher level in urban service districts. To a large degree, the council was empowered to make annual decisions on the services provided and in the distribution of revenues other than those to be secured from the property tax. As a result, no precise projection of the tax impact of consolidation could be made."<sup>60</sup>

Here again the same situation had prevailed in Wilmington. The voters had wanted a specific tax projection and that was an impossible request.

"8. Partisan Elections. City elections are now non-partisan and county elections partisan. The charter called for partisan opposition was minimal."<sup>61</sup>

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<sup>59</sup>"Charlotte-Mecklenburg Consolidation Defeated," Popular Government. Warren J. Wicker, University of North Carolina Press, April, 1971, p. 33.

<sup>60</sup>Ibid.

<sup>61</sup>Ibid., p. 34.

This is quite similar to the objections raised by Mr. Hall and Mr. Fisher. Both seemed to favor the partisan election idea. To this author this seems like a small point on which to decide the fate of the election.

"12. Status of the Smaller Towns. Throughout the work of the Charter Commission, people from the smaller towns indicated their fear of consolidation and sought to preserve the independence of the smaller towns. The charter did not, in fact, reduce the powers of the smaller towns except for a minor limitation on one type of annexation. . ." <sup>62</sup>

This same condition existed in Wilmington, as it related to annexation power. But in Wilmington the fear seemed to be over this very exclusion of the small, beach communities.

Mr. Wicker also did some statistical analysis of the Charlotte-Mecklenburg vote. The statistics he derived indicate that patterns did exist. Some of these patterns existed in Wilmington, but not all of them.

In the Charlotte-Mecklenburg election 14,573, out of 17,313, 54%, of the "FOR" votes came from within the city. <sup>63</sup> In the Wilmington-New Hanover election 2,793, out of 4,040, 69%, of the "FOR" votes came from city precincts. In both cases, strongest support came from within the city, while major opposition came from rural county precincts.

Here are some of the specific patterns related by Mr. Wicker. Each will be compared with those Wilmington-New Hanover patterns, which have been uncovered at this point.

"1. Residents of Charlotte gave more support than those outside the city, who represented only 32 percent of the county's population but provided more than half of the opposition to the charter. Taxation, status of the smaller towns, fear of Charlotte. . . may have been key issues in the heavy outside vote against." <sup>64</sup>

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<sup>62</sup>Ibid., p. 35.

<sup>63</sup>Ibid.

<sup>64</sup>Ibid.

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In the Wilmington election, county residents also appeared to have provided the bulk of the votes against. (County figures show 8,146, of the total of 11,722 "NO" votes, came from outside the city.) Most of the same reasons are connected with the Wilmington vote. This concept is borne out by the statements of Mr. Hall and Mr. Fisher.

Next Mr. Wicker stated:

"2. The charter was approved in only 15 of the county's 88 precincts. All of these either were black or had large black minorities. The total number of black votes, however, was relatively small...The representation features of the charter appeared to appeal to blacks."<sup>65</sup>

In Wilmington, however, only 3 of the county's 25 precincts approved the charter. These three precincts could be classified as all-white, upper-middle to upper class precincts. In fact only 31 out of the 5,333 registered voters in the three precincts were black. On the other hand the five precincts in Wilmington, having higher than 50% black registration produced "NO" votes ranging anywhere from 57.4% to 80.1% of the total vote in those precincts.

Thus the black voters not only did not vote "FOR" consolidation, rather they consistently voted "NO". Many factors may have caused this obvious rejection by black voters, but the most likely cause was the at-large election of commissioners.

Mr. Wicker, in his article, next makes the following point regarding the Charlotte-Mecklenburg vote.

"3. The heaviest majorities against the charter were returned in the rural precincts. The vote in one was 1,113 to 36."<sup>66</sup>

In the Wilmington-New Hanover election the results were the same. The Wrightsboro precinct returned a vote of 59 "FOR" and 1,080 "AGAINST".

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<sup>65</sup>Ibid.

<sup>66</sup>Ibid.

This is a vote of 19 to 1 "AGAINST".

"4. More affluent precincts gave the charter strong support, but not with majorities."<sup>67</sup>

The more affluent precincts, in Wilmington, gave the charter the strongest support. In fact, three of the most affluent gave a majority of their votes for consolidation.

Mr. Wicker closes his journal article with a comment on the Charlotte-Mecklenburg vote. The comment is appropriate for the Wilmington-New Hanover vote as well.

"In short, opposition to the proposed plan was widespread."<sup>68</sup>

One final piece of evidence remains, at this point, to indicate why the consolidation vote failed. In order to show how this evidence relates, it is necessary to divide the county into four categories. The categories were determined on the basis of the effect the Charter would have on the categories.

Examination of the Charter provisions will indicate that, in terms of operation and taxation, little would change concerning the City of Wilmington. In fact, really only the name would change.

The Town of Wrightsville Beach would not be changed, except in their ability to annex territory. This is extremely minor due to the fact that such annexation is effectively blocked by the Atlantic-Intercoastal Waterway.

The same situation exists at Carolina Beach, including Kure Beach. The only change is the fact that Carolina Beach and Kure Beach both have land available for annexation and plan to do just that. (In fact, such consolidation is being accomplished even as this is being written!)

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<sup>67</sup>Ibid.

<sup>68</sup>Ibid.

Finally, we consider the rest of New Hanover County. Examination of the Charter, as well as the claims of the opposition, will indicate that there were serious changes being made in the operation of the county government and many more changes were imagined by the voters.

But what does all of this mean? Quite simply it could mean that as the effect of the Charter increases, the interest of the voters increases. Table XIV will connect these two factors.

TABLE XIV

## PERCENTAGE OF REGISTERED VOTERS VOTING-BY AREA

Area	Registered	Voting	Percent Voting
Wilmington	21,298	6,376	29.9%
Wrightsville Beach	1,280	459	35.8
Carolina Beach (Includes Kure Beach)	1,320	494	37.4
New Hanover County (excluding Wilmington, Carolina Beach, Kure Beach and Wrightsville Beach.)	16,526	8,451	51

This would indicate a high level of voter interest in the rural areas of the county. Couple this interest with the fact that the majority of the advertisements against consolidation listed issues or claims detrimental to the county residents and one can easily see why county voters violently opposed consolidation.

Thus, in summation, two factors caused the voters to reject consolidation. Apathy on the part of the supporters and misunderstanding on the part

of those voters who finally voted "NO".

All of this could have been corrected if two things had been done. First the charter should have been made clearer, particularly in areas such as taxation, representation, the sheriff's position, and the relationship between the volunteer fire departments and the new government.

Secondly, and perhaps the most important of all has to do with the understanding of the voters. Each portion of the Charter should have been explained to the voters, in terms they could understand, one at a time. This could have been done by any means available, but certainly should have included public hearings.

Many people in New Hanover County, including the people this author interviewed, seem to feel that consolidation will come up again. Most, however, feel that it will be four or five years coming.

It is the opinion of this author that whether it is three years, five years, or ten years before the issue rises, unless the two suggestions above are followed consolidation will never come to Wilmington, New Hanover County, North Carolina.

APPENDIX A

THE DRAFT OF THE CHARTER FOR CONSOLIDATION

PERMISSION BOARD

SOUTHWORTHING US

20 X 100 100 100

A BILL TO BE ENTITLED AN ACT TO CONSOLIDATE THE GOVERNMENTS OF THE CITY OF WILMINGTON AND NEW HANOVER COUNTY AND ENACT A CHARTER FOR THE CONSOLIDATED GOVERNMENT OF WILMINGTON AND NEW HANOVER COUNTY

The General Assembly of North Carolina enacts:

Section 1. The charter for The Consolidated Government of Wilmington and New Hanover County is as follows:

"CHAPTER 1. GENERAL PROVISIONS

Article 1. Establishment

Sec. 1-1. Consolidated government established. (a) the powers, duties, rights, privileges and immunities of the City of Wilmington are consolidated with those of the County of New Hanover. These consolidated powers, duties, rights, privileges and immunities are exercised and enjoyed by a government for New Hanover County known as The Consolidated Government of Wilmington and New Hanover County (herein called "the consolidated government"). The consolidated government is the legal successor to the separate governments of the City of Wilmington and the County of New Hanover. New Hanover County continues as a county of the State of North Carolina, and the consolidated government shall perform all the duties and serve all the purposes required of counties under the Constitution and laws of the State of North Carolina.

(b) The City of Wilmington is abolished as an independent municipal corporation.

Sec. 1-2. Boundaries. The consolidated government has jurisdiction and extends territorially throughout New Hanover County.

Sec. 1-3 through 1-5. Reserved.

Article 2. Powers

Sec. 1-6. Corporate powers. The inhabitants of New Hanover County are

constituted a body politic and corporate under the name of the Consolidated Government of Wilmington and New Hanover County and under that name have perpetual succession; shall have a common seal and may alter and renew it at will; may sue and be sued; may contract; may acquire and hold all property and rights of property, real and personal, that may be devised, bequeathed, sold or in any manner conveyed or dedicated to or otherwise acquired by it; and may hold, invest, sell or dispose of such property and rights of property.

Sec. 1-7. Grant of county and municipal powers. Except as otherwise provided in this charter, the consolidated government and its officers and employees may exercise and enjoy (1) all the powers, duties, rights, privileges and immunities that counties at or after the effective date of this charter may exercise and enjoy under the Constitution and general laws of the State of North Carolina, and (2) all the powers, duties, rights, privileges and immunities that municipalities at or after the effective date of this charter may exercise and enjoy under the Constitution and general laws of the State of North Carolina.

Except as otherwise provided in this charter, the consolidated government may exercise and does enjoy throughout its jurisdiction and power, duty, right, privilege or immunity granted to it by law.

In exercising and enjoying any power, duty, right, privilege or immunity, the consolidated government shall follow the procedures, if any, set out in this charter. If the charter contains a procedure that does not include all acts necessary to exercise the power, duty, right, privilege or immunity, the consolidated government shall supplement the charter procedure by applicable procedures set out in other statutes. If no procedure is set out in the charter, the consolidated government shall follow the procedure

set out in any general or applicable local law granting the power, duty, right, privilege or immunity; and if two or more laws, other than this charter, grant the same power, duty, right, privilege or immunity, but with differing procedures, the consolidated government may proceed under either.

The procedure set out in any statute, when employed by the consolidated government, is deemed amended to conform to the structure and administrative organization of the consolidated government. If a statute refers to the governing body or the governing board of a county or municipality, the reference, except as otherwise provided in this charter, means the Board of Commissioners; and a reference to a specific official means the official of the consolidated government who most nearly performs the same duties performed by the specified official. If there is doubt as to the appropriate official, the Board of Commissioners shall by resolution designate an appropriate official to act as fully as if his office were specified in the statute.

Sec. 1-8 through 1-14. Reserved.

### Article 3. Services of the New Hanover Service District and of Urban Service Districts

Sec. 1-15. Districts. The New Hanover Service District extends throughout New Hanover County. The Board of Commissioners may define urban service districts under procedures of general law. It is the intent of this charter that the Board will define as an urban service district the total area included immediately before the effective date of this charter within the City of Wilmington. Other urban service districts may be defined later provided by the general laws of the state.

Sec. 1-16. Provision of services and allocation of costs. All services, facilities and functions provided or maintained by the consolidated govern-



ment shall be provided or maintained for the New Hanover Service District, except for:

- (1) Any service, facility or function provided or maintained only for one or more urban service districts, and
- (2) Any service, facility or function provided or maintained to a greater extent for one or more urban service districts than for the entire county.

If any service, facility or function is provided or maintained only for one or more urban service districts, the costs of providing or maintaining the service, facility or function for each urban service district shall be allocated to that district. If a service, facility or function is provided or maintained for an urban service district to a greater extent than for the New Hanover service district, the costs of providing or maintaining it at a higher level for the district shall be allocated to that district.

The costs of providing or maintaining for an urban service district a service, facility or function in addition to, or to a greater extent than, those provided for the New Hanover Service District include operating, maintenance and repair expenses, capital improvement costs, and the appropriate share of debt service on bonds or notes issued to finance capital improvements associated with the service, facility or function.

The Board of Commissioners shall determine an equitable basis for allocating the costs of administrative services of the consolidated government among services, facilities and functions.

The budgets for the New Hanover Service District and for each urban service district, including the plan for providing services, allocating costs and raising necessary revenues, shall be prepared and adopted as provided in Article 1 of Chapter 8 of this charter.

## CHAPTER 2. THE BOARD OF COMMISSIONERS

## Article 1. Composition

Sec. 2-1. Number of members; how elected. The governing board of The Consolidated Government of Wilmington and New Hanover County is the Board of Commissioners. It has nine members, each elected at large.

Sec. 2-2. Term of office. Members of the Board of Commissioners are elected to two-year terms, assuming office on the first Monday of December following their election.

Sec. 2-3. Qualifications. To be eligible for election to and membership on the Board of Commissioners, a person must be eligible for election by the people to office under the Constitution of North Carolina.

Sec. 2-4. Compensation. The initial annual compensation of members of the Board of Commissioners is \$2400. Thereafter, the Board may by ordinance fit its own compensation and allowances, to become effective on the December 1 following the first regular consolidated government election following adoption of the ordinance. The Board shall cause to be published once at least ten days prior to its adoption any ordinance changing the compensation of its members. The Board may not enact an ordinance pursuant to this section during the 150 days immediately preceding a regular consolidated government election.

Sec. 2-5. Vacancies. A vacancy in the membership of the Board of Commissioners exists when a duly elected person refuses to qualify or when a member who has been elected and has qualified either dies, resigns or is declared mentally incompetent by a court of competent jurisdiction. The Board shall fill any vacancy by appointing a qualified person to the remainder of the unexpired term. If the person who vacated the seat was

elected as the nominee of a political party, the Board shall consult the county executive committee of that political party before filling the vacancy, but shall not be bound by the committee's recommendations. In order to qualify, the person appointed shall take and subscribe the oath required by Art. VI, Sec. 7, of the Constitution of North Carolina.

Sec. 2-6 through 2-10. Reserved.

## Article 2. Organization

Sec. 2-11. Organization meeting. The Board of Commissioners shall meet on the first Monday of December following each regular consolidated government election. At that meeting, if a quorum of the Board is present, the Mayor and each member of the Board shall take and subscribe the oath required by Art. VI, Sec. 7, of the Constitution of North Carolina. A member absent from the organizational meeting may take and subscribe his oath at a later time.

Sec. 2-12. Mayor Pro Tempore; duties. The Board shall elect from among its members a Mayor Pro Tempore, to serve at its pleasure. The Mayor Pro Tempore shall preside at meetings of the Board of Commissioners in the absence or temporary disability of the Mayor. He is required to vote on all matters, unless excused by the Board of Commissioners from voting upon matters involving his official conduct or his personal or financial interest. When a matter involves his personal or financial interest, he shall state the nature and extent of his interest as a condition of being excused from voting.

He is a member of the Board of Commissioners for all purposes, including the determination of whether a quorum is present.

In the event of a vacancy in the office of Mayor, the Mayor Pro Tempore

shall act as Mayor until a Mayor is appointed by the Board of Commissioners pursuant to this charter.

Sec. 2-13. Meetings. The Board of Commissioners shall fix the time, date and place of its regular meetings and shall hold at least one regular meeting each month.

The Mayor or in his absence the Mayor Pro tempore, or any four members of the board may call a special meeting of the Board. The person or persons calling the meeting shall, at least twenty-four hours in advance of the meeting, cause a written notice of the meeting to be delivered to each member or to be left at his usual residence or place of business. He or they shall also cause public notice of the meeting to be made at least twenty-four hours in advance of the meeting. The notice shall state the time and place of the meeting and the business to be transacted and shall be signed by the person or persons calling the meeting. Only the business stated in the notice may be transacted at the meeting.

The Mayor or in his absence the Mayor Pro Tempore, or any four members of the Board may call a meeting to deal with an emergency. The notice provisions of this section do not apply to those meetings.

Sec. 2-14. Rules of the Board of Commissioners. Consistent with this charter, the Board of Commissioners may adopt its own rules of procedure.

Sec. 2-15. Quorum: voting. Six members of the Board of Commissioners or five Board members and the Mayor constitute a quorum.

The vote of each member on each ordinance, resolution, motion or other action shall be recorded. Voting by proxy is not allowed.

The Board may excuse a member from voting, but only upon matters involving his official conduct or his personal or financial interest. When a matter involves a member's personal or financial interest, he shall state

the nature and extent of his interest as a condition of being excused from voting. In all other cases, a member who is present and fails to vote or who having been present has withdrawn from the meeting without being excused by the Board shall be recorded as having voted affirmatively.

No action may be taken except by a majority vote of the members of the Board and the Mayor present at any meeting. Except when a greater number is required by law, an affirmative vote of five members of the Board, or of four members of the Board and the Mayor, is required to adopt an ordinance or take any action having the effect of an ordinance, to authorize or commit the expenditure of public funds or to make, ratify or authorize any contract on behalf of the consolidated government.

Sec. 2-16 through 2-18. Reserved.

### Article 3. Legislative Powers and Ordinance Procedure

Sec. 2-19. Legislative power. All legislative powers of the consolidated government are vested in the Board of Commissioners.

Sec. 2-20. Ordinance procedure. (a) No ordinance nor any action having the effect of an ordinance may be finally adopted on the date on which it is introduced except by an affirmative vote of at least seven members of the Board of Commissioners, or of six members of the Board and the Mayor.

(b) The Board may, in its discretion, make any ordinance effective only if approved by a vote of the people. If the Board decides to require voter approval, it shall by resolution adopted at the same meeting call a referendum for the purpose of submitting the ordinance to a vote. The referendum shall be held within 90 days after the day on which the ordinance is adopted. The referendum shall be conducted pursuant to the provisions of Chapter 163 of the General Statutes of North Carolina applicable to counties

(c) Any order, motion, resolution or ordinance adopted shall be entered in full in the minutes of the Board.

## CHAPTER 3. MAYOR

## Article 1. Qualifications and Election

Sec. 3-1. Qualifications and term of office. To be eligible for election to and service as Mayor, a person must be eligible for election by the people to office under the Constitution of North Carolina. The qualified voters of the entire consolidated government elect the Mayor to a two-year term of office. He assumes office on the first Monday of December following his election.

Sec. 3-2. Compensation. The initial annual compensation of the mayor is \$3600. Thereafter the Board of Commissioners may by ordinance fix his compensation and allowances, to become effective on the December 1 following the first regular consolidated government election following adoption of the ordinance. The Board shall cause to be published once at least ten days prior to its adoption any ordinance changing the compensation of the Mayor. The Board may not enact an ordinance pursuant to this section during the 150 days immediately preceding a regular consolidated government election.

Sec. 3-3. Vacancy. A vacancy in the office of Mayor exists when a duly elected person refuses to qualify or when a person who has been elected and has qualified dies, resigns, or is declared mentally incompetent by a court of competent jurisdiction. The Board shall fill any vacancy by appointing a qualified person to the remainder of the unexpired term. If the person who vacated the office was elected as the nominee of a political party, the Board shall consult the county executive committee of that political party before filling the vacancy, but shall not be bound by the committee's recommendations. In order to qualify, the person appointed shall take and

subscribe the oath required by Art. VI, Sec. 7, of the Constitution of North Carolina.

Sec. 3-4. Absence; temporary incapacity. The Mayor may designate the Mayor Pro Tempore to serve as acting mayor while the Mayor is absent from the county. If the Board of Commissioners, by a vote of two-thirds of its membership, determines that the Mayor is temporarily incapacitated, the Mayor Pro Tempore shall serve as acting mayor for the duration of the incapacity. A majority of the membership of the Board may determine that the Mayor's incapacity has terminated. The acting mayor shall have the powers, duties, rights, privileges and immunities of the office of Mayor.

Sec. 3-5 through 3-8. Reserved.

## Article 2. Powers and Duties

Sec. 3-9. General powers and duties. The Mayor is the chief executive officer of the consolidated government. Consistent with the provisions of this charter, he has all the powers, duties, rights, privileges and immunities granted to and imposed on chairmen of boards of county commissioners and mayors of cities by the general laws of North Carolina.

He shall preside at meetings of the Board of Commissioners and has all the rights, powers, duties and responsibilities of a member of the Board.

The Mayor, or some officer or employee designated by the Board, shall sign each written contract or obligation of the consolidated government and any of its agencies, boards, commissions and authorities. No contract of the consolidated government or any of its agencies, boards, commissions and authorities required to be in writing is binding on them until so signed.



## CHAPTER 4. ELECTIONS

Sec. 4-1. General applicability of state law; intent. Except as otherwise provided in this charter, Chapter 163 of the General Statutes of North Carolina as applicable to counties applies to the elections for the office of Mayor and for membership on the Board of Commissioners. If the provisions of Chapter 163 and this charter are inconsistent, the provisions of this charter apply. When used in Chapter 163, the word "county" or "counties" includes the consolidated government, and the office of Mayor and membership on the Board of Commissioners are county offices.

## CHAPTER 5. PERSONNEL AND CIVIL SERVICE

## Article 1. Personnel

Sec. 5-1. Personnel system. The Board of Commissioners shall establish by ordinance a system of personnel administration. The system shall cover all employees of the consolidated government except as otherwise provided by law.

The system shall not cover (a) elected officials, (b) employees of the New Hanover County Board of Education and (c) employees of any agency, board, commission and authority authorized to appoint its own chief administrative officer except as otherwise provided in this charter or other law. Employees of the Sheriff and the Register of Deeds are appointed and discharged pursuant to the provisions of general law, but are in all other matters subject to the personnel ordinances of the consolidated government. Employees subject to state or federal civil service regulations and procedures may be made subject to the personnel ordinances of the consolidated government in any manner consistent with state or federal regulations and procedures. Officers and firemen of the police and fire departments of the Wilmington Urban Service District are covered by the system except as provided in Article 2 of this chapter.

The system of personnel administration may provide for the classification of positions, the manner and method of publicizing vacancies, employing and appointing personnel, the qualifications of employees, salaries, hours of employment, vacations, sick leave, special workman's compensation leave, job security, promotion, demotion, disciplinary procedures, transfer, layoff, removal, welfare of employees, retirement policy, payment of premiums for employee insurance benefits, grievance procedures, service awards, training

leave, and any other measures that promote the hiring and retaining of capable, diligent and honest career employees.

Sec. 5-2. Appointment and removal of employees; compensation. (a) The Manager, except as provided in this charter or by general law, appoints, suspends and removes all officers and employees of the consolidated government. He shall report every appointment and removal of a department head to the Board of Commissioners at the next regular Board meeting following the appointment or removal.

(b) The Board shall fix or approve all salaries and compensation.

(c) All employees and department heads shall perform the duties required of them by the Manager pursuant to general regulations of the Board.

(d) The Board, its members and the Mayor shall not take any part in the appointment, suspension or removal of department heads or other employees in the administrative service of the consolidated government, except as provided by this charter or by general law.

(e) The Board, its members and the Mayor shall deal with officers and employees of the administrative service solely through the Manager, and shall not give any specific orders to any appointee of the Manager, either publicly or privately.

Sec. 5-3. Consolidated government clerk. The Board of Commissioners shall appoint the consolidated government clerk who shall:

(a) Act as clerk to the Board and attend all meetings of the Board.

(b) Maintain a permanent record of all proceedings of the Board.

(c) Perform any duties assigned to a city clerk or a clerk to the

Board of County Commissioners under the general laws of the state.

(d) Perform any other assignments that the Board may require.

Sec. 5-4 through 5-9. Reserved.

## Article 2. Civil Service Commission

Sec. 5-10. Civil Service Commission established. There is a Civil Service Commission consisting of five members. Each member must be a resident of the Wilmington Urban Service District. No member may be an officer or employee of the consolidated government, or the spouse of an officer or employee of the consolidated government or a former officer or employee of the police department or fire department.

The officers and firemen of the Wilmington Urban Service District fire department, by a majority vote, name one member. The officers of the Wilmington Urban Service District police department, by a majority vote, name one member. The Board of Commissioners appoint two members. These four members of the Commission name the fifth member.

The members of the Commission serve terms of three years unless removed by the appointing agency. A member may be removed by a two-thirds vote of all members of the agency appointing that member.

A vacancy is caused by death, resignation, disqualification or removal. A vacancy is filled by the agency authorized to name the member causing the vacancy. If the agency fails to fill the vacancy within sixty days after notification, the resident senior superior court judge of the judicial district that includes New Hanover County shall immediately fill the vacancy. Members appointed to fill a vacancy serve for the remainder of the unexpired term.

The Board of Commissioners shall set the compensation and allowances, if any, to be paid the members of the Commission. In March of each year, the Commission shall elect a chairman and may elect other officers. A majority of the members of the Commission constitutes a quorum. The Commission may determine its own rules of procedure.

Sec. 5-11. Jurisdiction. The Commission has jurisdiction as provided in this article over all the officers of the police department and the officers and firemen of the fire department of the Wilmington Urban Service District, except the chiefs of each. It has no jurisdiction over the officers or employees of any other department.

Sec. 5-12. Powers and duties. The Commission: (a) Shall establish reasonable requirements for employment and for examination of applicants. The Commission shall provide for the examination of all applicants. Examinations shall be competitive, open, and free to all persons meeting the Commission's requirements. The Commission shall establish rules and regulations for administration of examinations. Examinations shall be practical in character, shall be limited to matters that fairly test the relative ability of the applicant to discharge the duties of the position and shall include tests of mental and physical qualifications and health. No applicant may be examined concerning his political or religious opinions or affiliations.

(b) Shall publicize the times and places of examinations and the kinds of positions to be filled.

(c) Shall cause to be prepared and kept a register of persons passing the examinations, ranked according to their performance on the examination. The Manager, upon the recommendation of the chief, shall make appointments to each department from the register and under the eligibility rules and regulations established by the Commission.

(d) Shall make an annual report to the Board of Commissioners, The Board may prescribe the form and content of the report.

(e) May secure necessary staff services and request assistance in the performance of its duties from the Manager of the consolidated government.

(f) Is entitled to suitable rooms for its use. With the consent of the Board of Commissioners, the Commission may use the facilities of the consolidated government or any of its agencies, boards, commissions, or authorities for holding examinations or hearings.

Sec. 5-13. Promotions. The Civil Service Commission has no authority or duty with respect to promotions of officers or with respect to the appointment or removal of chiefs in the two departments.

Sec. 5-14. Political activity. No officer of the police department or officer or fireman of the fire department of the Wilmington Urban Service District may take part in any election or political function except by exercising his right to vote. The Commission shall dismiss any officer who it determines after investigation and hearing has violated this section.

Sec. 5-15. Disciplinary action. (a) Except as provided in Section 5-16 of this charter, an officer of the police department or an officer or fireman of the fire department of the Wilmington Urban Service District may be dismissed only for cause and with an opportunity to be heard in his own defense.

(b) The chief of the appropriate department may suspend, with or without pay, any officer of the police department or officer or fireman of the fire department charged with violating any rule or regulation of the department, for a period not to exceed thirty days. Within three days after making any suspension, the chief shall file with the Manager a written statement of the basis for the suspension. Within the same time, the chief shall give to the suspended officer or fireman a signed copy of the statement of the basis for the suspension. Within ten days after his suspension, the officer or fireman may file with the Manager a written request for a hearing. The Manager shall conduct the hearing within thirty days thereafter.

If the officer or fireman is suspended without pay and the Manager finds

that his suspension was not justified, or if the charges against him are dismissed, he shall be fully reimbursed for any loss of time or pay.

(c) The chief of the appropriate department may dismiss or demote any officer of the police department or officer or fireman of the fire department for violating any rule or regulation of the department of which the officer or fireman is a member. Within three days after making any dismissal or demotion, the chief of the department shall file with the Commission a written statement of the basis for the dismissal or demotion. A copy of this statement shall be given to the Manager and the officer or fireman in question.

Within ten days after his dismissal or demotion, the officer or fireman may request a hearing before the Civil Service Commission.

The Commission shall conduct a hearing within thirty days after receipt of the request.

If the Commission determines that the officer or fireman has not violated a rule or regulation of his department, the Commission shall reinstate him with pay for any lost time. In the conduct of its investigations, the Commission may subpoena witnesses, administer oaths and compel the production of evidence. Its orders are enforceable pursuant to section 10-15 of this charter.

Any officer found guilty by the Commission may appeal to a court of competent jurisdiction. The trial upon appeal shall be governed by the provisions of Article 33, Chapter 143 of the General Statutes of North Carolina pertaining to Judicial Review of Decisions of Certain Administrative Agencies except that for purposes of G. S. 143-309 the person seeking review must file a petition in the Superior Court of New Hanover County.

Sec. 5-16. Probationary police and fireman. Police officers and firemen

may be hired on a probationary basis for a period not to exceed eighteen months. During the probationary period, the Manager may dismiss any officer or fireman upon the recommendation of his chief. At the end of any officer's or fireman's probationary period, his appointment becomes permanent.

Sec. 5-17. Seniority rights during military service. If any member of the fire department or the police department of the Wilmington Urban Service District leaves his department for military service, he shall retain during the time of his military service all rights of seniority and shall, upon his honorable discharge from military service, be immediately reinstated to his former position unless his physical condition has been so impaired as to make him incapable of performing his former duties.

Sec. 5-18. Compensation. The Board of Commissioners shall fix the salaries of all officers of the police department and officers and firemen of the fire department of the Wilmington Urban Service District.



## CHAPTER 6. GENERAL ADMINISTRATION

## Article 1. Administrative Organization

Sec. 6-1. Initial administrative organization. The initial administrative organization of the consolidated government is that of the merging governments on the effective date of this charter and shall continue until changed by law or in accordance with the provisions of this charter.

Sec. 6-2. Administrative reorganization. Except as restricted by this charter or the general law of the state, the Board of Commissioners may reorganize the administrative structure of the consolidated government by creating, consolidating, reorganizing and abolishing offices, positions, departments, agencies, boards, commissions and authorities of the consolidated government. In a plan of reorganization, the Board may impose additional powers and duties on any office, position, department, agency, board, commission or authority. Except by amendment of this charter, however, no office, position, department, agency, board, commission or authority expressly established or continued by this charter may be abolished, nor may any power, duty, right, privilege or immunity expressly conferred by this charter be removed or abolished.

Sec. 6-3 through 6-5. Reserved.

## Article 2. Manager

Sec. 6-6. Appointment; qualifications; term. The Board of Commissioners shall appoint the Manager to hold office at the pleasure of the Board. The Manager shall be appointed with regard to merit only and need not be a resident of the consolidated government when appointed. The Manager shall devote his entire time to the consolidated government and may not actively engage in any other business.

Sec. 6-7. Duties and responsibilities. The Manager is the administrative head of the consolidated government. He shall:

(a) See that the laws of the state and the ordinances, resolutions, rules and regulations of the Board of Commissioners are faithfully executed and enforced within the county.

(b) Attend all meetings of the Board and recommend for adoption any measure he deems expedient.

(c) Make reports to the Board from time to time upon the affairs of the consolidated government and keep the Board fully advised of the consolidated government's financial condition and its future financial needs.

(d) Appoint and suspend or remove all consolidated government officers and employees whose appointments or selections are not otherwise provided for in this charter or by general law, in accordance with personnel rules, regulations, policies or ordinances adopted by the Board.

(e) Prepare and submit the annual budget to the Board.

(f) Direct and supervise the administration of all departments, and the staffs of all authorities, boards, offices, agencies and commissions of the consolidated government under general policies adopted by the Board, except as otherwise provided by law.

(g) Exercise any other powers and perform any other duties authorized by the Board and not inconsistent with this charter or with the general law of the state.

Sec. 6-8. Absence or disability. The Board of Commissioners may designate any other person to serve as acting manager while the Manager is sick, absent from the county or otherwise unable to perform the duties of his office. A person designated as acting manager shall have all the power and authority of the Manager while serving in that capacity and shall receive compensation as

determined by the Board. Neither the Mayor nor any member of the Board may serve as acting manager.

Sec. 6-9 through 6-12. Reserved.

### Article 3. Continuing Offices

Sec. 6-13. Sheriff continued. The office of Sheriff of New Hanover County continues within the consolidated government as provided in the Constitution and laws of North Carolina.

Sec. 6-14. Duties continued. The duties of the Sheriff of New Hanover County continue within the consolidated government as provided in the Constitution and laws of North Carolina.

Sec. 6-15. Register of Deeds continued. The office of Register of Deeds of New Hanover County continues within the consolidated government as provided in the laws of North Carolina.

Sec. 6-16. Duties continued. The duties of the Register of Deeds of New Hanover County continue within the consolidated government as provided in the laws of North Carolina.

Sec. 6-17. Coroner continued. The office of Coroner of New Hanover County continues within the consolidated government as provided in the laws of North Carolina.

Sec. 6-18. Duties continued. The duties of the Coroner of New Hanover County continue within the consolidated government as provided in the laws of North Carolina.

Sec. 6-19. Medical Examiner continued. The office of Medical Examiner of New Hanover County continues within the consolidated government as provided in the laws of North Carolina.

Sec. 6-20. Duties continued. The duties of the Medical Examiner of

New Hanover County continue within the consolidated government as provided in the laws of North Carolina.

Sec. 6-21. County Auditor and Office. The Office of Auditor of New Hanover County is continued until July 1, 1973, at which time the office is abolished. The elected New Hanover Auditor serving on the effective date of this charter is continued in office without change of duties until July 1, 1973. The Board of Commissioners shall provide for the continued employment of the elected County Auditor, without any reductions in compensation, from July 1, 1973, until December 2, 1974, when the term of office to which he was elected would have ended except for the abolition of the office. The Board may fix his duties during the period between July 1, 1973 and December 2, 1974.

Sec. 6-22 through 6-24. Reserved.

#### Article 4. Special Departmental Appointments

Sec. 6-25. Police Chief. The Manager shall nominate and the Board of Commissioners shall appoint the Chief of Police of the Wilmington Urban Service District police department. In making a nomination or appointment, due consideration shall be given to fitness and qualifications and, with respect to employees of the police department, their length of service. The Chief of Police may be removed by the Board upon the recommendation of the Manager.

Sec. 6-26. Fire Chief. The Manager shall nominate and the Board of Commissioners shall appoint the Fire Chief of the Wilmington Urban Service District fire department. In making a nomination or appointment, due consideration shall be given to fitness and qualifications and, with respect to employees of the fire department, their length of service. The Fire Chief may be removed by the Board upon the recommendations of the manager.

Sec. 6-27. Legal department. The Board of Commissioners shall appoint a chief legal officer to provide legal services for the consolidated government. The chief legal officer, with the approval of the Board, may appoint necessary assistants and also may secure special counsel to provide legal services of a special or extraordinary nature.

## CHAPTER 7. BOARDS AND COMMISSIONS

## Article 1. General Provisions

Sec. 7-1. Existing boards and commissions continued. All committees, agencies, boards, commissions and authorities, however denominated, heretofore created pursuant to general law or special acts of the General Assembly, or by resolutions or ordinances of the City Council of Wilmington or the Board of County Commissioners of New Hanover County, or by joint resolutions of these two governing bodies are continued except as expressly provided by this charter or other acts of the General Assembly.

Sec. 7-2. General power of Board of Commissioners. The consolidated government, except as limited by this charter or general law or special act of the General Assembly, may create new committees, agencies, boards, commissions and authorities and may abolish or modify any existing committees, agencies, boards, commissions and authorities.

Sec. 7-3 through 7-5. Reserved.

## Article 2. Housing Authority

Sec. 7-6. Authority continued; operate under general law. The Housing Authority of the City of Wilmington, heretofore created and existing, is continued by this charter under the name of the Wilmington-New Hanover Housing Authority. The Authority operates under and is subject to the provisions of the general laws of the state, except as provided in this charter.

Sec. 7-7. Mayor appoints Authority. The Mayor shall appoint members of the Housing Authority.

Sec. 7-8 through 7-10. Reserved.

### Article 3. Museum Board of Trustees

Sec. 7-11. Board continued. The Wilmington-New Hanover Museum Board of Trustees, heretofore created and existing, is continued by this charter under the same name.

Sec. 7-12. Board membership. The Board of Trustees consists of twelve members, appointed by the Board of Commissioners to three-year staggered terms. In July of each year, the Board of Trustees shall hold an organizational meeting for the purpose of electing to terms of one year a chairman and vice chairman. Six members shall constitute a quorum.

Sec. 7-13. Powers and duties. Subject to the general direction and approval of the Board of Commissioners, the Board of Trustees:

(a) Shall take full charge and manage and control all artifacts and documents used by the Wilmington-New Hanover Museum.

(b) May acquire any artifacts and documents needed for the operation of the museum.

(c) May make regulations for the government of the museum.

(d) Shall appoint a Director and fix his salary. The Director shall appoint all other employees.

Sec. 7-14 through 7-17. Reserved.

### Article 4. Planning and Zoning Commission

Sec. 7-18. Commission continued; operate under general law. The Wilmington-New Hanover Planning Commission, heretofore created and existing, is continued by this charter under the same name. Except as provided in this charter, the Commission shall operate under the provisions of the general laws of the state.

Sec. 7-19. Manatory referrals. No street, no park or other open space,

no public building or structure and no publicly owned public utility may be constructed by the consolidated government or any department, agency, board, commission or authority of the consolidated government until the location and extent thereof have been submitted to and reviewed by the Planning Commission as provided in this section.

The consolidated government may not widen, narrow, relocate or vacate any street, nor shall it or any of its agencies, boards, commissions or authorities change the use of, accept, acquire, sell or lease any real property or structure or interest therein until the proposed action has been submitted to and reviewed by the Planning Commission as provided in this section.

The Planning Commission shall have 30 days to review and submit its comments to the submitting authority. A longer period of study, however, may be granted by the department, agency, board, commission or authority making the submission.

The Board of Commissioners may, by resolution adopted by the affirmative vote of seven members of the Board or of six members of the Board and the Mayor, waive the requirements of this section or shorten the period of review available to the Planning Commission, for any individual submission or, on the recommendation of the Planning Commission, for special classes of submissions.

Sec. 7-20. Capital improvement program. The Planning Commission shall prepare annually by May 1 a Capital Improvement Program containing a description of major capital improvements proposed to be undertaken by the consolidated government and each of its departments, agencies, offices, boards, commissions and authorities within the next six fiscal years. The Program shall show the estimated cost of each improvement, the proposed



method of financing, the order of priorities and the projected operating and maintenance expense anticipated to be associated with each capital improvement for each of the next six fiscal years.

The Planning Commission shall submit its recommended Capital Improvement Program to the Manager. The Manager shall transmit the Capital Improvement Program to the Board of Commissioners at the same time he submits the recommended annual budget.

Sec. 7-21 through 7-22. Reserved.

#### Article 5. Wilmington-New Hanover Public Library

Sec. 7-23. Board continued. The Board of Public Library Trustees, heretofore created and existing, is continued by this charter under the name of the Board of Trustees of the Wilmington New Hanover Public Library.

Sec. 7-24. Operate under general law. The library operates under the provisions of the general laws of the state.

Sec. 7-25 through 7-27. Reserved.

#### Article 6. Redevelopment Commission

Sec. 7-28. Commission continued. The Wilmington Redevelopment Commission, heretofore created and existing, is continued by this charter under the same name.

Sec. 7-29. Operate under general law. Except as provided in this article, the Wilmington Redevelopment Commission operates under and is subject to the provisions of general law.

Sec. 7-30. Appointment of Commission. Members of the Redevelopment Commission shall be residents of the Wilmington Urban Service District.

Sec. 7-31 through 7-33. Reserved.

## Article 7. Water and Sewer Authority

Sec. 7-34. Authority continued; operate under general law. The Lower Cape Fear Water and Sewer Authority, heretofore created and existing, is continued by this charter under the same name. Except as provided in this charter the Authority operates under the provisions of the general laws of the state.

Sec. 7-35. Board of Commissioners may act. The Board of Commissioners of the consolidated government, acting alone, may adopt any resolution and take any action that the governments of New Hanover County and the City of Wilmington, in the absence of consolidation, could have taken under the provisions of Chapter 162A of the General Statutes of North Carolina.

Sec. 7-36 through 7-38. Reserved.

## Article 8. Public Schools

Sec. 7-39. Board of Education not affected. Except as provided in sections 7-19 and 7-20 of this charter, nothing in this charter shall affect the powers or duties of the New Hanover County Board of Education. With respect to the Board of Education and all other public school matters, the powers, duties and obligations previously vested in the government of New Hanover County are vested in the consolidated government.

## CHAPTER 8. FINANCE

## Article 1. Accounting, Budgeting and Fiscal Control

Sec. 8-1. Application of general law. From the date this charter becomes effective until July 1, 1973, the general law applying to municipalities in North Carolina and the general law applying to counties in North Carolina govern the administration of transitional budgets of the City of Wilmington and New Hanover County, respectively, pursuant to Sec. 12-9 of this charter. For the fiscal year 1973-74 and thereafter the consolidated government is subject to the Local Government Finance Act, Chapter 159 of the General Statutes of North Carolina, except as modified in this chapter.

Sec. 8-2. Preparation and adoption of budget. The manager is responsible for preparing the annual budget as provided in general law, except that he shall prepare the budget in separate parts: none for the New Hanover Service District (county-wide) and one for each urban service district. Each part as prepared by the manager and as adopted by the Board of Commissioners shall be balanced.

The costs of providing each service, function or activity shall be allocated (a) to the part of the budget (New Hanover Service District or an urban service district) corresponding to the district in which the service function or activity is to be provided or (b) in proportion to the extent to which each is to be provided in the event a higher level of some service, function or activity is to be provided in an urban service district then is to be provided county-wide.

Each urban service district is responsible for the financing of its appropriate share of debt service on all bonds issued by the consolidated

government and used to finance capital facilities associated with providing or maintaining services, facilities and functions for the urban service district in addition to or to a greater extent than those provided or maintained for the entire county.

Urban service district expenses shall be paid from special taxes levied within each urban service district or from other revenues allocated to each urban service district under the provisions of this charter.

Sec. 8-3 through 8-5. Reserved.

#### Article 2. Property Tax Administration

Sec. 8-6. Application of general law. Property in New Hanover County shall be listed, appraised and assessed and taxes on property shall be levied and collected as provided by general law for counties, except as otherwise provided in this charter.

Sec. 8-7 through 8-10. Reserved.

#### Article 3. Local Improvements

Sec. 8-11. Authority. The consolidated government has the authority granted to counties and cities by the general laws of the state with respect to local improvements, including without limitation, grading, regrading, widening, paving and repaving public streets and alleys; constructing, reconstructing, and altering sidewalks, curbs, gutters and drains in the public streets and alleys; and laying or relaying sewer and water lines. The authority granted by this article is in addition to that granted by any other law.

Sec. 8-12. Alternative procedures and powers. In making special assessments the consolidated government may employ the following procedures:

- (a) The Board of Commissioners may order the making of any local

improvements and assess the cost thereof, except the consolidated government's portion, against only a limited number of benefited properties if the owners of those properties submit a petition asking that the improvement be made and that the total amount to be assessed for the improvement be assessed only against their properties.

(b) The Board of Commissioners may order the making of any local improvement and assess the cost thereof, except the consolidated government's portion, wholly against the property abutting one side of a street or streets when (1) the Board has received a petition from a majority of the owners of property on the side of the street or streets to be assessed who own a majority of the lineal frontage thereon, and (2) the Board finds that the land abutting the other side of the street or streets is of such a nature or is devoted to such a purpose that special assessments against it could not be made, or, if made, would probably exceed the value of the land assessed.

(c) If, in the Board's judgment, which is conclusive, the property to be assessed will be benefited in an amount at least equal to the assessment, a petition for local improvements is not necessary and the Board may order the making of any local improvement and assess the cost thereof against benefited properties in the following cases:

(1) When a street or part of a street is unsafe; or the improvement of a street, or part of a street, not more than three blocks in length is necessary to connect streets already paved; or the improvement of a street or part of a street is necessary to connect a paved street, or portion thereof, with a paved highway; or the improvement of a street or part of a street is necessary to provide a paved approach to a railroad or street grade separation,

or a bridge; or the widening of any street or part of a street is necessary to accommodate present and anticipated volumes of traffic.

(2) When a street or part of a street, or any property, is without storm sewer or other surface drainage improvements, and storm sewer or other surface drainage should be provided in the public interest.

(3) When a street or part of a street is without sidewalks and sidewalks should be provided in the public interest.

(d) If the Board determines that the public interest requires repair of a sidewalk or of a driveway within the public right of way, the Board may order the making of the repair and assess all, or part, of the total cost against the property abutting the sidewalk or driveway repaired. At least thirty days before exercising this authority, the Board shall cause written notice to be given to the abutting property owner personally or by registered or certified mail to his address as shown on the tax records. The notice shall state that the property owner is required to make the repair at his own expense in conformity with the standards adopted by the consolidated government, and that, if he fails to make the repair within thirty days after notice is served, the consolidated government thereupon may make the repair and assess the cost. If the Board finds that any sidewalk or driveway is in need of immediate repair, the Board may adopt a resolution setting out its finding and directing that the repair be made immediately and that the cost be assessed against the abutting property without prior notice to any property owner affected.

(e) If the Board orders the making of a street or sidewalk improvement, it may also order each owner of a lot abutting the part of the street

to be improved to connect his lot by means of laterals with water mains or sewer lines located in the street prior to the making of the street and sidewalk improvements. The Board shall cause written notice of the order to install laterals to be given to each owner of abutting property personally or by registered or certified mail to his address as shown on the tax records. If any owner fails to install laterals within thirty days after the notice is served, the Board may direct that the laterals be installed and assess the cost against the lot(s) served.

Sec. 8-13. Planting strip and driveway maintenance. It is the responsibility of the abutting property owner to maintain any property, including sidewalks and driveways, between the property line and the curb, pavement, or traveled way of a street.

Sec. 8-14 through 8-17. Reserved.

#### Article 4. Limits on Taxation

Sec. 8-18. Property taxation authority and limitations. The consolidated government may levy taxes on property to support any service, facility or function it is authorized to undertake by this charter or by the general laws of the state for cities or counties. The property tax levied throughout its jurisdiction shall not be levied at an effective rate exceeding seventy-five cents on the one hundred dollars of appraised valuation. The property tax levied within any urban service district for the support of purposes of the district shall not be levied at an effective rate exceeding one dollar and fifty cents on the one hundred dollars of appraised valuation.

These limitations do not apply to property taxes levied (a) for debt service on general obligation bonds and notes of the consolidated government, (b) for the support of the public schools, or (c) pursuant to a special vote of the people.

The consolidated government is subject to these limitations only and not to any imposed on counties or cities by the general laws of the state.

Sec. 8-19. Privilege license taxation. The consolidated government may levy throughout New Hanover County privilege license taxes as authorized for counties under the general law of the state. The consolidated government may levy within any urban service district privilege license taxes as authorized for cities and towns under the general law of the state.

Sec. 8-20. Dog taxes. The consolidated government may levy throughout New Hanover County the county dog tax authorized for counties by general law. It may not levy the dog tax authorized for cities in G. S. 160A-212.

Sec. 8-21. CATV franchise tax. The consolidated government may levy throughout New Hanover County the cable television franchise tax authorized by G. S. 160A-214.

Sec. 8-22. Motor vehicle license tax. The consolidated government may levy within any urban service district the motor vehicle license tax authorized by G. S. 20-97.

Sec. 8-23. Taxicab license tax. The consolidated government may levy within any urban service district the taxicab license tax authorized by G.S. 20-97.

Sec. 8-24 through 8-27. Reserved.

#### Article 5. Allocation of Revenues

Sec. 8-28. Revenues allocated to the New Hanover Service District. The following revenues shall be allocated to the New Hanover Service District:

(a) Excise stamp tax. The excise stamp tax on conveyances levied by Article 8E of Chapter 105 of the General Statutes of North Carolina.

(b) Privilege license tax. Proceeds of any privilege license taxes levied throughout New Hanover County as authorized in Sec. 8-19 above.



(c) Dog tax. Proceeds of any dog tax levied as authorized in Sec. 8-20 above, which may be used for any county-wide purpose.

(d) CATV franchise tax. Proceeds of any cable television tax levied as authorized in Sec. 8-21 above.

(e) Other. All revenues that are not otherwise explicitly allocated in this article.

Sec. 8-29. Revenues allocated to urban service districts. (a) Powell Bill distribution. State street-aid funds, appropriated from the State Highway Fund pursuant to G.S. 136-41.1 to-41.3, shall be allocated to each urban service district on the same basis as if each district were a city or town.

(b) Franchise tax receipts. The share of the state franchise tax on public service companies levied under G.S. 105-116(a) and G.S. 105-120(d) that is due the consolidated government by reason of the sale of public service company commodities and services within any urban service district shall be allocated to the urban service district in which it was collected.

(c) Traffic penalties. Civil penalties collected for violations of urban service district traffic ordinances shall be allocated to the urban service district in which the violation occurred.

(d) Taxicab license tax. The proceeds from any taxicab license tax levied pursuant to G.S. 20-97 shall be allocated to the urban service district in which the taxicab has taxable situs.

(e) Motor vehicle license tax. The proceeds from any motor vehicle license tax levied pursuant to G.S. 20-97 shall be allocated to the urban service district in which the taxed vehicle has taxable situs.

(f) Privilege license taxes. The proceeds from any privilege license tax levied only in an urban service district shall be allocated to the district in which it is levied.

Sec. 8-30. Revenues to be allocated by the Board of Commissioners.

The following revenues are to be allocated among the New Hanover Service District and any urban service districts in the discretion of the Board of Commissioners:

(a) Beer and wine crown tax receipts. The entire portion of the beer and wine crown tax returned to New Hanover County under the provisions of G.S. 105-113.86 (p), save the portions due any city or town within New Hanover County.

(b) New Hanover sales tax. The entire portion of the New Hanover sales tax receipts distributed to local governments in New Hanover County under the provisions of G.S. 105-472, save the portions due any city or town within New Hanover County.

(c) ABC revenue. The entire profits distributed from ABC stores in New Hanover County, save the portions due any city or town within New Hanover County.

Sec. 8-31. Intangibles taxes for distribution. The intangibles tax proceeds distributed to New Hanover County under G.S. 105-213 shall be divided among the New Hanover Service District, any urban service district and any cities or towns as if the New Hanover Service District were a county and each urban service district were a city.

Sec. 8-32. Arrest fees. The arrest fee provided for in G.S. 7A-304(a)(1) shall be allocated between the New Hanover Service District and each urban service district in proportion to law enforcement expenditures in each district in the previous fiscal year.

## CHAPTER 9. CITIES AND TOWNS

## Article 1. Relationship to Consolidated Government

Sec. 9-1. Included within New Hanover service district. The citizens of each city and town in New Hanover County are citizens of the consolidated government and are entitled to the services, facilities and functions provided or maintained by the consolidated government for citizens of the New Hanover Service District.

Sec. 9-2. Limitation on powers. (a) Except as expressly provided, this charter does not abridge the authority of any city or town to enjoy and be subject to (1) all the powers, duties, rights, privileges and immunities that cities or towns enjoy and are subject to at or after the effective date of this charter under the Constitution and general laws of the State of North Carolina and (2) all the powers, duties, rights, privileges and immunities that the city or town at or after the effective date of this charter enjoys and is subject to under its charter.

(b) No city or town may annex territory included within an urban service district of the consolidated government unless the Board of Commissioners by resolution agrees.

Sec. 9-3. Cooperation authorized. The consolidated government and its agencies, boards, commissions and authorities and any of the cities or towns may cooperate with each other pursuant to the General Statutes of North Carolina.

Sec. 9-4 through 9-11. Reserved.

Article 2. Consolidating a City or Town with  
The Consolidated Government

Sec. 9-12. Authority. At any time after the effective date of this

charter, any city or town in New Hanover County may be abolished. Thereupon its powers, duties, rights, privileges and immunities shall be consolidated with those of the consolidated government.

Sec. 9-13. Procedure. Any city or town may consolidate with the consolidated government if, at a referendum held on the question of whether or not the city or town should consolidate, a majority of those voting vote for consolidation. The governing board of the city or town shall cause a referendum to be held within 120 days after (1) the board has passed an ordinance conditionally consolidating the city or town with the consolidated government, or (2) the board has been presented with a petition for consolidation signed by at least 10 per cent of the registered voters of the city or town. The governing board of the city or town shall promptly notify the Board of Commissioners in writing of the results of the referendum.

Sec. 9-14. Effective date. The effective date of any consolidation under this article shall be the July 1 next following the referendum.

Sec. 9-15. Cooperation and transition. The officers and employees of the consolidated government and the city or town shall cooperate with each other in bringing about an orderly consolidation. On the effective date of consolidation, the terms of office of all elected officials of the city or town automatically terminate and the offices are abolished.

Sec. 9-16. Continuation, transfer of assets and liabilities. Upon consolidation, the provisions of article 1 of chapter 12 of this charter shall apply as appropriate to the consolidating city or town as though it were consolidating at the effective date of this charter.

## CHAPTER 10. MISCELLANEOUS PROVISIONS

## Article 1. Claims Against the Government

Sec. 10-1. Notice of claims. No action against the consolidated government for damages of any charter whatever, to either person or property, may be instituted against the consolidated government unless the injured party, or his executors or administrators, has given written notice to the consolidated government of the injury or damage within one year of the infliction of the injury or the happening of the damage. The notice shall state the date, time and place of the injury, the manner of its infliction, the names and addresses, if known, of any person involved, the character of the injury and the amount of damages claimed. This notice does not prevent any applicable statute of limitations from commencing to run at the date of the happening or infliction of the injury, or in any manner interfere with its running.

Sec. 1-2 through 1-5. Reserved.

## Article 2. Eminent Domain

Sec. 1-6. Powers and procedures. (a) The consolidated government may exercise the power of eminent domain for any purpose that counties or cities may exercise the power under the general laws of the state at or after the effective date of this charter.

(b) The consolidated government may condemn and take immediate possession of any land when the Board of Commissioners finds that an emergency exists and that the public interest requires that the consolidated government take immediate possession. To exercise the authority granted by this paragraph, the Board shall adopt a resolution condemning the land, stating the reasons why immediate possession is needed, and providing for the determination of

compensation to be paid by the consolidated government for the land. The procedure for determining compensation shall follow as closely as practical the provisions of Article 2 of Chapter 40 of the General Statutes of North Carolina. The authority granted by this paragraph may not be used to condemn land owned by any other governmental unit or agency or by any railroad or public utility company.

(c) The consolidated government may exercise the power of eminent domain by any of the following procedures or by any other procedure available to cities and counties by general law:

- (1) Those set out in Article 11 of Chapter 160A of the General Statutes of North Carolina, or
- (2) Those set out in Article 2 of Chapter 40 of the General Statutes of North Carolina, or
- (3) Those set out in Article 9 of Chapter 136 of the General Statutes of North Carolina.

Sec. 10-7 through 10-10. Reserved.

### Article 3. Formation of Other Political Subdivisions

Sec. 10-11. Procedure; Board of Commissioners' consent. The Board of Commissioners' consent must be obtained before any political subdivision, whether a municipal corporation, special district or other similar tax-levying or revenue-raising governmental agency, board, commission, authority or entity, may be established to operate within the jurisdiction of the consolidated government. Any person petitioning a state, county or municipal governmental body for the creation of a political subdivision within the jurisdiction of the consolidated government shall file with the Board of Commissioners a certified copy of the petition at the same time he files the petition with the other governmental body. If the Board of Commissioners

fails to adopt a resolution either withholding or giving its consent to the petition by its second regular meeting following receipt of the petition, it shall be deemed to have consented. If the Board of Commissioners withholds its consent, the petition and any other action taken on it by any other governmental body is of no effect, and no similar petition may be submitted until six months after the resolution withholding its consent was adopted. If the Board of Commissioners consents, the petition shall be acted on according to the procedure established by general law for the creation of the proposed political subdivision.

Sec. 1-12 through 10-14. Reserved.

#### Article 4. Subpoenas

Sec. 10-15. Enforcement of subpoenas. If a person fails or refuses to obey a reasonable order for attendance or for the production of evidence, issued pursuant to this charter by the Board of Commissioners, the Mayor or the Civil Service Commission, the issuing authority may apply to a court of competent jurisdiction for an order requiring that its order be obeyed. No testimony of any witness before the issuing authority in any investigation may be used against the witness on the trial of any criminal prosecution other than for false swearing committed on the examination. If any person, while under oath at an investigation of the Board, the Mayor or the Civil Service Commission, willfully swears falsely, he is guilty of a misdemeanor.

Sec. 10-16 through 10-17. Reserved.

#### Article 5. Other Powers

Sec. 10-18. Port facilities. The consolidated government may acquire, by purchase or otherwise, construct, improve, enlarge, extend and equip

any property relating to or deemed necessary or advisable for the promotion, development, maintenance or operation of port facilities of the county, including, without limitation, warehouses, docks and loading facilities, conveyor equipment, and other storage, terminal and handling facilities. The consolidated government may lease this property to any public agency or instrumentality or to any private person, firm or corporation and under terms and conditions and for periods set by the Board of Commissioners.



## CHAPTER 11. CHANGES IN FORM AND STRUCTURE OF GOVERNMENT

Sec. 11-1. Authority to modify the form and structure of government.

The voters of the consolidated government may amend this charter to modify the form and structure of the consolidated government with respect to matters specified under G. S. 160A-101.

Sec. 11-2. Method of modifying the form and structure of government.

Modification of the form and structure of the consolidated government shall be made pursuant to the procedures set forth in Part 4 of Article 5 of Chapter 160A of the General Statutes of North Carolina except that no modification may become effective until approved by the voters in a referendum.

## CHAPTER 12. CONTINUATION AND TRANSITION

## Article 1. Continuation

Sec. 12-1. Continuation of ordinances and regulations. All ordinances and resolutions of New Hanover County and the City of Wilmington that are in force immediately before the effective date of this charter and that are not inconsistent with this charter continue in full force and effect within the area in which they applied. They become ordinances and resolutions of the consolidated government and shall continue in force until repealed or amended by the Board of Commissioners. All orders, rules and regulations made by any officer, agency, board, commission or authority of New Hanover County and the City of Wilmington that are not inconsistent with this charter also continue in force within the area in which they applied until repealed or amended by the appropriate officer, agency, board, commission or authority of the consolidated government.

Sec. 12-2. Continuation of hearings and proceedings. All petitions, hearings and other proceedings pending before any officer, office, department, agency, board, commission or authority of New Hanover County and the City of Wilmington continue in full force and effect, even if the officer, office, department, agency, board, commission or authority has been abolished or consolidated by this charter. The petition, hearing, or proceeding shall be completed by the officer, office, department, agency, board, commission or authority of the consolidated government that succeeds to the powers, duties, rights, privileges and immunities of the abolished or consolidated agency.

Sec. 12-3. Transfer of assets and liabilities. On the effective date of this charter: (a) All property, real and personal and mixed, belonging

to New Hanover County and the City of Wilmington vests in, belongs to and is the property of the consolidated government.

(b) All judgments, liens, rights of liens and causes of action of any nature in favor of any of the governments listed in subsection (a) vest in and remain and inure to the benefit of the consolidated government.

(c) All rentals, taxes, assessments and any other funds, charges or fees owing to any of the governments listed in subsection (a) are owed to and may be collected by the consolidated government.

(d) Any action, suit, or proceeding pending against, or having been instituted by, any of the governments listed in subsection (a) is not abated by this charter or by consolidation, but shall be continued and completed in the same manner as if consolidation had not occurred. The consolidated government is a party to all these actions, suits and proceedings in the place and stead of the merging government and shall pay or cause to be paid any judgment rendered against it in any of these actions, suits or proceedings. No new process need be served in any of the actions, suits or proceedings.

(e) All obligations of the governments listed in subsection (a), including outstanding indebtedness, is assumed by the consolidated government, and all the obligations and outstanding indebtedness are constituted obligations and indebtedness of the consolidated government. The full faith and credit of the consolidated government is deemed to be pledged for the punctual payment of the principal of and interest on all general obligation bonds and bond anticipation notes of the listed governments, and all the taxable property within the consolidated government is and shall remain subject to taxation for these payments.

Sec. 12-4. Continuation of officers. Except as otherwise provided in

this charter, all officers, departments, agencies, boards, commissions and authorities of New Hanover County and the City of Wilmington shall continue to perform their respective functions after the effective date of this charter, until their successors have been appointed or provided for by the consolidated government.

Sec. 12-5. Continuation of employees. On the effective date of this charter, all employees of the governments of New Hanover County and the City of Wilmington become employees of the consolidated government. No employee may sustain any reduction in salary on account of consolidation, nor may the Board of Commissioners impair or diminish the rights, benefits, privileges or opportunities of any employee of the consolidated governments under any retirement or pension plan in effect immediately before the effective date of this charter.

Sec. 12-6. Officers and offices of boards and agencies. Except as otherwise provided in this charter, the officers, members and employees of all agencies, boards, commissions and authorities continue as officers, members and employees of those agencies, boards, commissions and authorities and shall continue to perform the duties and enjoy the powers, rights, privileges and immunities they possessed immediately prior to the effective date of this charter. Nothing in this section impairs the authority of the consolidated government with respect to those boards, commissions, authorities and agencies or to any of their officers, members or employees.

## Article 2. Transition

Sec. 12-7. Effective date. The Consolidated Government of Wilmington and New Hanover County becomes effective April 2, 1973.

Sec. 12-8. Initial Mayor and members of the Board. The five members of

the City Council of Wilmington and the five members of the New Hanover Board of County Commissioners serving immediately prior to the effective date of the consolidated government are the initial Mayor and members of the Board of Commissioners of the consolidated government. At 11:00 a.m. on April 2, 1973, they shall meet in the Commissioners Room of the New Hanover Court House for the purpose of electing from among themselves the initial Mayor and taking the oath of office. The person who was Mayor of Wilmington immediately prior to the effective date of the consolidated government shall preside until the initial Mayor of the consolidated government is elected. The Mayor of the consolidated government shall take and subscribe the oath of office and cause the oath of office to be administered to the remaining nine persons as members of the initial Board of Commissioners. Following the taking of the oaths of office, the Board of Commissioners shall elect from its membership a Mayor Pro Tempore.

The initial terms of the Mayor and the members of the initial Board of Commissioners end on the first Monday in December of 1973, at which time their successors, who shall have been elected in a special election as provided in Sec. 12-10 of this article, take office.

Sec. 12-9. Transitional budgets for 1972-1973. The Board of Commissioners and officers of the consolidated government shall administer the 1972-73 budgets as adopted by New Hanover County and the City of Wilmington in accordance with their terms. The Board of Commissioners may, however, amend the 1972-73 budget of each merging government as adopted by that government in any manner and for any purpose for which an amendment could have been made by the governing body of the merging government in the absence of consolidation.

Sec. 12-10. Initial elections. (a) After July 9, 1973, and before

August 13, 1973, each person offering himself as a candidate for his party's nomination to the office of Mayor or for membership on the Board of Commissioners shall file a notice of candidacy with the Board of Elections in the form prescribed by general law.

(b) The initial primary elections of each party shall be held on September 11, 1973, to nominate one candidate for the office of Mayor and one candidate for each seat on the Board of Commissioners. The persons receiving the highest number of votes for each office shall be the nominees of their parties for those offices.

(c) The initial general election for the office of Mayor and for membership of the Board shall be held on November 6, 1973.

(d) The successful candidates assume office on December 3, 1973, and shall serve terms of three years, until 1976. In 1976, and thereafter in even-numbered years, the primary and the general election shall be held as prescribed by general law for county and state offices.

## CHAPTER 13. INTENT AND SEPARABILITY

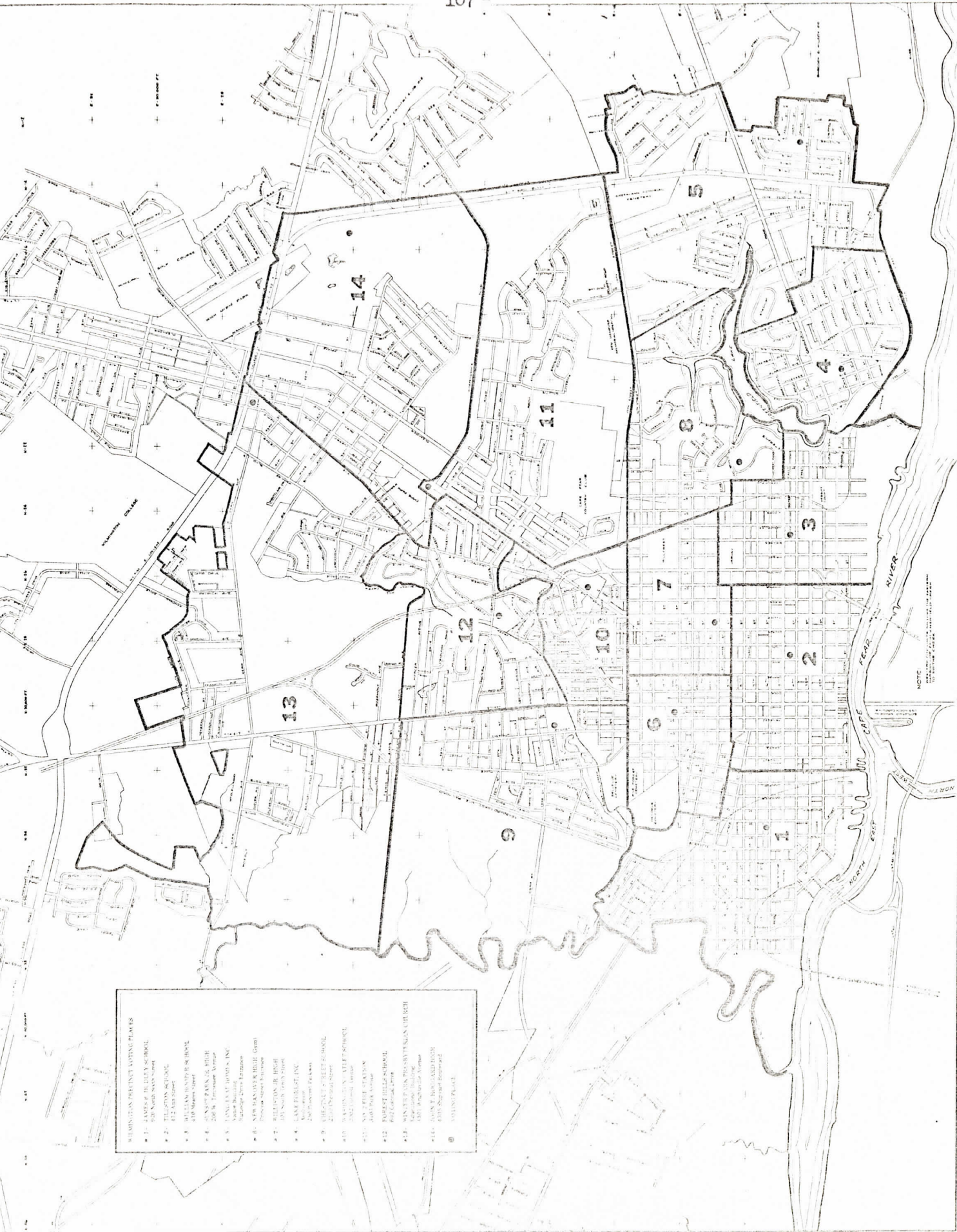
Sec. 13-1. Intent and separability. The people resideing within the area of the consolidated government declare that by the adoption of this charter it is their intent to consolidate the governmental and corporate functions of the City of Wilmington and the County of New Hanover so that the consolidating governments may be operated as one governmental entity in the interest of modern, efficient and economical, responsive and responsible democratic government. This charter shall continue in full force and effect even if any of its separable provisions not essential to this objective is held unconstitutional or void, and each provision of this charter is separable from each other provision."

APPENDIX B

PRECINCT MAPS OF WILMINGTON AND NEW HANOVER COUNTY

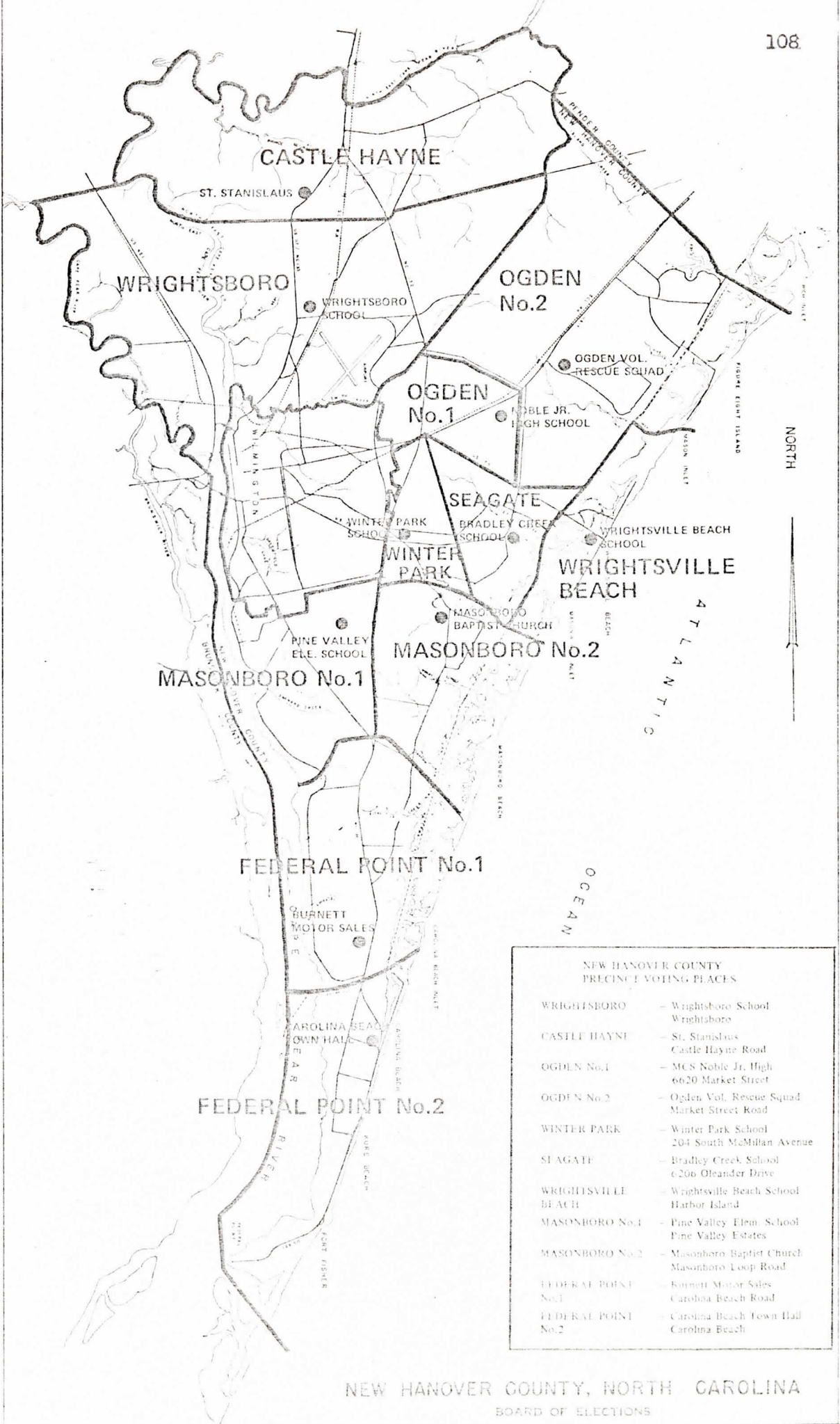
WAGE PAID BOND  
SOUTHINGTON, CT USA  
28% COTTON FIBER





- WILMINGTON PRECINCT VOTING PLACES
- \* 1 - JAMES G. DUFFY SCHOOL  
520 NORTH MAIN STREET
  - \* 2 - TELEPHON SCHOOL  
412 423 STREET
  - \* 3 - WILLIAM HANCOCK SCHOOL  
410 HANCOCK STREET
  - \* 4 - GUNN PARK, JR. HIGH  
208 W. Tenth Street, Avenue  
Vander Building
  - \* 5 - L. J. LANE, JR. JUNIOR, INC.  
Hartford Drive Extension  
Preston Square Extension
  - \* 6 - NEW HANCOCK HIGH (Gym)  
Preston Square Extension
  - \* 7 - WELLSINGTON, JR. HIGH  
101 NORTH Tenth Street
  - \* 8 - LANSFORD, INC.  
Vander Building  
250 Tenth Street, Eastway
  - \* 9 - WILMINGTON PUBLIC SCHOOL  
2100 Orange Street
  - \* 10 - WASHINGTON WATLEY SCHOOL  
2022 Orange Street
  - \* 11 - N. S. FLETCHER  
1005 Park Avenue
  - \* 12 - WILMINGTON PUBLIC SCHOOL  
622 Orange Street
  - \* 13 - WILMINGTON PUBLIC SCHOOL  
1851 Archdale Avenue  
433 Shipman Expressway
  - \* 14 - VILLAGE PLACE

NOTE:  
THE CITY OF WILMINGTON HAS ADOPTED THE FOLLOWING PRECINCTS FOR THE YEAR 1970.



NEW HANOVER COUNTY  
PRECINCT VOTING PLACES

WRIGHTSBORO	- Wrightsboro School Wrightsboro
CASTLE HAYNE	- St. Stanislaus Castle Hayne Road
OGDEN No.1	- MCS Noble Jr. High 6620 Market Street
OGDEN No.2	- Ogden Vol. Rescue Squad Market Street Road
WINTER PARK	- Winter Park School 204 South McMillan Avenue
SEAGATE	- Bradley Creek School 6206 Oleander Drive
WRIGHTSVILLE BEACH	- Wrightsville Beach School Harbor Island
MASONBORO No.1	- Pine Valley Elem. School Pine Valley Estates
MASONBORO No.2	- Masonboro Baptist Church Masonboro Loop Road
FEDERAL POINT No.1	- Burnett Motor Sales Carolina Beach Road
FEDERAL POINT No.2	- Carolina Beach Town Hall Carolina Beach

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