Mapping Excluded and Underserved Communities to Support Litigation and Advocacy

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Maps made in collaboration with
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Cedar Grove Institute for Sustainable Communities, Inc.
Colerain, NC: Exclusion, Sewer and Race

- White
- Minority
- City limits
- Sewer

Trunk line to treatment plant
What are the underlying causes?

- Good government: Maximize Tax Revenue,
- Politics (maintaining control), or
- Racism?

Trenton, NC 1999
“Smoking Gun”

Mayor:
“Trenton didn't want to annex black neighborhoods because it didn't want blacks on the town board.”
Implications For Excluded Neighborhoods

- Public health is endangered.
- Homes at risk of condemnation.
- Property values lowered.
- Affordable housing decreased.
- Home ownership endangered.
- Neighborhoods divided.
- Residents disenfranchised.
- Civic engagement denied.
How Widespread is This?

- A 2007 study found exclusion of African American communities across the South in the 1990’s. (Lichter et al.)
- Others identified *colonias* (dense, under-served, Latino communities):
  - 1,800 in Texas;
  - 138 in New Mexico;
  - 77 in Arizona (Mukhiija and Monkkonen, 2007)
  - 217 in California (Rubin et al, 2007).
- Approx. 20,000 people live in predominantly-Latino islands in Modesto, CA. (Johnson 2007)
Raeford, NC
45% Black

Silver City CDP

94% Black, Densely-settled Unincorporated
Raeford, NC

City
pop. 3,386
49.4% minority

100+ sides

Planning Board meets 7 a.m.

City Council meetings frequently cancelled without notice or not scheduled.
Raeford, NC

Silver City
Unincorporated Census-Designated Place

**CDP:**
“closely settled, named, unincorporated communities that generally contain a mixture of residential, commercial, and retail areas similar to those found in incorporated places of similar sizes.”
- US Census
Extra-Territorial Jurisdiction (ETJ)

• Invented to “rationalize” the planning process.
• In North Carolina and 21 other states,
• Allows towns to control areas outside their boundaries.
• Cities select areas for “growth.”
• Use ETJ
  • No promises – Can be in ETJ or Sphere forever.
• Annexation often developer driven (misses existing neighborhoods)
Raeford, NC

ETJ = 74% African American

If ETJ or Silver City annexed, Raeford would lose its White majority.
Is it Economics
or
Is it Race?
Per Capita Income 1999: White Alone

- Jena
- Midway CDP
- Good Pine

Per capita income in 1999: Black Alone

- Jena
- Midway CDP
- Good Pine

Percent Minority

- Jena
- Midway CDP
- Good Pine

Population:
- Jena: 3,033
- Midway CDP: 1,474
- Good Pine: 306
Ft. Yukon, AK
Gwichyaa Zhee Gwich’in
pop. 595

Accessible only by air or boat

Regional pop. approximately 1,320

86% Alaska Native
Process: A Study in Contrasts

- Government bodies can help or hinder applicants for changes in
  - Zoning
  - Subdivision Approval
  - Special Use Permits
  - Annexation and
  - Other Requests.
Mebane - Racial Composition

- Mebane City Limit
- ETJ boundary
- African-American Communities

Percent African-American, Census 2000

- 0% - 20%
- 21% - 40%
- 41% - 60%
- 61% - 80%
- 81% - 100%
- no data
Sewer Service to White Level Community and Mill Creek Golf Club

Failing septic systems

Mebane City Limit
ETJ boundary
African-American Communities
- Dwellings
- Sewer Lines

Percent African-American, Census 2000

- 0% - 20%
- 21% - 40%
- 41% - 60%
- 61% - 80%
- 81% - 100%
- no data
# Economics or Race?

<table>
<thead>
<tr>
<th></th>
<th>Population</th>
<th>Minority</th>
<th>Minority Homeowners</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mebane</td>
<td>7,300</td>
<td>23%</td>
<td>46%</td>
</tr>
<tr>
<td>ETJ</td>
<td>5,000</td>
<td>22%</td>
<td>78%</td>
</tr>
<tr>
<td>White Level</td>
<td>350</td>
<td>81%</td>
<td>93%</td>
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</tbody>
</table>
Sewer Service to White Level Community and Mill Creek Golf Club

Percent African-American, Census 2000

- 0% - 20%
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Originally ETJ, Watershed
Process Can Illuminate

Case 1: The Club at Mill Creek, 1993

750 home golf course development
Approval Processs: City Council

- In one day
- Consecutively
- Without adjournments:
  - A regular council meeting
  - A public hearing
  - A board of adjustment meeting
  - Another council meeting
  - Another public hearing
  - Another regular council meeting.
On The First Day, the City Moved to:

- Approve a Zoning Amendment to allow Zoning Permits with Vested Rights;
- Delete a Water Quality Critical Area;
- Reclassify all R-40W (1-acre, watershed) and R-80W (2-acre, watershed) to R-20 (1/2-acre) Residential;
- Rezone the same land from R-20 to R-12, R-8 and B-3;
- Grant a Special Use Permit for a Golf Course;
- Grant a Special Use Permit for Cluster Housing;
- Approve the Subdivision Plat;
- Approve a Zoning Permit with Vested Rights;
- Accept a petition for Annexation; and
- Vote to Investigate the Petition for Annexation.

NOTE: ALL of these actions involved The Club at Mill Creek.
On the Second Day, The City:

- Held a Special Meeting in the morning
- To Extend their ETJ
- But a signature was missing,
- So council voted to continue that meeting that afternoon...
- Or as soon as the signature was obtained.
On the Third Day, The City:

- Couldn’t get the necessary signature.
On the Fourth Day, the City Again

- **Consecutively**
- **Without adjournments:**
  - A Public hearing
  - A regular council meeting
  - A board of adjustment meeting
  - Another council meeting.
In Order To:

- Receive the Certificate of Sufficiency for Annexation;
- Annex Mill Creek;
- Extend the City Limits, **effective immediately**;
- Deal with land that had been outside of Mebane’s ETJ until that moment:
  - Rezone from 1-acre, Protected Watershed to R-12 (~1/4 ac.)
  - Approve a Special Use Permit for the golf course;
  - Approve cluster housing
  - Approve the subdivision plat with Zoning Permit with Vested Rights

THE DEAL WAS DONE.
On the Fifth Day

The City Rested.
Most of the actions received no discussion.

All of the votes were UNANIMOUS.

All of the actions excluded current minority residents.
Case 2: White Level, 1997

- African American residents petitioned City of Mebane for sewer and annexation, noting failing septic systems.

- The Council quoted $749,000 for a lift station and agreed to look into a block grant.

- The matter never came up in the minutes again.

- All of the City Council members but one were the same as in 1993 when the Club at Mill Creek was annexed.
Understanding to Overcome Disparities in Unincorporated Communities

- History and Specifics: in THIS community:
  - Alliances
  - History of requests:
    - Formal or informal?
  - Sewer trunk line or feeder line?
  - Underlying land valuable?
  - Environmental concerns?
  - Health effects?
Underlying Mechanisms

- Incorporation/Annexation requires economic analysis
- Regulatory process
  - Tax-sharing agreements, etc.
- Politics
  - Votes
  - Maintaining control
  - Corruption
  - Financing campaigns
Community Attitudes

- Residents want incorporation/annexation?
- Or just services?
- Do residents understand real costs?
  - Current costs vs.
  - Costs of obtaining services

- Who has the power in area?
How Do We Overcome?

- Prove NOT just simple cost/revenue problem for the annexing body
- Exclusion ignores cost to the larger community, the financial and health costs to the excluded, and the civic costs everyone.
- Work for system-wide changes
Influence the Outcomes

- Identify leaders and networks.
- Know the law and regulations (federal, state, local);
  - Are they being ignored?
- Identify various interests.
- Monitor and Participate in the process.
Collaborate

- Community Groups and Legal Resources
- Civil Rights Center + CGISC
  + Voices for Justice, etc.
- Similar Communities
  - Modesto and Moore Cnty, NC: multiple neighborhoods
  - Modesto, CA and Moore County, NC partnership
- Media