

Technical Corrections Ordinance Chart
Updated: May 3, 2024

Chapter	Existing Language	Proposed Changes
<p>Chapter 2, Section 2-2 Purchasing.</p>	<p>Section 2-2 grants contracting authority in amount not to exceed \$100,000 to the city manager with the ability to execute change orders and amendments in the same amount.</p> <p>Pursuant to separate resolutions the city manager has the authority to:</p> <p>(a) settle claims and certain lawsuits in an amount not to exceed \$100,000,</p> <p>(b) surplus personal property of the city valued at less than \$30,000 (amount determined by state law), and</p> <p>(c) settle acquisitions/condemnation actions in an amount not to exceed \$1,000.</p>	<p>The proposed changes will:</p> <p>(a) Increase the city manager’s contracting authority from \$100,000 to \$500,000 with change order authority up to an additional \$100,000 for any contract previously approved by the city manager.</p> <p>(b) Increase his change order authority from \$100,000 to up to \$500,000 for any contract previously approved by city council.</p> <p>(c) Increase the city manager’s settlement authority for claims and certain litigation matters from \$100,000 to \$500,000.</p> <p>(d) Increase the city manager’s settlement authority for contested acquisitions and condemnation actions from \$1,000 to 10 percent of the appraised value based upon an appraisal report prepared for the city or tax value if used to determine value, with a minimum of \$1,000 for the smaller cases where 10% is less than \$1,000, provided the city manager’s settlement authority shall not exceed \$100,000 per case.</p>

		<p>(e) Transfer from resolution to ordinance the authority of the city manager to surplus personal property of the city valued at less than \$30,000.</p> <p>(f) Authorize the city manager to acquire by purchase an interest in real property on behalf of the city for the highest appraised value based upon an appraisal report prepared for the city or tax value, provided the same does not to exceed \$100,000. The city manager will report, annually, to city council the names of the sellers, the amount paid by the city, and the uses of the property.</p>
Chapter 2, Section 2-6 Reimbursement agreements.	Section 2-6 codifies the language from 160A-499 regarding reimbursement agreements and sets forth the procedures for using said statute including add the proposed project to the Capital Improvement Plan (CIP).	The proposed change makes it clear that the proposed project must be added to the Capital Improvement Plan (CIP) before the reimbursement agreement is executed.
Chapter 2, Section 2-11. Public Records, Removal from City Hall.	This section is new.	The proposed change makes it unlawful to remove official city records from city hall unless authorized to do so. This language is similar to that found in the Raleigh City Code.
Chapter 2, Section 2-12 Signs, Seating and Fire Code Requirements.	This section is new.	<p>This proposed change codifies the regulation of handheld signs in city buildings:</p> <p>(a) Visitors may carry into any city building hand-held placards, signs, flags, or similar items (collectively called “signs”) not exceeding eighteen by eighteen inches (18” x 18”) in size. All signs shall be made of cloth, paper, cardboard, or plastic, shall not exceed one-eighth (1/8) of an inch in thickness, shall not have sharp edges or corners and shall not include a handstick.</p>

		<p>(b) Visitors with signs shall not interfere with others' ability to see and hear and the visitor's use of the sign (without regard to the sign's content) must not otherwise disrupt business proceedings.</p> <p>(c) This language is similar to regulations found in other cities like Raleigh.</p>
Chapter 2, Section 40, subsection (f) regarding voting	This section allows for a majority vote for passage of the: (a) annual budget appropriation and tax levy ordinance, (b) special use permits, and (c) ordinances for which a public hearing must be held pursuant to G.S. 160D-601.	The proposed change makes it clear that for quasi-judicial matters covered by 160D of the North Carolina General Statutes, a majority vote of the members of council is required for an item to pass rather than a simple majority of those present and voting.
Chapter 2, Section 2-63. Public Bodies, Chapter 2, Division 15, Section 2-300 through and including 2-305.	Section 2-63 section identifies the stormwater appeals board as a public body and Section 2, Division 15 created said board.	The proposed changes will repeal/eliminate the Stormwater Appeals Board ("SAB"), which has never met. The functions of said SAB will be transferred to the zoning board of adjustment through separate city code and UDO amendments. Staff is working on a concept of a stormwater advisory board to be created by city council, later, a different purpose.
Chapter 2, Section 2-67 Attendance policy.	This section is new.	<p>The proposed change creates an attendance policy for city appointees to city boards, committees, and committees.</p> <p>City appointed members must attend at least 65% of all regular and special meetings. Excused absences will not be held against the city appointed member. A city appointed member may have up to 3 excused absences per year.</p>

		<p>Unless excused, a city appointed member who misses 3 consecutive meetings shall be automatically removed.</p> <p>This language is similar to the attendance requirement for Charlotte city boards, committees, and commissions.</p> <p>To allow for time to notify board and commission members of the attendance policy, this section shall become effective July 1, 2024.</p>
Chapter 38 Miscellaneous Offenses and Provisions, Section 38-120.7 (c)(1) and (2) and (n). (Nondiscrimination in employment ordinance)	Generally, the existing language allows employers to use the bona fide occupational exemption where allowed by Title VII of the Civil Rights Act of 1964, as amended from time to time.	<p>The proposed changes to subsections (c)(1) and (2) include the specific reference to Title VII of the Civil Rights Act of 1964, as amended from time to time, so that the bona fide occupational exemption is not interpreted broader than the law allows.</p> <p>The proposed change to subsection (n) removes the word “not” where misplaced.</p>
Chapter 70. Signs, Section 70-14 Banners.	The current language allows, upon request, banners, across or along any city street, from a recognized civic or governmental agency.	The proposed change adopts and applies the government speech concept used for murals to banners across or along any street. The banner request will only be approved in accordance with city manager approved policies and procedures recognizing such banners as a form of governmental speech.
Chapter 74, Streets and Sidewalks, Sidewalk café. Stormwater Management. Several Sections	<p>The current language provides for:</p> <p>(a) the issuance of sidewalk café permits to run from July 1 until June 30th of the following year (permits are good for a fiscal year).</p>	<p>The proposed change:</p> <p>(a) provides for the issuance of such permits on a calendar year rather than a fiscal year and extends the current permits to expire on December 31, 2024.</p>

<p>Multiple Chapters</p>	<p>The current language in various chapters and sections of the code refer to:</p> <ul style="list-style-type: none"> (a) the “Community and Business Development Department” or “Community Development Department” which is now the Neighborhood Services Department or (b) “Community Development Department” in the affordable housing ordinance which is now “Housing Development Department” 	<p>The proposed change will substitute the correct department names where appropriate.</p>
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