



MEMORANDUM

TO: Mayor and Members of the City Council

FROM: Rich Olson, City Manager

DATE: May 16, 2016

REF: Consideration – Hold a Public Hearing on Preyer Avenue Speed Limit

BACKGROUND:

At the request of Councilman Ray Donnelly, a traffic count and vehicle speed study was completed on Preyer Avenue between Raleigh Street and Rivershore Road from Thursday, April 28, 2016 through Sunday, May 1, 2016. The traffic counter was placed mid-block on Preyer Avenue and the data collected represents two weekdays and two weekend days. The traffic volume measured as Average Daily Traffic (ADT) was 490 vehicles. The highest hourly traffic volume occurred at the noon hour and at 5 p.m., and was about one (1) vehicle every 90 seconds.

The average speed of the traffic was 23.1 miles per hour (mph). The 85th percentile traffic speed was 29.2 mph. On average, 10 cars per day were measured traveling 35 to 40 mph; 2 cars per day were measured traveling 40 to 45 mph, and the highest speed recorded was two (2) cars on Sunday traveling 50 to 55 mph.

The results of the traffic study were conclusive that Preyer Avenue has a very low traffic volume and that the motorists on Preyer Avenue travel at a safe speed below the default speed limit established by state law and City Code for residential streets, which is 35 mph. Only 2% of the traffic exceeded the speed limit of 35 mph, with only two cars in the four day period traveling with excessive speed (50 to 55 mph).

ANALYSIS:

The results of the traffic study were discussed by the City Council during the meeting held on May 9, 2016. Although several members of the City Council expressed a desire to evaluate speed limits on a City wide basis, the Council called for a Public Hearing to receive public comment on the Preyer Avenue speed limit. The public hearing was advertised in The Daily Advance on May 13, 2016 to be held on Monday, May 23, 2016. (Note: Staff is evaluating speed limits City-wide; and that information will be provided by a separate memorandum.)

Staff has developed a draft ordinance (attached) to amend Section 46-52 of the City's Code of Ordinances. All changes that have been to the existing ordinance text can be easily determined by the "add-delete" format used.

If the Council proceeds to a vote on this ordinance amendment after the Public Hearing on Monday, May 23, 2016, the amendment cannot be finally adopted except by a vote equal to or greater than two-thirds of the governing body. Otherwise, the ordinance must be presented for voting a second time at which time a simple majority vote will be sufficient for adoption.

Finally, it should be noted that 85% of all motorists recorded during the survey period were traveling at speeds of 30 mph or lower on Preyer Avenue. Substantial compliance is already occurring due to the length of the street and the configuration of parking on the street. Therefore, it is the opinion of staff that the results of the traffic study do not warrant establishing a 25 mph speed limit on Preyer Avenue.

STAFF RECOMMENDATION:

Hold the public hearing as advertised on May 23, 2016 to gather public input on this matter and take no action to adopt the draft ordinance.

RCO/vdw

Ordinance # 2016-05-_____
AN AMENDMENT TO
City of Elizabeth City Code of Ordinances
Chapter 46, Article III, Section 46-52 Speed Limits
Establishing Speed Limit on Preyer Avenue
Between Raleigh Street and Rivershore Road

WHEREAS, a traffic count and vehicle speed study was conducted by City staff on Preyer Avenue between Raleigh Street and Rivershore Road from Thursday, April 28, 2016 through Sunday, May 1, 2016; and

WHEREAS, the results of this study were discussed by the City Council during the Council meeting held on May 9, 2016, at which time a Public Hearing was called to gather citizen input on establishing a 25 mph speed limit along this street to replace the 35 mph speed limit established for unposted residential streets by City Code; and

WHEREAS, the Public Hearing was advertised on May 13, 2016 in The Daily Advance to be held on May 23, 2016, as required.

NOW THEREFORE BE IT ORDAINED THAT the City Council hereby adopts an amendment to Chapter 46, Article III, Section 46-52 Speed Limits as noted by "deletion and/or addition" to the current text, as follows:

SECTION I.

Sec. 46-52. Speed limits.

A. No person shall operate a vehicle on any City-controlled street in a residential district in excess of 35 miles per hour, ~~with the exception of all streets within the Old Oak Subdivision which shall be 25 miles per hour, nor in a business district in excess of 25 miles per hour~~; provided, however, no person shall operate a vehicle on the streets specifically enumerated in city ordinances subsection "B" in excess of the speed limit posted on signs erected for this purpose.

B. Exceptions: It shall be unlawful to operate or cause to be operated a motor vehicle in any of the following described locations in excess of the posted speed limit:

1) All streets within the Old Oak Subdivision shall be 25 miles per hour;

- 2) All streets within Central Business Zoning Districts shall be 25 miles per hour;
- 3) Preyer Avenue between Raleigh Street and Rivershore Road shall be 25 miles per hour.

SECTION II. EFFECTIVE DATE: This Ordinance shall take effect immediately upon adoption.

SECTION III. CODIFICATION. The provisions of this Ordinance shall be published as appropriate in the City of Elizabeth City Code of Ordinances as soon as practicable after its adoption.

SECTION IV. SEVERABILITY CLAUSE. If any section, or part or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, then it is expressly provided and it is the intention of the City Council of the City of Elizabeth City in passing this Ordinance that its parts shall be severable and all other parts of this Ordinance shall not be affected thereby and they shall remain in full force and effect.

SECTION V. All ordinances and sections of the Elizabeth City Code of Ordinances, and parts thereof, inconsistent herewith be and the same hereby are repealed to the extent of such inconsistencies.

READ, CONSIDERED, AND ADOPTED at a regular meeting of the City Council of the City of Elizabeth City, North Carolina, during which a quorum was present, held on the 23rd day of May, 2016.

Joseph W. Peel
Mayor

Attest:

Vivian D. White, CMC/NCCMC
City Clerk