



**IREDELL COUNTY BOARD OF COMMISSIONERS**  
**NOTICE OF MEETING**  
**IREDELL COUNTY GOVERNMENT CENTER**  
**200 SOUTH CENTER STREET, STATESVILLE, NC 28677**  
**Tuesday, December 1, 2020**  
**5:00 PM, PRE-AGENDA MEETING - COMMISSIONERS' MEETING ROOM**  
**7:00 PM, REGULAR MEETING - COMMISSIONERS' MEETING ROOM**  
**A G E N D A**

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE OF ALLEGIANCE**

**IV. ADJUSTMENTS OF THE AGENDA**

**V. PRESENTATION OF SPECIAL RECOGNITIONS & AWARDS**

**VI. APPOINTMENT BEFORE THE BOARD**

**VII. PUBLIC HEARINGS (7:00 P.M.)**

VII.1. Public hearing to consider a request from realtor Eric Thompson, representing Trinity Volunteer Fire Department, to rezone approximately 2 acres along Wilkesboro Highway.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

**VIII. ADMINISTRATIVE MATTERS**

VIII.1. Request from the Register of Deeds Office for approval of a revenue stamp refund in the amount of \$147.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

VIII.2. Request from Iredell-Statesville Schools for approval to make application to the Local Government Commission to issue debt not to exceed \$9,000,000.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

VIII.3. Request from Elections for approval of budget amendment #28 and to accept a grant in the amount of \$24,333 from the NC State of Board of Elections.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

VIII.4. Consider a request from Harold C. Mash, Sr., to rezone approximately 25.9 acres off Eagles Refuge Drive.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

VIII.5. Consider a request from William Clay Wooten to rezone approximately 4.76 acres of farmland along West Memorial Highway.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

VIII.6. Consider the adoption of the 2021 Public Transportation Program.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

VIII.7. Request from ICATS for approval of the FY 2020 Title VI Program.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

VIII.8. Request from ICATS for approval of the Public Transportation Agency Safety Plan, required by the Federal Transit Administration.

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

**IX. ANNOUNCEMENT OF VACANCIES OCCURRING ON BOARDS & COMMISSIONS**

**X. APPOINTMENTS TO BOARDS AND COMMISSIONS**

- X.1. Board of Equalization & Review - 6 appointments
- Board of Health (member of the public) - 1 appointment
- Recreation Advisory Board - 4 appointments
- Zoning Board of Adjustment - 2 appointments

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

**XI. UNFINISHED BUSINESS**

**XII. PUBLIC COMMENT PERIOD (2nd meeting of the month)**

**XIII. NEW BUSINESS**

**XIV. COUNTY MANAGER'S REPORT**

**XV. CLOSED SESSION**

- XV.1. Economic Development G.S. 143-318.11 (a) (4)
- Personnel G.S. 143-318.11 (a) (6)
- Property Acquisition G.S. 143-318.11 (a) (5)

[Agenda Item Request - BOARD OF COMMISSIONERS - Dec 01 2020 - Pdf](#)

**XVI. ADJOURN**



## AGENDA ITEM REQUEST – VII.1

**Meeting Date:** December 01, 2020

**Presenter:** Matthew Todd, Planning Director

**Department:** Planning & Development

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**Subject: Public hearing to consider a request from realtor Eric Thompson, representing Trinity Volunteer Fire Department, to rezone approximately 2 acres along Wilkesboro Highway.**

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### **Background Information:**

Public hearing to consider a request from Eric Thompson of Equity Commercial Properties to rezone an approximately 2 acres property along Wilkesboro Highway, from Single-Family Residential (R-20)/Neighborhood Business (NB) to General Business Conditional District (GBCD). This request is conditional per the submitted application, and will be limited by excluding certain GB uses as attached to the request.

On November 4, 2020, the Planning Board voted in denial of recommendation, 9-0.

MOTION (*if approved*) to approve amending the County's 2030 Horizon Plan to extend Rural Commercial designation to the entire property and to approve the zoning map amendment. The zoning approval and land use plan amendment are reasonable and in the public interest because the property directly adjoins the 2030 Horizon Plan Rural Commercial area, it will result in the repurposing of an existing vacant structure, and the purposed conditions mitigate change in use concerns.

### **Department Recommendation:**

The Planning staff can support the proposed rezoning request based on the following: The property directly adjoins the 2030 Horizon Plan Rural Commercial area, it will result in the repurposing of an existing vacant structure, and the proposed conditions mitigate change in use concerns.

### **Manager's Comments:**

The Planning Board voted to deny the request 9-0. Since this meeting the applicant and owner have agreed to add Race Shop to the list of excluded businesses.

### **Attachments:**

[2011-1 Thompson BOC Staff Report](#)  
[11 04 2020 PB minutes](#)

**Iredell County  
PLANNING & DEVELOPMENT**



PLANNING STAFF REPORT  
**REZONING CASE # 2011-1**

STAFF PROJECT CONTACT: Leslie M. Meadows

**EXPLANATION OF THE REQUEST**

This is a request to rezone a split-zoned parcel of land along Wilkesboro Highway, approximately 2 acres, from Single-Family Residential (R-20)/Neighborhood Business (NB) to General Business Conditional District (GBCD). This request is conditional per the submitted application, and will be limited by excluding certain GB uses as attached to the request.

**OWNER/APPLICANT**

**OWNER:** Trinity Volunteer Fire Department  
**APPLICANT:** Eric Thompson, *Equity Commercial Properties*

**PROPERTY INFORMATION**

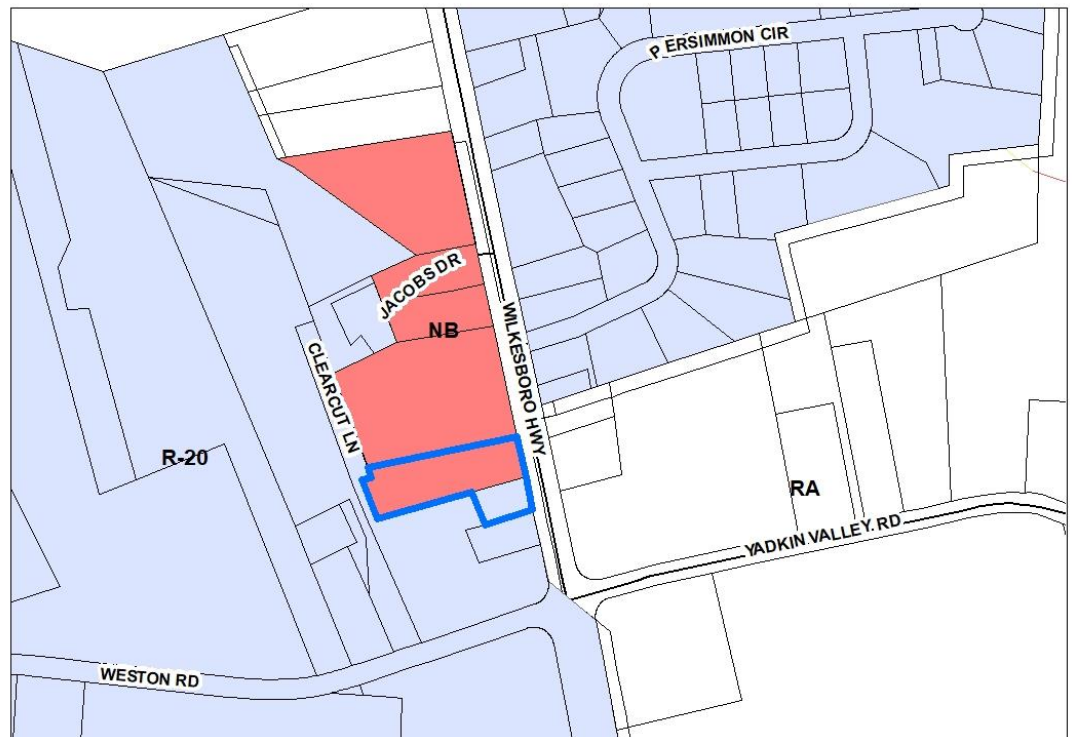
**ADDRESS/LOCATION:**  
2997 Wilkesboro Hwy; more specifically, PIN#: 4727560709.000.

**SURROUNDING LAND USE:** There are a variety of NB uses to the north. Otherwise, the site is surrounded by residential R-20 and RA properties, with Yadkin Baptist Church lying diagonally to the southeast.

**SIZE:** The total acreage to be rezoned includes approximately 2 acres.

**EXISTING LAND USE:** Vacant Fire Department building built in 1972.

**ZONING HISTORY:** The property was zoned Single-Family Residential



(R-20) when county-wide zoning was established in 1990. However, in 1995, the northern portion of the property was rezoned to Neighborhood Business (NB), along with a block of neighboring commercial properties to the north. The Trinity Volunteer Fire Department later purchased and combined the southern R-20 portion to the property in order to add on to their building.

**OTHER JURISDICTIONAL INFORMATION:** This primarily rural area is located entirely within the County's jurisdiction, and is not in close proximity to any municipal Urban Service Area.

**OTHER SITE CHARACTERISTICS:** This property is located within the regulated South Yadkin WS-IV-PA Protected Watershed Area. Proposed new development will be governed by the 70% or 10/70 Rule; 24% built-upon area with curb and gutter (36% without), after 10% is developed. The property is not located in a flood hazard zone.

**UTILITIES:** This site is currently served by well and septic.

#### **IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The closest traffic count along Wilkesboro Highway (NC115) is to the north past Windy Hill Road, which had a traffic count of 6,200 vehicles per day in 2018. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of Wilkesboro Highway is approximately 13,800 vehicles per day through the year 2030. The speed limit along this portion of Wilkesboro Highway is 45 mph.

**SCHOOLS:** This is a commercial rezoning and should have no implications on local schools.

**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

#### **REQUIRED REVIEWS BY OTHER AGENCIES**

**LOCAL:** The applicant must provide a site plan to the Planning & Development Department for review to develop the properties. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

<b>STAFF AND BOARD COMMENTS</b>
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**STAFF COMMENTS:** The applicant represents Reaume Bros Racing, currently competitive in the Camping World Truck Series. Development plans include converting the existing vacant Volunteer Fire Department building into a successful race shop. It is important to note that in addition to obtaining a rezoning, the intended race shop use also requires a Special Use Permit and Variance approval by the Board of Adjustment. As a conditional rezoning request, agreed upon conditions should help mitigate initial change in use concerns. The specific conditions imposed as part of the conditional rezoning application are as follows:

- 1.) The following GB uses would be excluded, not permitted: Amusement arcades and indoor places of entertainment; including bowling alleys, pool rooms, skating rinks, & batting cages, Bingo games, Correctional institutions, Dance halls; including night clubs, Go-kart, motorcycle, & similar vehicle tracks, Indoor shooting ranges, Adult oriented businesses, Bars, Bus stations, Crematories not associated with a funeral home, Drive-in theaters, Liquor stores, Motels & hotels, Pawn shops, Private clubs, **and Race shops.**
- 2.) Create a no thru-access to Clearcut Lane with landscaping barrier or fence.
- 3.) Add additional landscaping along the south side of the building creating additional screening/noise buffer.

Being along a major thoroughfare, Wilkesboro Highway (NC115), the parcel in question is partially inside of and adjacent to what the 2030 Horizon Plan calls a Rural Commercial area. Rural Commercial areas include existing commercial uses or areas intended for future commercial uses that are located along major roadways in rural areas. The intent of these areas is that they will remain rural in character for the planning period and will not be served by public or private water and sanitary sewer systems. Land uses appropriate within Rural Commercial areas include supporting farm services, small-scale commercial uses, small-scale neighborhood service businesses, restaurants, churches, and institutional uses. However, the 2030 Horizon Plan does state that other commercial and office uses could be permissible in the Rural Commercial designation, provided the property is rezoned to a conditional district.

Land use plan designations are typically viewed as conceptual, but staff feels that with this particular request being an increase in intensity of use, an amendment to the land use plan would be needed. Staff feels comfortable including the entire parcel within the rural commercial designation due to it adjoining existing commercial uses, and the fact that Special Use Permit and Variance requirements must still be met prior to operation.

Staff does have some concerns of permitting a race shop in close proximity to a residential area. These concerns are largely related to noise. However, there was limited concern from neighbors at the required public input meeting. If GBCD zoning is approved, the applicant will still need to apply for a Special Use Permit where the Board of Adjustment can specifically look at the evidence to determine if a race shop is an appropriate use in the area.

The Planning staff can support the proposed rezoning request, and subsequent 2030 Horizon Plan map amendment, based on the following:

The property directly adjoins the 2030 Horizon Plan Rural Commercial area, it will result in the repurposing of an existing vacant structure, and the proposed conditions mitigate change in use concerns.

**PUBLIC INPUT MEETING:** A public input meeting was held on Thursday, Oct. 1<sup>st</sup>, 2020, from 5:30pm - 6:30 pm, onsite at the original Trinity Volunteer Fire Department along Wilkesboro Highway. Approximately five property owners from the area were in attendance to hear the race shop proposal. Some opposition was expressed, and various concerns were voiced and debated. Those present representing the fire department were in favor of the repurposed use. A copy of the applicant's summary of said public input meeting has been included at the end of this report.

**SITE REVIEW COMMITTEE:** Staff visited site on October 16, 2020.

**PLANNING BOARD ACTION:** On November 4, 2020, the Planning Board held a public meeting to hear the rezoning request. The applicant explained ways in which the current building is readily equipped for a race shop. There were four family members present representing the elderly neighboring landowner, who expressed noise and property value concerns. The board voted 9-0 to recommend denial of the rezoning with the following motion:

*Motion to recommend denial of the 2030 Horizon Plan map amendment and zoning map amendment and to make a finding that said denial is reasonable and in the public interest because....*

As a result of public opposition and planning board denial, the applicant met with Trinity Volunteer Fire Department members to reconsider the conditions of the rezoning request. Due to the size, location, and layout of the existing building, it was decided to move forward with the GBCD rezoning to increase the marketability of the site. However, race shops have been removed/excluded from the list of permitted GB uses.

**ACTION NEEDED:**

**TO APPROVE:**

Motion to approve amending the County's 2030 Horizon Plan to extend Rural Commercial designation to the entire property and to approve the zoning map amendment. The zoning approval and land use plan amendment are reasonable and in the public interest because the property directly adjoins the 2030 Horizon Plan Rural Commercial area, it will result in the repurposing of an existing vacant structure, and the purposed conditions mitigate change in use concerns.

**TO DENY:**

Motion to deny the 2030 Horizon Plan map amendment and zoning map amendment and to make a finding that said denial is reasonable and in the public interest because....

Attachments:

Rezoning Application

Zoning Map

Future Land Use Map

Aerial View Map

Summary of Public Input Meeting



OFFICIAL USE ONLY:  
Case Number: 2011-1  
Date Filed: 10/5/2020  
Amount Paid: \$ 500.00

**Iredell County  
Application for Rezoning**



The following steps are required in order for your application to be considered complete.

*Incomplete applications will be returned to the applicant and will not be processed.*

1. Schedule a pre-application meeting with staff.
2. Submit a completed application. All applications must include:
  - Cash, check, or money order made payable to Iredell County.  
Fees: \$500 for a rezoning request
3. A plat, drawn to scale, showing the bearings and the distances of the property requested for rezoning, if only rezoning a portion of a parcel.

**The Rezoning Process:**

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Submit a Zoning Map Amendment application to Iredell County Planning. During this time, planning staff will review your application, prepare a staff report to the board, and notify all adjacent property owners.

Petitions for a change in zoning are first referred to the Planning Board and then acted upon by the Iredell County Board of County Commissioners. Planning Board meetings are held on the first Wednesday of every month at 7:00 p.m at the Iredell County Government Center (Old Iredell County Courthouse), 200 South Center Street, located in downtown Statesville. At this time, the Board will hold a public meeting and make a recommendation. The Planning Board's recommendation is then forwarded on to the Iredell County Board of Commissioners for them to approve or deny the request. The Iredell County Board of Commissioners meets at the same location at 7:00 PM on the first Tuesday of each month.

**Subject Property Information**

1. Street Address 2997 North Wilkesboro Hwy Statesville, NC 28625
2. PIN(s) 4727-56-0709.000
3. Deed Reference: Book 2632 Page 1737
4. Township Concord

**Description of Subject Property**

- 1. Size to be rezoned (square feet or acres) 2 acres
- 2. Street Frontage (feet) Est. 218
- 3. Watershed South Yadkin River Basin WS-IV-PA
- 4. Current Land Use of Property NB – Vacant Fire Department
- 5. Surrounding Land Use
 

North	<u>NB - Tire Shop/Convenience Store</u>
South	<u>R-20 Residential</u>
East	<u>Church</u>
West	<u>R-20 Residential</u>

**Request**

- 1. Change Zoning From NB/R-20 To GB CD
  - 2. Is this a request for a "Conditional Zoning" District? YES/ NO
  - 3. If a Conditional Zoning District is being requested, please describe the Purpose for Request/Proposed Use Upon rezoning, we plan to pursue a Special Use Permit/ Variance in order to operate a Race Shop/ Automotive Garage
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Since amendments to zoning maps should also be based on a Land Use Plan, please explain in the space below how your request satisfies each of the following requirements:

1. How would the requested zoning change be consistent with the property's classification on the future land use map in the 2030 Horizon Plan?  
The property is currently NB. The area is labeled Rural Commercial in the 2030 Horizon Plan. 2 miles North is 3492 Wiklesboro Hwy Zoned M1 CUD

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2. What significant neighborhood changes have occurred to make the existing zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?  
The building has been constructed to be used as a Fire Station. The current setbacks are estimated 25'-30' for a portion of the back section built on in 2000. The north side, road front, rear, and portion of the southside all are within required setbacks.

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**Conditional Zoning Application**

Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Section 2.21 of the Iredell County Land Development Code.

Allow for all permitted GB uses, with exception of the following excluded uses:

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\*Amusement arcades and indoor places of entertainment; including bowling  
alleys, pool rooms, skating rinks and batting cages \*Bingo games \*Correctional  
institutions \*Dance Halls including night clubs \*Go-kart, motorcycle & similar  
vehicle tracks \*Shooting ranges, indoor \*Adult oriented business\* \*Bar \*Bus  
stations \*Crematories not associated with a funeral home \*Drive-in theaters  
\*Liquor stores \*Motels & hotels \*Pawn Shops \*Private Club

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Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width).

Create a no thru-access to Clearcut Ln with landscaping barrier or fence.

Add additional landscaping along the south side of the building creating  
additional screening / noise buffer

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**Owner Information**

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

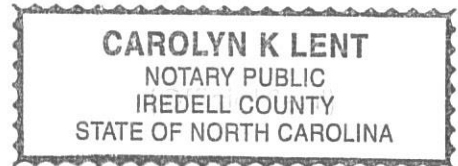
Property Owner TRINITY VOLUNTEER FIRE DEPT  
Company Name SAME  
Position TREASURER  
Address 2968 WILKESBARD HWY  
Phone STATESVILLE, NC 28625  
Email 704-500-951 amacctg@yahoo.com  
Signature Alice K. May  
(Must be notarized)

North Carolina, IREDELL County

I, CAROLYN K. LENT, a Notary Public for IREDELL County, North Carolina, do hereby certify that ALICE K MAY personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 2<sup>nd</sup> day of OCT, 2020

Carolyn K. Lent  
My Commission expires: 1/30/2025



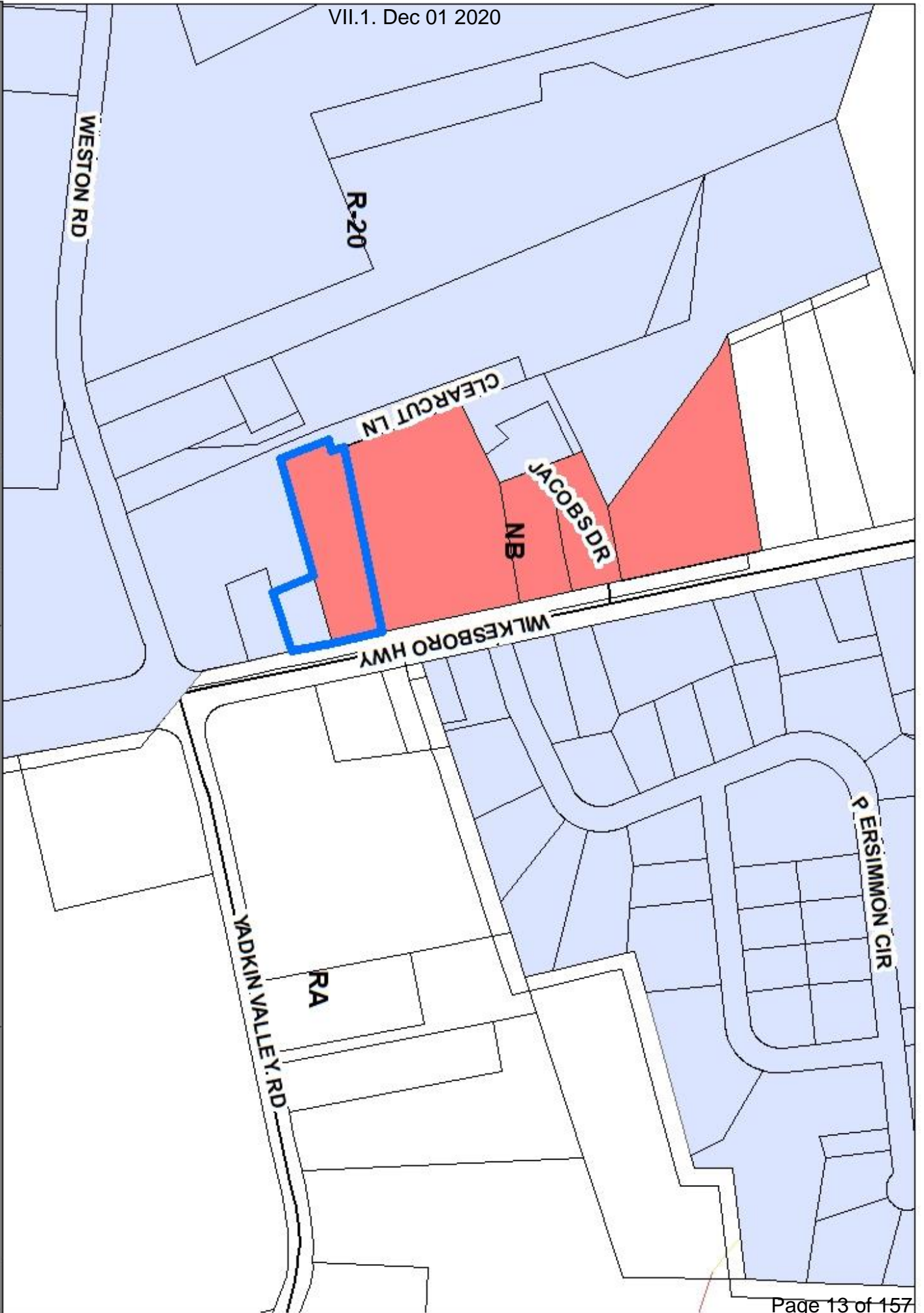
Applicant/Agent Eric Thompson  
Company Name Equity Commercial Properties  
Position Broker  
Address PO Box 201 Troutman NC 28166  
Phone 704-902-2757  
Email ethompson@equitycp.com  
Signature E. Thompson

CASE #: 2011-1  
Zoning

Legend  
Parcels Requested

Iredell County  
Planning & Development

0 260 Feet



Rural Conservation

Low-Density Residential

Rural Commercial

WESTON RD

CLEARCUT LN

JACOBS DR

WILKESBORO HWY

ERSIMMON CIR

Rural Conservation

Rural Conservation

YADKIN VALLEY RD

CASE #: 2011-1  
2030 Horizon Plan

Legend  
Parcels Requested

Iredell County  
Planning & Development

0 260 Feet



CASE #: 2011-1  
2018 Aerial

Legend  
 Parcels Requested

Iredell County  
Planning & Development



**Summary of Thursday, October 1, 2020, informal meeting with neighboring property owners regarding request of Eric Thompson to rezone PIN 4727-56-0709 from NB to GB-CD**

On September 22, 2020, notices were mailed to property owners in the vicinity of the old Trinity Fire Department being requested for this rezoning, advising of a public meeting to be held from 5:30 to 6:30 pm at the property on October 1, 2020, to solicit comments and input prior to filing the re-zoning request. The list of names and addresses was provided by the Iredell County Planning Department.

The weather was clear, 70 degrees, and the meeting began at 5:30 pm. In attendance were Eric Thompson of Equity Commercial Properties, Leslie Meadows and Matthew Todd of the Iredell County Planning Department, and 4 community members/ property owners.

Among materials displayed were building layout, permitted uses in NB, permitted uses in GB, list of uses we feel not appropriate in GB for this property, and information of the use intended, Race Shop ( Specifically Reaume Bros Racing).

The plans for the property were described in detail, and participants were asked for questions or comments. One adjoining owner asked about the back of the property regarding traffic currently coming through Clearcut Ln. Answer: The plan will be to stop through access to Clearcut Ln with landscaping barrier or fence.

Another adjoining owner asked if his taxes would increase. Answer: The tax implication would not apply to surrounding properties.

Same adjoining owner asked if there would be any on-site racing. Answer: That use will be excluded from permitted uses when we apply for GB-CD and the site does not allow enough space for this to be done.

Both adjoining property owners asked about noise. Answer: The vehicles will be started to move around site and load/unload. Building currently has an exhaust system that allows engines to run inside with the garage doors closed. Building is currently insulated and the plan to add additional landscaping along the south side of the building creating additional screening/ noise buffer.

Comments were favorable toward the proposed re-zoning and use of the property. The meeting concluded at 6:40 pm.

**FILE COPY**



***IREDELL COUNTY PLANNING BOARD***

The Iredell County Planning Board met on Wednesday, November 4, 2020 at 7:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC.

MEMBERS PRESENT

Harry Tsumas, Chairman  
Kristi Pfeufer, Vice-Chair  
Robert Palmes  
Chris Carney  
Raymond Burnette  
Mark Davis  
Jerry Santoni  
Tracy Jenkins  
Doug Holland

STAFF PRESENT

Leslie Meadows  
Matthew Todd  
Cindy Nicholson

*Chairman Tsumas called the meeting to order.*

Leslie Meadows presented the following case:

**REZONING REQUEST: 2011-1, ERIC THOMPSON, EQUITY COMMERCIAL PROPERTIES (APPLICANT)**

**EXPLANATION OF THE REQUEST**

This is a request to rezone a spilt-zoned parcel of land along Wilkesboro Highway, approximately 2 acres, from Single-Family Residential (R-20)/Neighborhood Business (NB) to General Business Conditional District (GBCD). This request is conditional per the submitted application, and will be limited by excluding certain GB uses as attached to the request.

**OWNER/APPLICANT**

**OWNER:** Trinity Volunteer Fire Department

**APPLICANT:** Eric Thompson, Equity Commercial Properties

**PROPERTY INFORMATION**

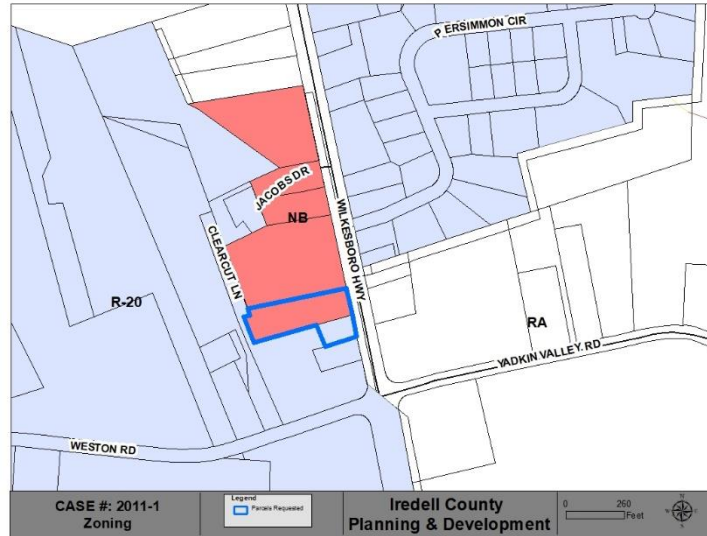
**ADDRESS/LOCATION:** 2997 Wilkesboro Hwy; more specifically, PIN#: 4727560709.000.

**SURROUNDING LAND USE:** There are a variety of NB uses to the north. Otherwise, the site is surrounded by residential R-20 and RA properties, with Yadkin Baptist Church lying diagonally to the southeast.

**SIZE:** The total acreage to be rezoned includes approximately 2 acres.

**EXISTING LAND USE:** Vacant Fire Department building built in 1972.

**ZONING HISTORY:** The property was zoned Single-Family Residential (R-20) when county-wide zoning was established in 1990. However, in 1995, the northern portion of the property was rezoned to Neighborhood Business (NB), along with a block of neighboring commercial properties to the north. The Trinity Volunteer Fire Department later purchased and combined the southern R-20 portion to the property in order to add on to their building.



**OTHER JURISDICTIONAL INFORMATION:** This primarily rural area is located entirely within the County's jurisdiction, and is not in close proximity to any municipal Urban Service Area.

**OTHER SITE CHARACTERISTICS:** This property is located within the regulated South Yadkin WS-IV-PA Protected Watershed Area. Proposed new development will be governed by the 70% or 10/70 Rule; 24% built-upon area with curb and gutter (36% without), after 10% is developed. The property is not located in a flood hazard zone.

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The closest traffic count along Wilkesboro Highway (NC115) is to the north past Windy Hill Road, which had a traffic count of 6,200 vehicles per day in 2018. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of Wilkesboro Highway is approximately 13,800 vehicles per day through the year 2030. The speed limit along this portion of Wilkesboro Highway is 45 mph.

**SCHOOLS:** This is a commercial rezoning and should have no implications on local schools.

**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

**UTILITIES:** This site is currently served by well and septic.

#### REQUIRED REVIEWS BY OTHER AGENCIES

**LOCAL:** The applicant must provide a site plan to the Planning & Development Department for review to develop the properties. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

#### STAFF AND BOARD COMMENTS

**STAFF COMMENTS:** The applicant represents Reaume Bros Racing, currently competitive in the Camping World Truck Series. Development plans include converting the existing vacant Volunteer Fire Department building into a successful race shop. It is important to note that in addition to obtaining a rezoning, the intended race shop use also requires a Special Use Permit and Variance approval by the Board of Adjustment. As a conditional rezoning request, agreed upon conditions should help mitigate initial change in use concerns. The specific conditions imposed as part of the conditional rezoning application are as follows:

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- 2.) Create a no thru-access to Clearcut Lane with landscaping barrier or fence.
- 3.) Add additional landscaping along the south side of the building creating additional screening/noise buffer.

Being along a major thoroughfare, Wilkesboro Highway (NC115), the parcel in question is partially inside of and adjacent to what the 2030 Horizon Plan calls a Rural Commercial area. Rural Commercial areas include existing commercial uses or areas intended for future commercial uses that are located along major roadways in rural areas. The intent of these areas is that they will remain rural in character for the planning period and will

not be served by public or private water and sanitary sewer systems. Land uses appropriate within Rural Commercial areas include supporting farm services, small-scale commercial uses, small-scale neighborhood service businesses, restaurants, churches, and institutional uses. However, the 2030 Horizon Plan does state that other commercial and office uses could be permissible in the Rural Commercial designation, provided the property is rezoned to a conditional district.

Land use plan designations are typically viewed as conceptual, but staff feels that with this particular request being an increase in intensity of use, an amendment to the land use plan would be needed. Staff feels comfortable including the entire parcel within the rural commercial designation due to it adjoining existing commercial uses, and the fact that Special Use Permit and Variance requirements must still be met prior to operation.

Staff does have some concerns of permitting a race shop in close proximity to a residential area. These concerns are largely related to noise. However, there was limited concern from neighbors at the required public input meeting. If GBCD zoning is approved, the applicant will still need to apply for a Special Use Permit where the Board of Adjustment can specifically look at the evidence to determine if a race shop is an appropriate use in the area.

The Planning staff can support the proposed rezoning request, and subsequent 2030 Horizon Plan map amendment, based on the following:

The property directly adjoins the 2030 Horizon Plan Rural Commercial area, it will result in the repurposing of an existing vacant structure, and the proposed conditions mitigate change in use concerns.

**PUBLIC INPUT MEETING:** A public input meeting was held on Thursday, Oct. 1<sup>st</sup>, 2020, from 5:30pm - 6:30 pm, onsite at the original Trinity Volunteer Fire Department along Wilkesboro Highway. Approximately five property owners from the area were in attendance to hear the race shop proposal. Some opposition was expressed, and various concerns were voiced and debated. Those present representing the fire department were in favor of the repurposed use. A copy of the applicant's summary of said public input meeting has been included at the end of this report.

**SITE REVIEW COMMITTEE:** Staff visited site on October 16, 2020.

**QUESTIONS FROM BOARD TO STAFF**

Chairman Tsumas asked Ms. Meadows for a copy of the GB uses list.

Ms. Meadows provided a printed copy of the GB uses list from the applicant, Mr. Eric Thompson, Equity Commercial Properties.

Mr. Carney commented he has never seen a race shop this close in proximity to residential homes and will be interested in hearing what the persons present will have to say.

Ms. Pfeufer asked Ms. Meadows about the attendance at the public meeting.

Ms. Meadows said there were not many in attendance, but those that were, noise was a concern they had.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

Chairman Tsumas asked if the applicant would like to come forward to speak.

**THOSE SPEAKING ABOUT THE CASE**

Mr. Eric Thompson, Equity Commercial Properties, came to speak on behalf of his client, Josh Reaume, Reaume Bros. Racing. Mr. Thompson said that Josh felt, after looking at the property, the building meets their criteria with things that are already in place like the exhaust system, the mechanic bays, etc. and would be a good fit for their race shop. Mr. Thompson stated the hours of operation would be 8:00 am – 6:00 pm Monday – Thursday, and the team would be gone on weekends at races. Mr. Thompson also stated they plan to have vegetative buffering along with fencing around the property.

Chairman Tsumas asked if there were any questions for Mr. Thompson.

There were no questions for Mr. Thompson.

Chairman Tsumas asked if there were any others to speak on behalf of the applicant.

There were no others to speak on behalf of the applicant.

Chairman Tsumas then asked if there were any present to speak in opposition of the application.

Mr. Mike Dowell, Mooresville, said that his 89 year-old mother lives right next door to this property and he is concerned with the noise this will create along with the potential for water contamination due to his mother being on a well. He said he is not comfortable

with a race shop being in close proximity to homes in the area that he grew up in and his mother still lives there.

Chairman Tsumas asked if there were any questions for Mr. Dowell.

There were no questions for Mr. Dowell.

Mr. Kip Dowell, Mooresville, which is also a son of the next-door neighbor, reiterated the concerns of the noise, along with the cleaners, solvents, etc. that the race shop would be using that could potentially contaminate the ground water in the area. He said he lives within one mile of a race shop in Mooresville, and even at that distance, it is very noisy. He feels this is not a good idea for the area or neighbors around an area in which he grew up.

Chairman Tsumas asked if there were any questions for Mr. Dowell.

There were no questions for Mr. Dowell.

At this time, Chairman Tsumas closed the public hearing.

Mr. Carney asked what was in the buildings North of this location.

Mr. Thompson said there is a convenience store, tire shop/storage, and there was until recently, a small take out restaurant (Chucks).

Mr. Carney said he feels that there is no comparison to the fire station noise as previously stated, because it is a life-saving reason, which is a benefit to the community, versus a race shop that has no community benefit and is not comparable at all. He does not see a race shop suitable in a residential community.

Mr. Santoni said he lives four miles from a race shop in Mooresville, and he hears the racecars from that distance away, and can't imagine what it would be like to live right next door to it. He feels it would be an intrusion on the neighbor's rights.

Chairman Tsumas said Rural Commercial zoning is to help the community, like a fire station, and a race shop can't serve a community in the same manner.

Mr. Burnette said he agrees. He said he himself restores hot rods, and even the distance he has from a neighbor, they have told him they can hear when he is working on them. Mr. Burnette feels even with trees/vegetative buffering, fencing, that will not do anything to help with that type of noise.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

After no further discussion, Mr. Santoni made a Motion to recommend *denial* of the 2030 Horizon Plan map amendment and zoning map amendment and to make a finding that said denial is reasonable and in the public interest. Mr. Holland seconded said motion and all were in favor.

**VOTE: 9-0**

**OTHER BUSINESS:** None

**UNFINISHED BUSINESS:** None

**MINUTES:** Mr. Holland made a motion to approve the October 7, 2020 meeting minutes, seconded by Mr. Carney, all were in favor.

**MONTHLY COMMITTEE ASSIGNMENTS:** None

**ADJOURNMENT:** There being no further business, Chairman Tsumas declared the meeting adjourned at 7:37 p.m.

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*Cindy Nicholson*  
*Administrative Assistant*

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*Date Read and/or Approved*



VIII.1, Dec 01 2020  
**AGENDA ITEM REQUEST – VIII.1**

**Meeting Date:** December 01, 2020

**Presenter:** Ron Wyatt, Register of Deeds

**Department:** Register of Deeds

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**Subject: Request from the Register of Deeds Office for approval of a revenue stamp refund in the amount of \$147.**

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**Background Information:**

On September 11, 2020 Clodfelter Law, PLLC recorded a deed with the incorrect excise stamps. A corrected deed was recorded on October 30, 2020. The law firm is requesting a refund in the amount of \$147.00, the amount of the overpayment in excise stamps.

**Current and future budget implications:**

N/A

**Potential cost savings:**

N/A

**Non-monetary value:**

N/A

**Mandate or plan recommendation:**

Approve a refund of \$147 for overpayment of revenue stamp at time of recording of deed on 9/11/2020 in book 2749 page 2106 in the Register of Deeds.

**Funding origin:**

Clodfelter Law, PLLC

**Consequences for not acting:**

Bad precedent - PLLC

**Downside:**

None

**Department Recommendation:**

Approve refund.

**Manager's Comments:**

Recommended for approval.

**Attachments:** [Scanned from a Xerox Multifunction Printer](#)



**AGENDA ITEM REQUEST**

**SPECIFIC REQUEST:** Approval of Refund of Overpayment of Revenue Stamp

**AGENDA MEETING DATE REQUESTED:** December 1, 2020

**Presenter:** Ronald N Wyatt- Register of Deeds

1. **Current and future budget implications:** N/A
2. **Potential cost savings:** N/A
3. **Non-monetary value:** N/A
4. **Mandate or plan recommendation:** Approve a refund of \$ 147.00 for overpayment of revenue stamp at time of recording of deed on 9/11/2020 Book 2749 Page 2106 in Register of Deeds.
5. **Funding origin:** Clodfelter Law, PLLC
6. **Consequences for not acting:** Bad precedent –just complying with NC Statutes
7. **Downside:** None

VIII.1. Dec 01 2020

**CLODFELTER LAW, PLLC**  
**CHRISTINA CLODFELTER, ATTORNEY AT LAW**  
229 DAVIE AVENUE  
STATESVILLE, NORTH CAROLINA 28677  
(704) 873-2172  
(704) 924-2103 FAX

November 12, 2020

Ronald Wyatt  
Iredell County Register of Deeds

**Via hand delivery**

Re: Request for refund for overpayment of excise tax for Elam Clarence Setzer

Dear Mr. Wyatt,

On September 11, 2020 I recorded a deed from Joel Stinson to Elam Setzer with the incorrect excise stamps. See included deed recorded at Book 2733, Page 1675. I filed a corrective deed on October 30, 2020. See included corrective deed recorded at Book 2749, Page 2106.

I am requesting a refund in the amount of \$147.00, the amount of the overpayment of the excise stamps (\$245 paid minus \$98 correct amount).

I appreciate your consideration of this request to correct my error.

Sincerely yours



Christina Clodfelter

Enclosures



# AGENDA ITEM REQUEST – VIII.2

**Meeting Date:** December 01, 2020

**Presenter:** Deb Cheek, Finance Director

**Department:** Finance

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**Subject: Request from Iredell-Statesville Schools for approval to make application to the Local Government Commission to issue debt not to exceed \$9,000,000.**

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**Background Information:**

Iredell-Statesville Schools would like to enter into a design/build contract for LED Lighting upgrades, Indoor Air Quality Improvements and Control Upgrades at schools across the system. They are asking for a debt issuance not to exceed \$9,000,000 with debt payments coming from future capital allocations.

**Current and future budget implications:** This project should be completed by the beginning of the next school year. The future budget implications will be debt payments but they will be satisfied with capital outlay funds.

**Potential cost savings:** The cost savings to the school system are significant. Projected to be in excess of \$11,000,000 over 15 years.

**Non-monetary value:** Provide cost efficient lighting and HVAC systems. Provide air quality improvement to the schools.

**Mandate or plan recommendation:** None

**Funding origin:** Installment financing

**Consequences for not acting:** The ISS system will replace these items on a pay as you go method taking much longer to realize the savings.

**Downside:** N/A

**Department Recommendation:** Approval for Finance to move forward with making application to the LGC for debt issuance.

**Manager's Comments:** Recommend approval to make application to LGC.

**Attachments:**

[Iredell County Financing Calendar LED Project](#)  
[LED Project Description](#)  
[Commissioners Approval- Dec 1 v3](#)

VIII.2. Dec 01 2020  
**IREDELL COUNTY, NORTH CAROLINA**  
**2021 INSTALLMENT FINANCING AGREEMENT**  
**FINANCING SCHEDULE**

Nov-20							Dec-20							Jan-21							Feb-21								
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa		
1	2	3	4	5	6	7			1	2	3	4	5							1	2			1	2	3	4	5	6
8	9	10	11	12	13	14	6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13		
15	16	17	18	19	20	21	13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20		
22	23	24	25	26	27	28	20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27		
29	30						27	28	29	30	31			24	25	26	27	28	29	30	28								

DATE	TASK	RESPONSIBILITY
December 1	▪ County Board Calls for public hearing (if needed)	C
December 4	▪ Circulate Draft Bank RFP	FTA
December 5	▪ Publish Notice of Public Hearing	C/BC
December 11	▪ Send request for proposals to financial institutions	C/FTA
December 15	▪ <i>County Board holds public hearing and adopts preliminary findings resolution</i>	C/BC
January 6	▪ Request for proposals due	FTA
January 6	▪ Call to review bids and determine winner	C/BC/FTA
January 12	▪ Distribute first draft of financing documents	BC
January 26	▪ Distribute revised drafts of financing documents and closing documents	BC
January 19	▪ <i>County Board adopts final resolution approving the financing and the documents relating thereto</i>	BC
February 2	▪ LGC Approval	
February 10	▪ Closing	Working Group

County Board typically meets 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month

Responsibility Legend:

Role	Entity	Defined
Issuer	Iredell County	"C"
Bond Counsel	Womble Bond Dickinson	"BC"
Financial Advisor	First Tryon Advisors	"FTA"
Bank	TBD	"B"



# Iredell-Statesville Schools

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350 Old Murdock Rd., Troutman, N.C. 28166 Phone 704-873-3755, Fax: 704-873-5475

**October 12, 2020**

*Per our conversation's over the past several months I have summarized several key construction and financial factors that the county may want to consider when determining the appropriate approval timeline for the L.E.D / HVAC project. The longer we wait to move forward with the project the more likely that the project will take longer and the completion timeline may possibly be pushed out to the 2022-23 school year rather than the desired 2021-22 school year. This would be a significant loss of savings at a critical time when funding is being negatively impacted by the current economic conditions.*

## **Project Highlights:**

**LED Lighting Upgrades:** Annual LED project savings are estimated at \$570,000

- District wide replacement of 44,000 Fixtures
- Estimated 10 to 12 Years to Perform Upgrades In-House
  
- **Indoor Air Quality Improvements**
  - 20 School Buildings
  - Install bipolar ionization technology for air purification (good for flu season and potential future pandemic situations)
  - Product demand indicates a significant pricing increase in 2021
  
- **Controls Upgrades-** East Middle School & Lake Shore Elementary/Middle Schools
  - Upgrade **1990's Dial-Up** controls system
  - Resolve design issues that generate parent complaints
  - Energy savings associated with these upgrades are not included in

the calculated financial pro forma but are conservatively 10%-15% for each school

**Construction Timeline Considerations: 6 to 8 Month Construction Timeline**

- **Desired Completion Deadline:**  
Beginning of 2021-22 school year
  - Installation of Air Purification Systems to improve Indoor Air Quality through Viral / Germ Sterilization. This will also improve efficiency.
  - Take Advantage of Summer Construction and current conditions of occupancy
  - Contractors Availability will Decrease after the Shutdown
  
- **Construction needs to Commence in January for August Completion.** This requires that LGC approval and contract negotiations be completed as soon as feasible. Each month of delay is lost savings.

**Considerations for Completing Project for 2021-22 School Year**

**Budgetary Impacts for FY 2021-22**

- **\$51,600** Avg Salary plus Benefits for a locally-funded teaching position
  - **(\$47,500) lost in unrealized savings each month that project is not complete**
  
- **1st Year Savings: \$653,000**
  - \$300,000 Construction Period Savings
  - \$353,000 Energy Rebates
    - Rebates are At-Risk for Being Phased Out

- **2<sup>nd</sup> Year Savings and After: \$570,000 Annually plus any additional due to HVAC efficiency**
  - Conservative Estimate since is doesn't include utility rate escalation
  
- **Current Expense Fund Anticipated Budget pressure Due to COVID-Related Revenue Decreases**
  
- **Direct to Staff Salary Supplement Rate**
  - \$1.5M is needed to raise supplemental rate from 6.25% to 8%.

**Financing Considerations**

***NO ADDITIONAL COUNTY FUNDS or TAX INCREASE WILL BE REQUIRED. The ISS BOARD HAS APPROVED THE PROJECT CONCEPT. THE CURRENT PLAN IS TO DIRECT EXISTING SCHOOL CAPITAL FUNDS or EXISTING LOTTERY FUNDS FOR DEBT PAYMENT.***

**2.01% - 2.83%** Current low indicative interest rates based on similar customer profiles (ESG Florida-based customer recently received 1.75% interest rate)

**\$260,000 to \$395,000** Lost Revenue for each 0.5% Increase in Interest Rates (10yr-15yr term)

\$1,031,628 (10yrs @ 3.0%)	\$737,146
(15yrs @ 3.0%)	
<u>-\$1,005,477 (10yrs @ 2.5%)</u>	<u>-\$710,745</u>
(15yrs @ 2.5%)	
<b>\$26,151 x 10yrs = \$261,510</b>	<b>\$26,401 x</b>
<b>15yrs = \$396,015</b>	

**Funding Request**

**To begin construction in January 2021 and to cover the partial cost until the 2021 – 2022 capital budget becomes available, ISS can use capital fund balance to be reimbursed from FY 2021 – 2022 capital budget. The Projected Capital Funds Needed: \$350,000 to \$500,000 will be to bridge the months January 1, 2021 thru June 30, 2021. (approximately 6 months).**

**Example Annual Payment (using midrange rate):**  
15yrs @ 2.5% = \$710,745 (1/2 =  
\$355,373)  
12yrs @ 2.5% = \$884,066 (1/2 =  
\$442,033)  
10yrs @ 2.5% = \$1,005,477 (1/2 =  
\$502,739)

**FY 2021 – 2022 and Future Payments can be deducted from current revenue streams allocated for Capital projects. These include; but, are not limited to:**

- annual county capital appropriations
- annual lottery funds

**Possible next Steps if not already completed:**

- 1) Contact LGC for Appropriate Documentation and Approval To get on the December 4 agenda application must be in by November 3.**
- 2) Contact Financial Advisor to Discuss Indicative Interest Rates**







## AGENDA ITEM REQUEST

**Meeting Date:** December 01, 2020

**Presenter:** Deb Cheek, Finance Director

**Department:** Elections

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**Subject:** Request from Elections for approval of budget amendment #28 and to accept a grant in the amount of \$24,333 from the NC State of Board of Elections.

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**Current and future budget implications:**

One Time Grant for One Stop Bonuses

**Potential cost savings:**

\$24,333

**Non-monetary value:**

Provides a "hazard/thank you pay" bonus to One Stop Officials

**Mandate or plan recommendation:**

None

**Funding origin:**

NC State Board of Elections

**Consequences for not acting:**

Will not be able to offer this.

**Downside:**

None noted

**Department Recommendation:**

Request approval of budget amendment #28 to accept the grant.

**Manager's Comments:**

Recommended for approval.





## AGENDA ITEM REQUEST – VIII.4

**Meeting Date:** December 01, 2020

**Presenter:** Matthew Todd, Planning Director

**Department:** Planning & Development

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**Subject: Consider a request from Harold C. Mash, Sr., to rezone approximately 25.9 acres off Eagles Refuge Drive.**

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### **Background Information:**

Consider a request from Harold C. Mash, Sr., to rezone 25.9 acres off Eagles Refuge Drive, from Single-Family Residential (R-20) to Residential Agricultural (RA). This is a straight rezoning and no conditions are proposed at this time.

On October 7, 2020, the Planning Board voted in favor of recommendation, 8-0. On November 21, 2020, the Board of Commissioners held a public hearing regarding the request. There was no opposition and no comments were received after the public hearing.

MOTION (*if approved*) to approve the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is contained within the Rural Conservation designation, which allows for small-scale family subdivision, it lies at the edge of the R-20 zoning district, and currently adjoins existing RA lands.

### **Department Recommendation:**

The Planning staff can support the proposed rezoning request based on the following: The 2030 Horizon Plan calls for this area to be Rural Conservation, which allows for small-scale family subdivision, it lies at the edge of the R-20 zoning district, and currently adjoins existing RA lands.

### **Manager's Comments:**

The public hearing for this item was conducted on 11/17/2020. No additional comments were received during the required 24 hour time frame.

### **Attachments:**

[2010-1 Mash BOC Staff Report](#)  
[10 07 2020 PB minutes](#)

**Iredell County  
PLANNING & DEVELOPMENT**



PLANNING STAFF REPORT  
**REZONING CASE # 2010-1**

STAFF PROJECT CONTACT: Leslie M. Meadows

**EXPLANATION OF THE REQUEST**

This is a request to rezone three parcels totaling an approximate 25.9 acres off Eagles Refuge Drive, from Single-Family Residential (R-20) to Residential Agricultural (RA). This is a straight rezoning and no conditions are proposed at this time.

**OWNER/APPLICANT**

**OWNER(S):** Harold C. Mash, Sr., Katherine Mash, Cynthia & Dennis Hutchins

**APPLICANT:** Harold C. Mash, Sr.

**PROPERTY INFORMATION**

**ADDRESS/LOCATION:**

109, 165, & 194 Eagles Refuge Drive; more specifically PINs#: 4727091430, 4717989838, & 4727095089 respectively

**SURROUNDING LAND USE:**

There are residential and agricultural uses surrounding the site in all directions.

**SIZE:**

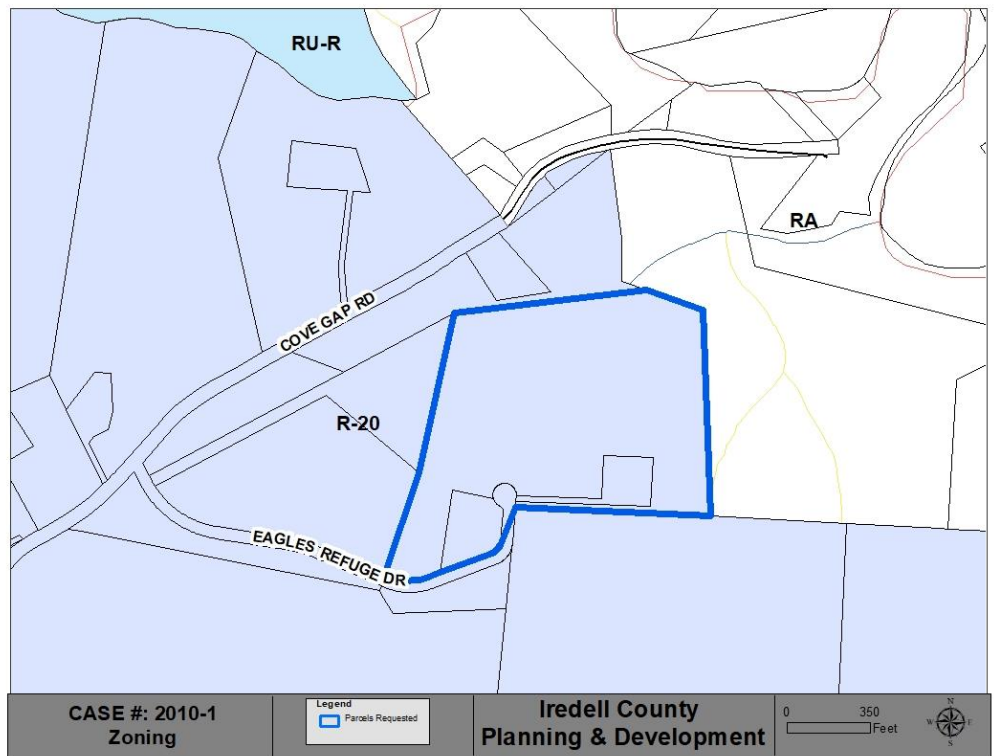
The total acreage to be rezoned is approximately 25.9 acres.

**EXISTING LAND USE:**

Residential, Mash family subdivision.

**ZONING HISTORY:**

In June of 1996, this property was rezoned by a non-owner/petition request from Residential Agricultural (RA) to Single Family Residential (R-20). The Midway Road Area request included 4,900 acres (199 parcels with



153 different landowners).

**OTHER JURISDICTIONAL INFORMATION:** These rural properties are located entirely within the County's jurisdiction, and are not in close proximity to any municipal Urban Service Area.

**OTHER SITE CHARACTERISTICS:** The property is located within the South Yadkin WS-IV-PA Protected Watershed Area, which requires a minimum lot size of 25,000 sq. ft. per dwelling (.57 acres/SFD). While not within a flood hazard zone, the property does contain a perennial stream requiring a 50-foot vegetative buffer on each side.

**UTILITIES:** This site is currently served by well and septic only.

#### **IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** Eagles Refuge Drive is considered a private family subdivision road that is currently unpaved and privately maintained by the landowners who utilize this roadway for right-of-way access. Therefore, there is no traffic count and/or current capacity data for this drive.

**SCHOOLS:** The rezoning only effects types of housing allowed. The same minimum lot size and setbacks will apply and limit the number of single-family dwellings permitted. Thus, the rezoning should have little additional impact on local schools.

**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

#### **REQUIRED REVIEWS BY OTHER AGENCIES**

**LOCAL:** Proper subdivision and appropriate zoning, building, and environmental health permits must be obtained for each new single-family dwelling. Any necessary erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

#### **STAFF AND BOARD COMMENTS**

**STAFF COMMENTS:** For financial reasons, the applicant is requesting RA zoning for a portion of his property in order to allow his grandson and/or future grandchildren more affordable housing options. Being zoned R-20; manufactured homes (single-wide/double-wide mobile homes) are not an allowable SFD housing type. The portion of property in question lies at the edge of the block of R-20 zoning district in the Midway Road area, and directly adjoins existing RA lands to the east.

The 2030 Horizon Plan designates this area as Rural Conservation, which includes areas that are either actively being used for farming, forestry, or horticultural purposes or are rural in character and located proximate to working lands. The intent of this classification is to employ additional standards to ensure that the development of higher intensity land uses within these areas do not create a negative impact on neighboring working lands. Minimum densities should generally not exceed two units per acre. However, if a conservation subdivision is being developed, net density may increase. A typical RA family subdivision of land maintains the objective of Rural Conservation areas.

The Planning staff can support the proposed rezoning request based on the following: The 2030 Horizon Plan calls for this area to be Rural Conservation, which allows for small-scale family subdivision, it lies at the edge of the R-20 zoning district, and currently adjoins existing RA lands.

**SITE REVIEW COMMITTEE:** Staff visited site on September 18, 2020.

**PLANNING BOARD ACTION:** On October 7, 2020, the Planning Board held a public meeting to hear the rezoning request. The landowner and his grandson were in attendance, however, there was no public present in favor or in opposition. The board voted 8-0 to recommend in favor of the rezoning with the following motion:

*Motion to recommend in favor of the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is contained within the Rural Conservation designation, which allows for small-scale family subdivision, it lies at the edge of the R-20 zoning district, and currently adjoins existing RA lands.*

**ACTION NEEDED:**

**TO APPROVE:** Motion to approve the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is contained within the Rural Conservation designation, which allows for small-scale family subdivision, it lies at the edge of the R-20 zoning district, and currently adjoins existing RA lands.

**TO DENY:** Motion to deny the zoning map amendment and to make a finding that though the denial is inconsistent with the adopted 2030 Horizon Plan, said denial is reasonable and in the public interest and does not further the goals of the 2030 Horizon Plan because....

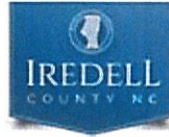
Attachments:

- Rezoning Application
- Portion to be Rezoned
- Zoning Map
- Future Land Use Map
- Aerial View Map



OFFICIAL USE ONLY:  
Case Number: 2010-1  
Date Filed: 8-24-2020  
Amount Paid: \$ 500.00

**Iredell County  
Application for Rezoning**



The following steps are required in order for your application to be considered complete.  
*Incomplete applications will be returned to the applicant and will not be processed.*

1. Schedule a pre-application meeting with staff.
2. Submit a completed application. All applications must include:
  - Cash, check, or money order made payable to Iredell County.  
Fees: \$500 for a rezoning request
3. A plat, drawn to scale, showing the bearings and the distances of the property requested for rezoning, if only rezoning a portion of a parcel.

**The Rezoning Process:**

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Submit a Zoning Map Amendment application to Iredell County Planning. During this time, planning staff will review your application, prepare a staff report to the board, and notify all adjacent property owners.

Petitions for a change in zoning are first referred to the Planning Board and then acted upon by the Iredell County Board of County Commissioners. Planning Board meetings are held on the first Wednesday of every month at 7:00 p.m at the Iredell County Government Center (Old Iredell County Courthouse), 200 South Center Street, located in downtown Statesville. At this time, the Board will hold a public meeting and make a recommendation. The Planning Board's recommendation is then forwarded on to the Iredell County Board of Commissioners for them to approve or deny the request. The Iredell County Board of Commissioners meets at the same location at 7:00 PM on the first Tuesday of each month.

**Subject Property Information**

1. Street Address 109, 165, & 194 Eagles Refuge Drive
2. PIN(s) Portion of 4727091430 and 4717989838 and 4727095089
3. Deed Reference: Book 956, 1456, & 1428 Page 1913, 181, & 1086
4. Township Concord

**Description of Subject Property**

- 1. Size to be rezoned (square feet or acres) 25.9 ac
- 2. Street Frontage (feet) 1,020 ft.
- 3. Watershed WS-IV-PA
- 4. Current Land Use of Property Residential, R-20
- 5. Surrounding Land Use
  - North Residential, R-20
  - South Residential/Church, R-20
  - East Residential, R-20
  - West Residential, RA

**Request**

- 1. Change Zoning From R-20 To RA
- 2. Is this a request for a "Conditional Zoning" District? YES/ NO
- 3. If a Conditional Zoning District is being requested, please describe the Purpose for Request/Proposed Use \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Since amendments to zoning maps should also be based on a Land Use Plan, please explain in the space below how your request satisfies each of the following requirements:

1. How would the requested zoning change be consistent with the property's classification on the future land use map in the 2030 Horizon Plan?

A rezoning to RA would continue to be consistent with the 2030 Horizon Plan designation of Rural Conservation because family subdivision should remain rural in character with minimum densities generally not to exceed two units per acre.

2. What significant neighborhood changes have occurred to make the existing zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

Current R-20 zoning of family lands restricts or excludes MFHs, which is a hardship to family members.

**Conditional Zoning Application**

Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Section 2.21 of the Iredell County Land Development Code.

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Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width).

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**Owner Information**

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

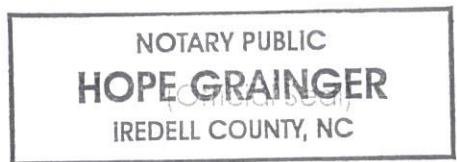
Property Owner Harold C. Mash Sr.  
Company Name \_\_\_\_\_  
Position \_\_\_\_\_  
Address 109 Eagles Refuge Dr. Pitt. Vill. Nc 28625  
Phone 704-450-1239  
Email \_\_\_\_\_  
Signature Harold C. Mash Sr.  
(Must be notarized)

North Carolina, Iredell County

I, Hope Grainger, a Notary Public for Iredell County, North Carolina, do hereby certify that Harold C. Mash Sr. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 16 day of August, ~~2019~~ <sup>2020</sup>.

Hope Grainger  
My Commission expires: November 17, 2021



Applicant/Agent Mr. Harold Mash Sr.  
Company Name \_\_\_\_\_  
Position \_\_\_\_\_  
Address 109 Eagles Refuge Dr.  
Phone 704-450-1239  
Email \_\_\_\_\_  
X-Signature Harold C. Mash Sr.

**Owner Information**

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

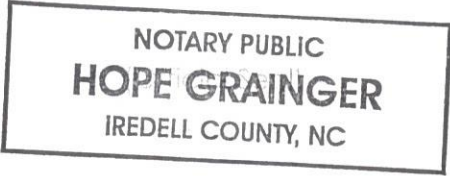
Property Owner Katherine Mash  
Company Name \_\_\_\_\_  
Position \_\_\_\_\_  
Address 165 Eagles Refuge Drive Statesville, NC 28625  
Phone 828-639-3793  
Email wimbart1963@gmail.com  
Signature Katherine Mash  
(Must be notarized)

North Carolina, Iredell County

I, Hope Grainger, a Notary Public for Iredell County, North Carolina, do hereby certify that Katherine Mash personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this the 17 day of August, 2020

Hope Grainger  
My Commission expires: November 17, 2021



Applicant/Agent Mr. Harold Mash Sr.  
Company Name \_\_\_\_\_  
Position \_\_\_\_\_  
Address 109 Eagles Refuge Dr.  
Phone 704-450-1239  
Email \_\_\_\_\_  
Signature Harold C. Mash Sr.

**Owner Information**

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

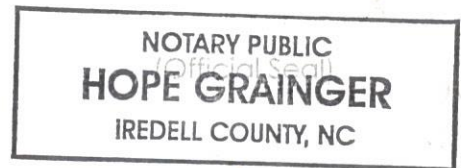
Property Owner Cynthia K. Hutchins & Dennis Hutchins  
Company Name \_\_\_\_\_  
Position \_\_\_\_\_  
Address 194 Eagles Refuge Dr. Statesville NC 28625  
Phone 704-450-0821  
Email C.hutchins194@yahoo.com  
Signature Cynthia Hutchins & Dennis Hutchins  
(Must be notarized)

North Carolina, Iredell County

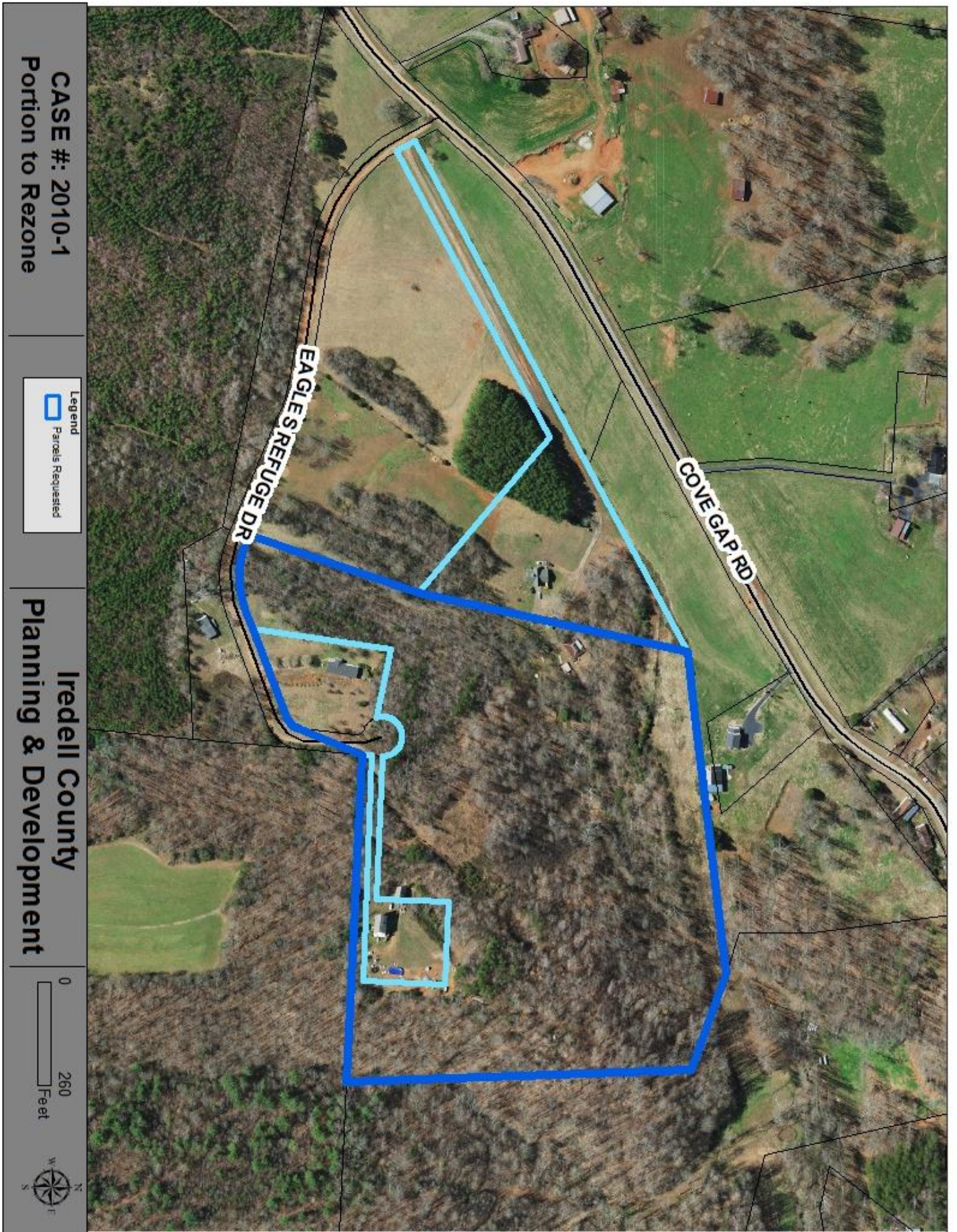
I, Hope Grainger, a Notary Public for Iredell County, North Carolina, do hereby certify that Cynthia K. Hutchins and Dennis Hutchins personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

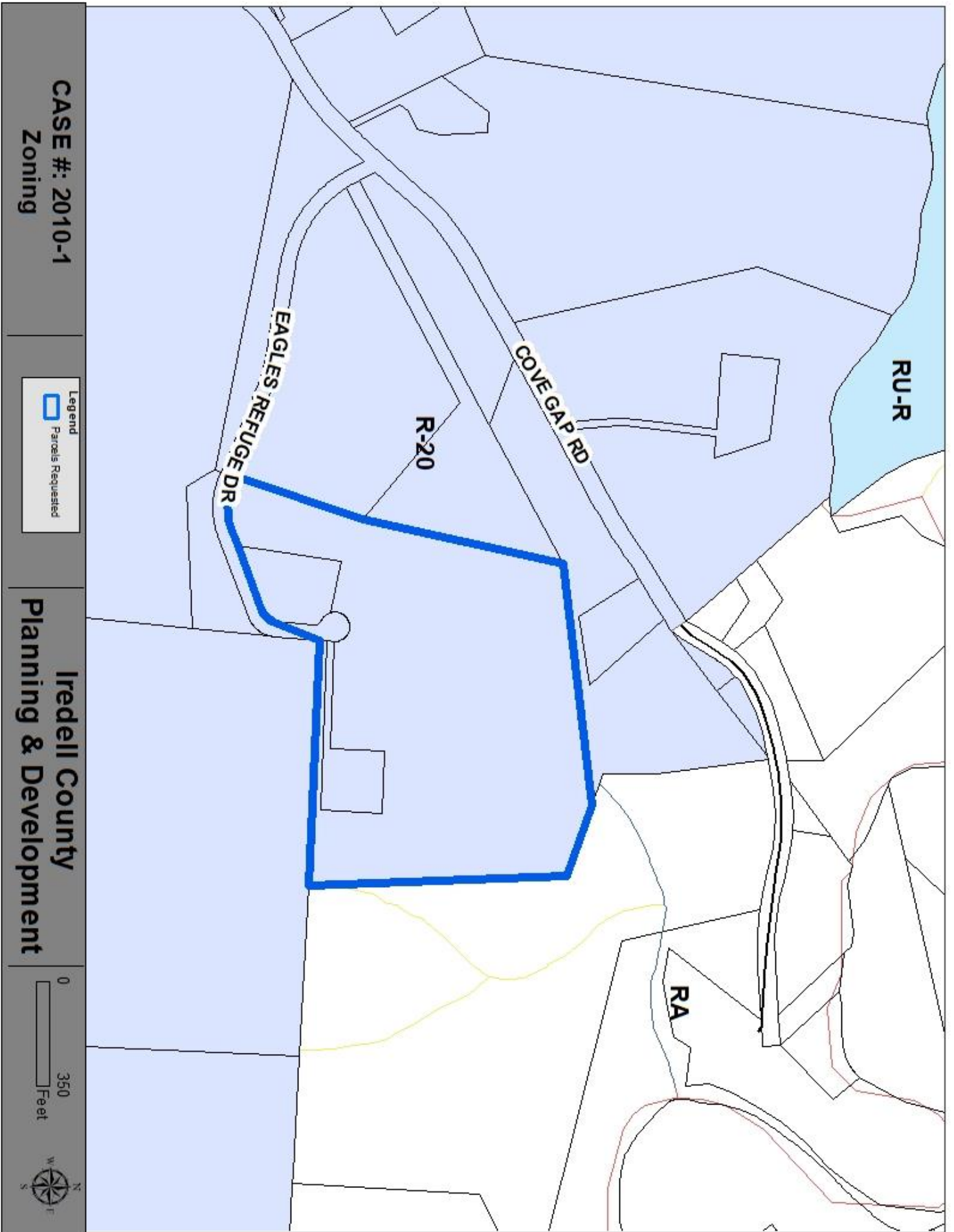
Witness my hand and official seal this the 14 day of August, 2020

Hope Grainger  
My Commission expires: November 17, 2021



Applicant/Agent Mr. Harold Mash Sr.  
Company Name \_\_\_\_\_  
Position \_\_\_\_\_  
Address 109 Eagles Refuge Dr.  
Phone 704-450-1239  
Email \_\_\_\_\_  
Signature Harold C. Mash Sr.









CASE #: 2010-1  
2030 Horizon Plan

Legend  
Parcels Requested

Iredell County  
Planning & Development

0 350  
Feet





***IREDELL COUNTY PLANNING BOARD***

The Iredell County Planning Board met on Wednesday, October 7, 2020 at 7:00 p.m. in the Commissioners Meeting Room of the Iredell County Government Center (Old Courthouse) at 200 S. Center Street in Statesville, NC.

MEMBERS PRESENT

Harry Tsumas, Chairman  
Kristi Pfeufer, Vice-Chair  
Robert Palmes  
Chris Carney  
Raymond Burnette  
Mark Davis  
Jerry Santoni  
Doug Holland

STAFF PRESENT

Leslie Meadows  
Matthew Todd  
Cindy Nicholson

MEMBERS ABSENT

Tracy Jenkins

*Chairman Tsumas called the meeting to order.*

Leslie Meadows presented the following cases:

**REZONING REQUEST: 2010-1, HAROLD C. MASH, SR. (APPLICANT)**

**EXPLANATION OF THE REQUEST**

This is a request to rezone three parcels totaling an approximate 25.9 acres off Eagles Refuge Drive, from Single-Family Residential (R-20) to Residential Agricultural (RA). This is a straight rezoning and no conditions are proposed at this time.

**OWNER/APPLICANT**

**OWNER(S):** Harold C. Mash, Sr., Katherine Mash, Cynthia & Dennis Hutchins

**APPLICANT:** Harold C. Mash, Sr.

**PROPERTY INFORMATION**

**ADDRESS/LOCATION:** 109, 165, & 194 Eagles Refuge Drive; more specifically PINs#: 4727091430, 4717989838, & 4727095089 respectively

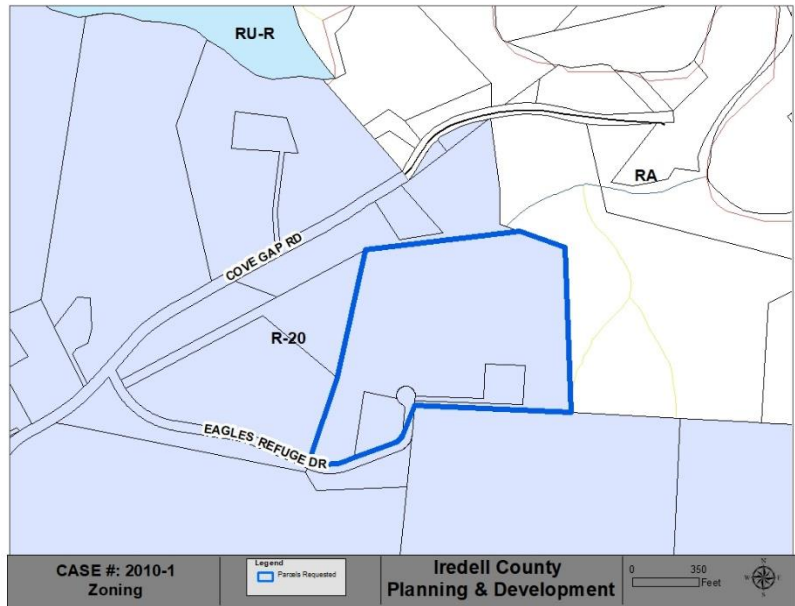
**SURROUNDING LAND USE:**

There are residential and agricultural uses surrounding the site in all directions.

**SIZE:** The total acreage to be rezoned is approximately 25.9 acres.

**EXISTING LAND USE:** Residential, Mash family subdivision.

**ZONING HISTORY:** In June of 1996, this property was rezoned by a non-owner/petition request from Residential Agricultural (RA) to Single Family Residential (R-20). The Midway Road Area request included 4,900 acres (199 parcels with 153 different landowners).



**OTHER JURISDICTIONAL INFORMATION:** These rural properties are located entirely within the County's jurisdiction, and are not in close proximity to any municipal Urban Service Area.

**OTHER SITE CHARACTERISTICS:** The property is located within the South Yadkin WS-IV-PA Protected Watershed Area, which requires a minimum lot size of 25,000 sq. ft. per dwelling (.57 acres/SFD). While not within a flood hazard zone, the property does contain a perennial stream requiring a 50-foot vegetative buffer on each side.

**IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** Eagles Refuge Drive is considered a private family subdivision road that is currently unpaved and privately maintained by the landowners who utilize this roadway for right-of-way access. Therefore, there is no traffic count and/or current capacity data for this drive.

**SCHOOLS:** The rezoning only effects types of housing allowed. The same minimum lot size and setbacks will apply and limit the number of single-family dwellings permitted. Thus, the rezoning should have little additional impact on local schools.

**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

**UTILITIES:** This site is currently served by well and septic only.

#### **REQUIRED REVIEWS BY OTHER AGENCIES**

**LOCAL:** Proper subdivision and appropriate zoning, building, and environmental health permits must be obtained for each new single-family dwelling. Any necessary erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

#### **STAFF AND BOARD COMMENTS**

**STAFF COMMENTS:** For financial reasons, the applicant is requesting RA zoning for a portion of his property in order to allow his son and future grandchildren more affordable housing options. Being zoned R-20; manufactured homes (single-wide/double-wide mobile homes) are not an allowable SFD housing type. The portion of property in question lies at the edge of the block of R-20 zoning district in the Midway Road area, and directly adjoins existing RA lands to the east.

The 2030 Horizon Plan designates this area as Rural Conservation, which includes areas that are either actively being used for farming, forestry, or horticultural purposes or are rural in character and located proximate to working lands. The intent of this classification is to employ additional standards to ensure that the development of higher intensity land uses within these areas do not create a negative impact on neighboring working lands. Minimum densities should generally not exceed two units per acre. However, if a conservation subdivision is being developed, net density may increase. A typical RA family subdivision of land maintains the objective of Rural Conservation areas.

The Planning staff can support the proposed rezoning request based on the following: The 2030 Horizon Plan calls for this area to be Rural Conservation, which allows for small-scale family subdivision, it lies at the edge of the R-20 zoning district, and currently adjoins existing RA lands.

**SITE REVIEW COMMITTEE:** Staff visited site on September 18, 2020.

**QUESTIONS FROM BOARD TO STAFF**

Chairman Tsumas asked who was the petitioner prior, when it changed to R-20?

Ms. Meadows explained it was 199 parcels of land that landowners were willing to rezone by petition, at that time.

Chairman Tsumas verified that it was not a county initiated request.

Mr. Matthew Todd, Planning Director, said no. It is what's referred to as a non-owner petition, which the county doesn't see much anymore. Usually, someone comes forward as the community advocate, to get all the property owners to essentially become the applicant.

Mr. Carney clarified that it would actually be returning back to the original zoning.

Chairman Tsumas asked if the owner was part of the original non-owner petition to become R-20?

Ms. Meadows said yes.

Mr. Carney states that RA and R-20 both allow for two houses per acre. Therefore, the building standards would not change of how many they can put on each property. Their original thinking has changed over the past 25 years, and appears now to be more of a residential agricultural property, wooded, so they are going back to the real use of the property as it stands today and makes perfect sense.

Ms. Meadows said yes, but one of the major distinctions between the R-20 & RA district is the housing type. With the zoning returning to RA, it would open up the option to allow for manufactured homes again at the site.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

Chairman Tsumas asked if the applicant would like to come forward to speak.

**THOSE SPEAKING ABOUT THE CASE**

Mr. Harold Mash, Sr., 109 Eagles Refuge Drive, Statesville, said this request is for his grandson in order to be able to place a doublewide trailer on the property next to him. Mr. Mash said it is not his intent to put numerous mobile homes on this property, just one for his grandson and possibly one more in the future.

Chairman Tsumas asked if there were any further questions for Mr. Mash.

There were no further questions for Mr. Mash.

Chairman Tsumas asked if there were any others to speak on behalf of the applicant.

There were no others to speak on behalf of the applicant.

Chairman Tsumas then asked if there were any to speak in opposition of the application.

There was none to speak in opposition of the application.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

After no further discussion, Mr. Carney made a Motion to recommend in favor of the zoning map amendment and to make a finding that the approval is consistent with the adopted 2030 Horizon Plan and that said approval is reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because it is contained within the Rural Conservation designation, which allows for small-scale family subdivision, it lies at the edge of the R-20 zoning district, and currently adjoins existing RA lands. Mr. Holland seconded said motion and all were in favor.

**VOTE: 8-0**

**REZONING REQUEST: 2010-2, WILLIAM CLAY WOOTEN (OWNER/APPLICANT)**

**EXPLANATION OF THE REQUEST**

This is a request to rezone an approximately 4.76 acre portion of a larger property in Union Grove, along West Memorial Highway, from Residential Agricultural (RA) to General Business (GB). This is a straight rezoning and no conditions are proposed at this time.

**OWNER/APPLICANT**

**OWNER/APPLICANT:** William Clay Wooten

**PROPERTY INFORMATION**

**ADDRESS/LOCATION:** Along West Memorial Highway, near Pioneer Road; more specifically, a portion of PIN 4852386114.

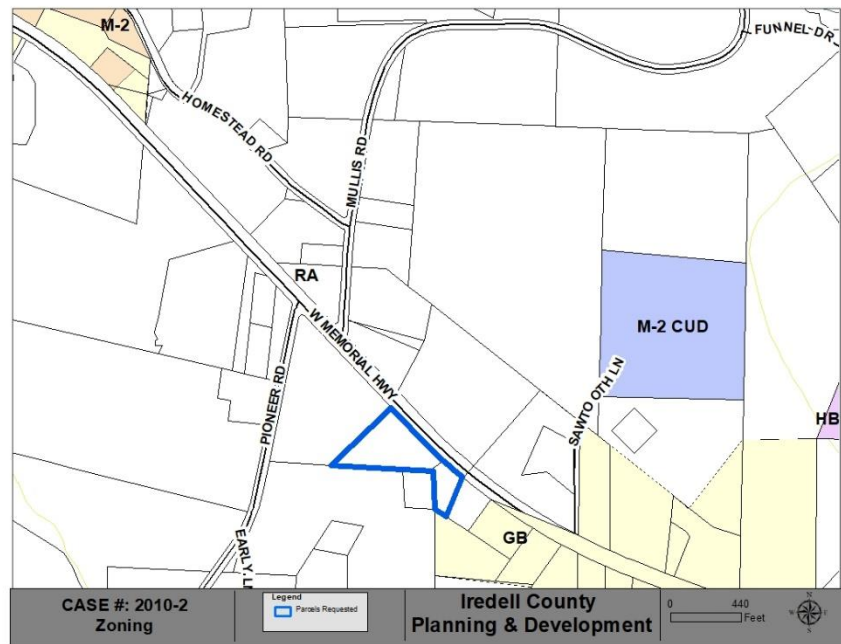
**SURROUNDING LAND USE:** There are residential agricultural uses directly surrounding the site. To the south and east, there are various GB commercially developed properties.

**SIZE:** The acreage to be rezoned includes only the eastern most portion of the parcel. To be exact, the first 620 linear feet, squared off to total approximately 4.76 acres.

**EXISTING LAND USE:** The entire parcel is currently agricultural farmland; tax deferred bona fide farm-use.

**ZONING HISTORY:** This property has been zoned Residential Agricultural (RA) since county-wide zoning was established in 1990.

**OTHER JURISDICTIONAL INFORMATION:** This rural property is located entirely within the County's jurisdiction, and is not in close proximity to any municipal Urban Service Area.



**OTHER SITE CHARACTERISTICS:** The majority of this property is not located within a regulated Watershed Area. However, a small portion of the NE corner falls within the Hunting Creek WS-III-Balance of Watershed Area, which allows for 70% built upon area, with only 12% after 10% built upon (10/70 Rule). The applicant has indicated that that development will not occur in this NE corner. The property is not located in a flood hazard zone.

**UTILITIES:** Iredell Water Corporation, as well as, well and septic options would currently serve this site.

#### IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES

**TRAFFIC:** The closest traffic count along West Memorial Highway is to the east near the on/off ramp for I-77, which had a traffic count of 5,700 vehicles per day in 2018. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of West Memorial Highway is approximately 13,800 vehicles per day through the year 2030. The speed limit along this portion of West Memorial Highway is 50 mph.

**SCHOOLS:** This is a commercial rezoning and should have no implications on local schools.



**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

#### REQUIRED REVIEWS BY OTHER AGENCIES

**LOCAL:** The applicant must provide a site plan to the Planning & Development Department for review to develop the properties. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

#### STAFF AND BOARD COMMENTS

**STAFF COMMENTS:** The applicant is requesting a straight commercial rezoning of the eastern portion of existing farmland to allow for all General Business uses. Various other GB uses are adjacent to this portion of the property to the south and east, thus this rezoning would primarily be an expansion of the existing block of GB district.

Being just off I-77, the eastern tip of the portion in question is within what the 2030 Horizon Plan calls a Highway Interchange Commercial area. Highway Interchange Commercial areas include existing or future commercial, retail, and service uses located proximate to interstate interchanges on major arterial roadways. Traditional strip commercial development is discouraged within these areas. Instead, developments should be designed to provide greater connectivity within and to adjacent developments; pedestrian access should be a priority, and landscaping, signage, and building design and orientation should be consistent within individual developments. Uses within these areas generally should include gas stations, hotel/motels, restaurants, and other highway travel related businesses. Secondary uses may include retail, office developments, and higher-density residential uses.

Due to the fact that the site is highly visible and along such a major thoroughfare/highway, staff feels that with this particular request an amendment to the land use plan would be needed to extend the Highway Interchange Commercial area.

The Planning staff can support the proposed rezoning request, and subsequent 2030 Horizon Plan map amendment, based on the following: A portion of the property is within the Highway Interchange Commercial corridor according to the 2030 Horizon Plan, it is adjacent to various existing GB commercial properties, and traffic impacts should not exceed road capacity.

**SITE REVIEW COMMITTEE:** Staff visited site on September 18, 2020.

### **QUESTIONS FROM BOARD TO STAFF**

Mr. Carney asked Ms. Meadows if the applicant owns the smaller piece that is adjacent at the rear of the property.

Ms. Meadows states that is a separate residence with a different owner.

Mr. Carney said that piece at the rear seems will be impacted more than the piece to the south of the property in question.

Ms. Meadows said she did receive a call from that property owner with concerns, and wasn't sure if they may be in attendance.

Chairman Tsumas clarified the eastern piece of this site which Ms. Meadows referred to, could still have things parked or stored there to be utilized, just not built on.

Ms. Meadows said yes, outdoor storage is one of the reasons they chose General Business (GB).

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

Chairman Tsumas asked if the applicant would like to speak on their behalf.

### **THOSE SPEAKING ABOUT THE CASE**

Mr. Bill Wooten, 2900 Buck Shoals Road, Hamptonville, said that he is the owner of this property along with more farmland in Union Grove. Mr. Wooten said down the road approximately 1,600' from this piece of property, is ACE Hardware. The lease is up on that building in November 2021, and it has been there for 35 years. John, the Manager, has been there for 15 years, and says the owners of the building where ACE Hardware is currently, has some other plans for the building, therefore, ACE Hardware is out. Mr. Wooten said that himself and a lot of other members of the community feel that John is a vital part of the community and provides a valuable service, and would like to keep him in the area. There are no buildings for him to lease in the area that would be suitable, therefore, Mr. Wooten said he came up with the idea to move down the road and build a building. They will need some space due to not having sewer or anything of that nature, and will need to build a septic system.

Mr. Wooten said the name of the business is Union Grove Hardware and Building Supply Inc., so John hopes to expand what they are currently doing now at the hardware store and add more lumber and that type of thing. It is unknown of how much turn-around space will be needed for trucks or things like that, so that is the reason they are going with a little bigger place than is actually needed for the building. The building will be a 100' wide, 50' feet deep, with a 12' x 12' air lock on the front and a 10' lean-to shed on the back for storage of lumber.

Chairman Tsumas asked if there were any questions for Mr. Wooten.

There were no questions for Mr. Wooten.

Chairman Tsumas asked if there was anyone else to speak on behalf of petitioner or in opposition.

Ms. Robin Hansel, 983 Eupaptic Springs Road, Olin, says she is the representative of the Margaret Ruth Sharpe Heirs. Ms. Hansel said while they support John, their property is across from Mr. Wooten and have a few questions regarding this rezoning. Ms. Hansel said they have not divided their property yet, and wants to know how this will affect their taxes?

Chairman Tsumas said this Board can't answer that question. It would depend on an appraisal of their property, done by the Tax Office every January, therefore, that would be a Tax Office question.

Ms. Hansel said her cousin also wants to know about how the septic will work and any water drainage run-off there may be.

Chairman Tsumas said the applicant will have to apply for a septic permit with the County's Environmental Health Division, and as far as water drainage, you can't divert ground water onto someone else's property or change the way in which it naturally flows. The applicant will have to submit a site plan for review in order to do what they are proposing.

Ms. Hansel said thank you, and those are the only questions they have.

Chairman Tsumas asked if there was anyone else to speak on this case.

There was none.

Chairman Tsumas asked if there were any further questions for staff.

There were no further questions for staff.

After no further discussion, Mr. Holland made a Motion to recommend approval of amending the County's 2030 Horizon Plan to extend Highway Interchange Commercial designation to the portion of property requested and to recommend in favor of the zoning map amendment. The zoning approval and land use plan amendment are reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because a portion of the property is within the Highway Interchange Commercial corridor, it is adjacent to various existing General Business commercial properties, and traffic impacts should not exceed road capacity. Ms. Pfeufer seconded said motion and all were in favor.

**VOTE: 8-0**

**OTHER BUSINESS:** None

**UNFINISHED BUSINESS:** None

**MINUTES:** Mr. Santoni made a motion to approve the August 5, 2020 meeting minutes, seconded by Ms. Pfeufer, all were in favor.

**MONTHLY COMMITTEE ASSIGNMENTS:** Site visits: Friday, October 16, 2020.

**ADJOURNMENT:** There being no further business, Chairman Tsumas declared the meeting adjourned at 7:30 p.m.

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*Cindy Nicholson*  
*Administrative Assistant*

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*Date Read and/or Approved*



## AGENDA ITEM REQUEST – VIII.5

**Meeting Date:** December 01, 2020

**Presenter:** Matthew Todd, Planning Director

**Department:** Planning & Development

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**Subject: Consider a request from William Clay Wooten to rezone approximately 4.76 acres of farmland along West Memorial Highway.**

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### **Background Information:**

Consider a request from William Clay Wooten to rezone an approximately 4.76 acre portion of a larger property in Union Grove, along West Memorial Highway, from Residential Agricultural (RA) to General Business (GB). This is a straight rezoning and no conditions are proposed at this time.

On October 7, 2020, the Planning Board voted in favor of recommendation, 8-0. On November 21, 2020, the Board of Commissioners held a public hearing regarding the request. There was no opposition and no comments were received after the public hearing.

MOTION (*if approved*) to approve amending the County's 2030 Horizon Plan to extend Highway Interchange Commercial designation to the portion of property requested and approve the zoning map amendment. The zoning approval and land use plan amendment are reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because a portion of the property is within the Highway Interchange Commercial corridor, it is adjacent to various existing General Business commercial properties, and traffic impacts should not exceed road capacity.

### **Department Recommendation:**

The Planning staff can support the proposed rezoning request based on the following: A portion of the property is within the Highway Interchange Commercial corridor according to the 2030 Horizon Plan, it is adjacent to various existing GB commercial properties, and traffic impacts should not exceed road capacity.

### **Manager's Comments:**

The public hearing for this item was conducted on 11/17/2020. No additional comments were received during the required 24 hour time frame.

### **Attachments:**

[2010-2 Wooten BOC Staff Report](#)

**Iredell County  
PLANNING & DEVELOPMENT**



PLANNING STAFF REPORT  
**REZONING CASE # 2010-2**

STAFF PROJECT CONTACT: Leslie M. Meadows

**EXPLANATION OF THE REQUEST**

This is a request to rezone an approximately 4.76 acre portion of a larger property in Union Grove, along West Memorial Highway, from Residential Agricultural (RA) to General Business (GB). This is a straight rezoning and no conditions are proposed at this time.

**OWNER/APPLICANT**

**OWNER/APPLICANT:** William Clay Wooten

**PROPERTY INFORMATION**

**ADDRESS/LOCATION:**

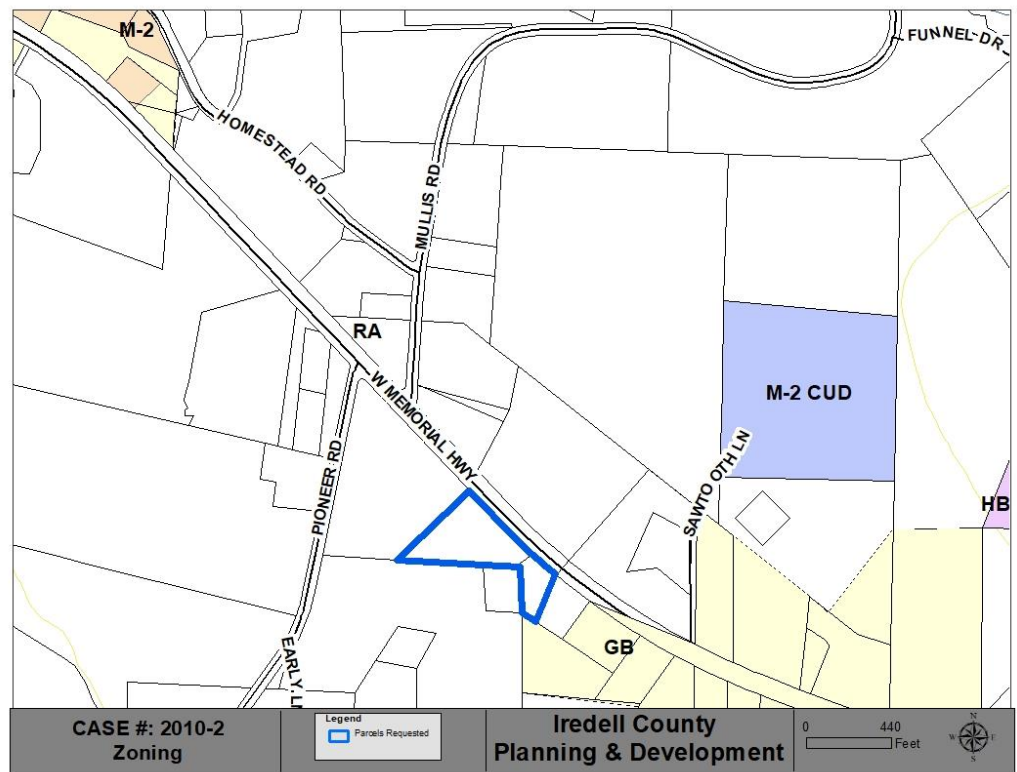
Along West Memorial Highway, near Pioneer Road; more specifically, a portion of PIN 4852386114.

**SURROUNDING LAND USE:**

There are residential agricultural uses directly surrounding the site. To the south and east, there are various GB commercially developed properties.

**SIZE:**

The acreage to be rezoned includes only the eastern most portion of the parcel. To be exact, the first 620 linear feet, squared off to total approximately 4.76 acres.



**EXISTING LAND USE:** The entire parcel is currently agricultural farmland; tax deferred bona fide farm-use.

**ZONING HISTORY:** This property has been zoned Residential Agricultural (RA) since county-wide zoning was established in 1990.

**OTHER JURISDICTIONAL INFORMATION:** This rural property is located entirely within the County's jurisdiction, and is not in close proximity to any municipal Urban Service Area.

**OTHER SITE CHARACTERISTICS:** The majority of this property is not located within a regulated Watershed Area. However, a small portion of the NE corner falls within the Hunting Creek WS-III-Balance of Watershed Area, which allows for 70% built upon area, with only 12% after 10% built upon (10/70 Rule). The applicant has indicated that that development will not occur in this NE corner. The property is not located in a flood hazard zone.

**UTILITIES:** Iredell Water Corporation, as well as, well and septic options would currently serve this site.

#### **IMPACTS ON LOCAL INFRASTRUCTURE AND/OR FACILITIES**

**TRAFFIC:** The closest traffic count along West Memorial Highway is to the east near the on/off ramp for I-77, which had a traffic count of 5,700 vehicles per day in 2018. According to the Comprehensive Transportation Plan 2008 Study Report for Iredell County, the capacity for this section of West Memorial Highway is approximately 13,800 vehicles per day through the year 2030. The speed limit along this portion of West Memorial Highway is 50 mph.

**SCHOOLS:** This is a commercial rezoning and should have no implications on local schools.

**EMERGENCY SERVICES:** This proposal has been reviewed by the Iredell County Fire Marshal's Office and Iredell County EMS. Neither office addressed any concerns regarding the request.

#### **REQUIRED REVIEWS BY OTHER AGENCIES**

**LOCAL:** The applicant must provide a site plan to the Planning & Development Department for review to develop the properties. Zoning requirements such as parking, landscaping, and buffering will be reviewed at such time. Erosion & sedimentation control standards will also be reviewed for compliance.

**STATE:** Other than building code, there should be no formal state agency review at this time.

**FEDERAL:** None at this time.

**STAFF AND BOARD COMMENTS**

**STAFF COMMENTS:** The applicant is requesting a straight commercial rezoning of the eastern portion of existing farmland to allow for all General Business uses. Various other GB uses are adjacent to this portion of the property to the south and east, thus this rezoning would primarily be an expansion of the existing block of GB district.

Being just off I-77, the eastern tip of the portion in question is within what the 2030 Horizon Plan calls a Highway Interchange Commercial area. Highway Interchange Commercial areas include existing or future commercial, retail, and service uses located proximate to interstate interchanges on major arterial roadways. Traditional strip commercial development is discouraged within these areas. Instead, developments should be designed to provide greater connectivity within and to adjacent developments; pedestrian access should be a priority, and landscaping, signage, and building design and orientation should be consistent within individual developments. Uses within these areas generally should include gas stations, hotel/motels, restaurants, and other highway travel related businesses. Secondary uses may include retail, office developments, and higher-density residential uses.

Due to the fact that the site is highly visible and along such a major thoroughfare/highway, staff feels that with this particular request an amendment to the land use plan would be needed to extend the Highway Interchange Commercial area.

The Planning staff can support the proposed rezoning request, and subsequent 2030 Horizon Plan map amendment, based on the following:

A portion of the property is within the Highway Interchange Commercial corridor according to the 2030 Horizon Plan, it is adjacent to various existing GB commercial properties, and traffic impacts should not exceed road capacity.

**SITE REVIEW COMMITTEE:** Staff visited site on September 18, 2020.

**PLANNING BOARD ACTION:** On October 7, 2020, the Planning Board held a public meeting to hear the rezoning request. The landowner and his surveyor were in attendance. There was a representative present from the surrounding landowners to ask questions regarding property taxes and septic concerns. The board voted 8-0 to recommend in favor of the rezoning with the following motion:

*Motion to recommend approval of amending the County's 2030 Horizon Plan to extend Highway Interchange Commercial designation to the portion of property requested and to recommend in favor of the zoning map amendment. The zoning approval and land use plan amendment are reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because a portion of the property is within the Highway Interchange Commercial corridor, it is adjacent to various existing General Business commercial properties, and traffic impacts should not exceed road capacity.*



**ACTION NEEDED:**

**TO APPROVE:** Motion to approve amending the County's 2030 Horizon Plan to extend Highway Interchange Commercial designation to the portion of property requested and approve the zoning map amendment. The zoning approval and land use plan amendment are reasonable and in the public interest and furthers the goals of the 2030 Horizon Plan because a portion of the property is within the Highway Interchange Commercial corridor, it is adjacent to various existing General Business commercial properties, and traffic impacts should not exceed road capacity.

**TO DENY:** Motion to deny the zoning map amendment and to make a finding that though the denial is inconsistent with the adopted 2030 Horizon Plan, said denial is reasonable and in the public interest and does not further the goals of the 2030 Horizon Plan because....

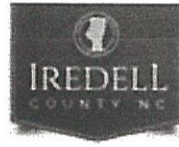
Attachments:

- Rezoning Application
- Portion to be Rezoned
- Zoning Map
- Future Land Use Map
- Aerial View Map

OFFICIAL USE ONLY:

Case Number: 2010-2  
Date Filed: 8-28-2020  
Amount Paid: \$500.00

# Iredell County Application for Rezoning



The following steps are required in order for your application to be considered complete.

*Incomplete applications will be returned to the applicant and will not be processed.*

1. Schedule a pre-application meeting with staff.
2. Submit a completed application. All applications must include:
  - Cash, check, or money order made payable to Iredell County.  
Fees: \$500 for a rezoning request
3. A plat, drawn to scale, showing the bearings and the distances of the property requested for rezoning, if only rezoning a portion of a parcel.

### The Rezoning Process:

1. Hold a pre-application meeting with staff to discuss your rezoning request and the map amendment process.
2. Submit a Zoning Map Amendment application to Iredell County Planning. During this time, planning staff will review your application, prepare a staff report to the board, and notify all adjacent property owners.

Petitions for a change in zoning are first referred to the Planning Board and then acted upon by the Iredell County Board of County Commissioners. Planning Board meetings are held on the first Wednesday of every month at 7:00 p.m at the Iredell County Government Center (Old Iredell County Courthouse), 200 South Center Street, located in downtown Statesville. At this time, the Board will hold a public meeting and make a recommendation. The Planning Board's recommendation is then forwarded on to the Iredell County Board of Commissioners for them to approve or deny the request. The Iredell County Board of Commissioners meets at the same location at 7:00 PM on the first Tuesday of each month.

### Subject Property Information

1. Street Address West Memorial Highway
2. PIN(s) 4852-38-6114
3. Deed Reference: Book 2140 Page 490
4. Township UNION GROVE

**Description of Subject Property**

- 1. Size to be rezoned (square feet or acres) 4.76
- 2. Street Frontage (feet) 620'
- 3. Watershed WS-III Balance of Wat
- 4. Current Land Use of Property FARMING
- 5. Surrounding Land Use
  - North Roadway
  - South FARMING / Residential
  - East Residential
  - West FARMING

**Request**

- 1. Change Zoning From RA To GB
- 2. Is this a request for a "Conditional Zoning" District? YES/  NO
- 3. If a Conditional Zoning District is being requested, please describe the Purpose for Request/Proposed Use \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Since amendments to zoning maps should also be based on a Land Use Plan, please explain in the space below how your request satisfies each of the following requirements:

- 1. How would the requested zoning change be consistent with the property's classification on the future land use map in the 2030 Horizon Plan?

ON a major Highway adjoining existing GB.

\_\_\_\_\_  
 \_\_\_\_\_

- 2. What significant neighborhood changes have occurred to make the existing zoning inappropriate, or how is the land involved unsuitable for the uses permitted under the existing zoning?

Continue General Business  
ZONING ON Highway

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**Conditional Zoning Application**

Please list the specific permitted land use(s) that you are proposing. Land use(s) shall be chosen from Section 2.21 of the Iredell County Land Development Code.

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Please list any specific conditions that you would be willing to impose as part of this application (example: no outside storage permitted on-site, increased buffer width).

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**Owner Information**

It is understood by all parties hereto including owner, petitioner, and/or agents that while this application will be carefully considered and reviewed, the burden of providing its need rests with the below named petitioner. In addition, it is understood and acknowledged that if the property is rezoned as requested, the property involved in this request will be perpetually bound by the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended through the rezoning process.

I do hereby certify that all information, which I have provided for this application, is, to the best of my knowledge, correct.

Property Owner William Clay Wooten  
Company Name \_\_\_\_\_  
Position OWNER  
Address 2900 Buck Shoals Rd Hamptonville, NC 270  
Phone 336-469-0696  
Email fatcowfarm@yahoo.com  
Signature William Clay Wooten  
(Must be notarized)

North Carolina, IREDELL County

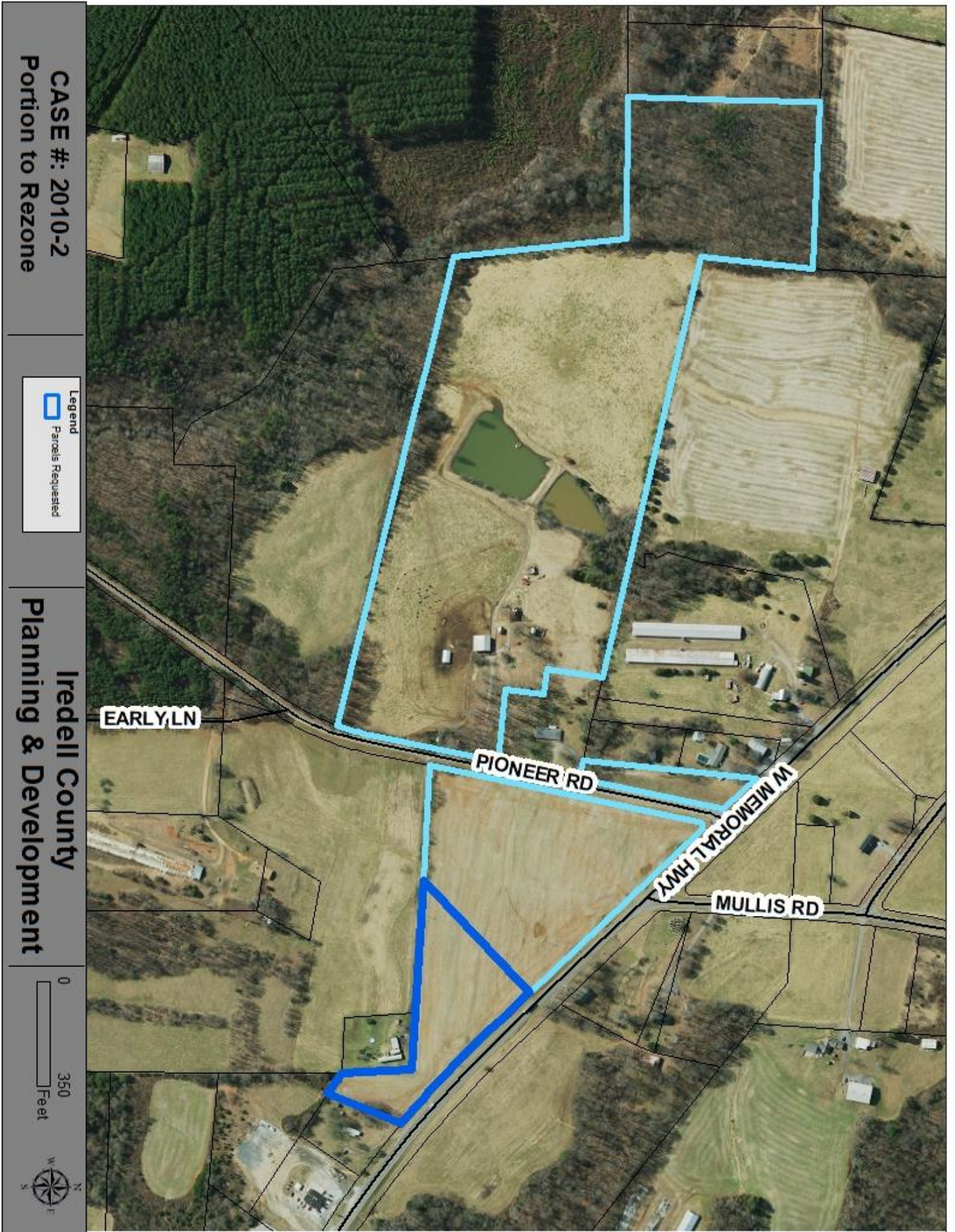
I, JOHN LARUE, a Notary Public for IREDELL County, North Carolina, do hereby certify that WILLIAM CLAY WOOTEN personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

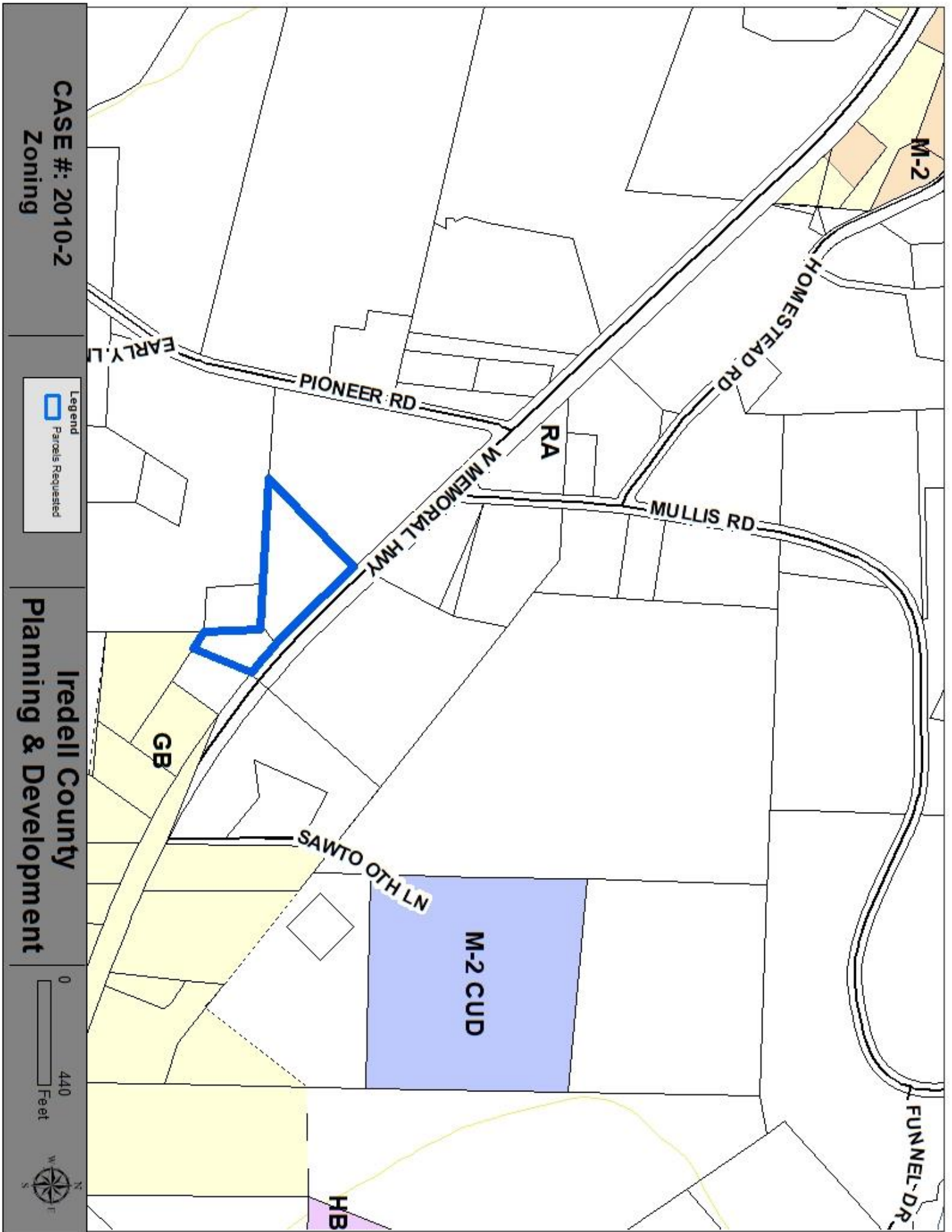
Witness my hand and official seal this the 27<sup>TH</sup> day of AUGUST, 2020.

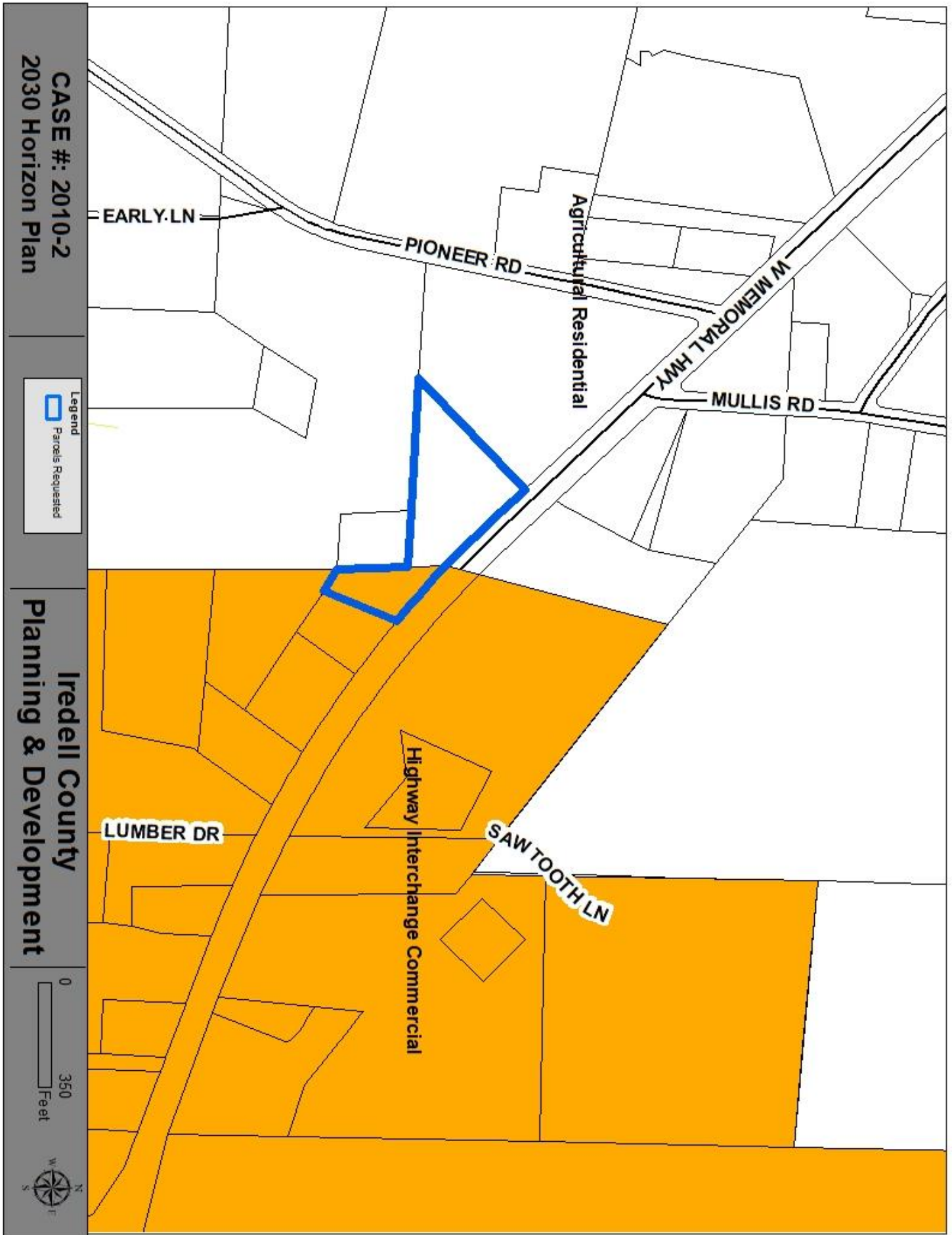
[Signature]  
My Commission expires: 9-19-2022



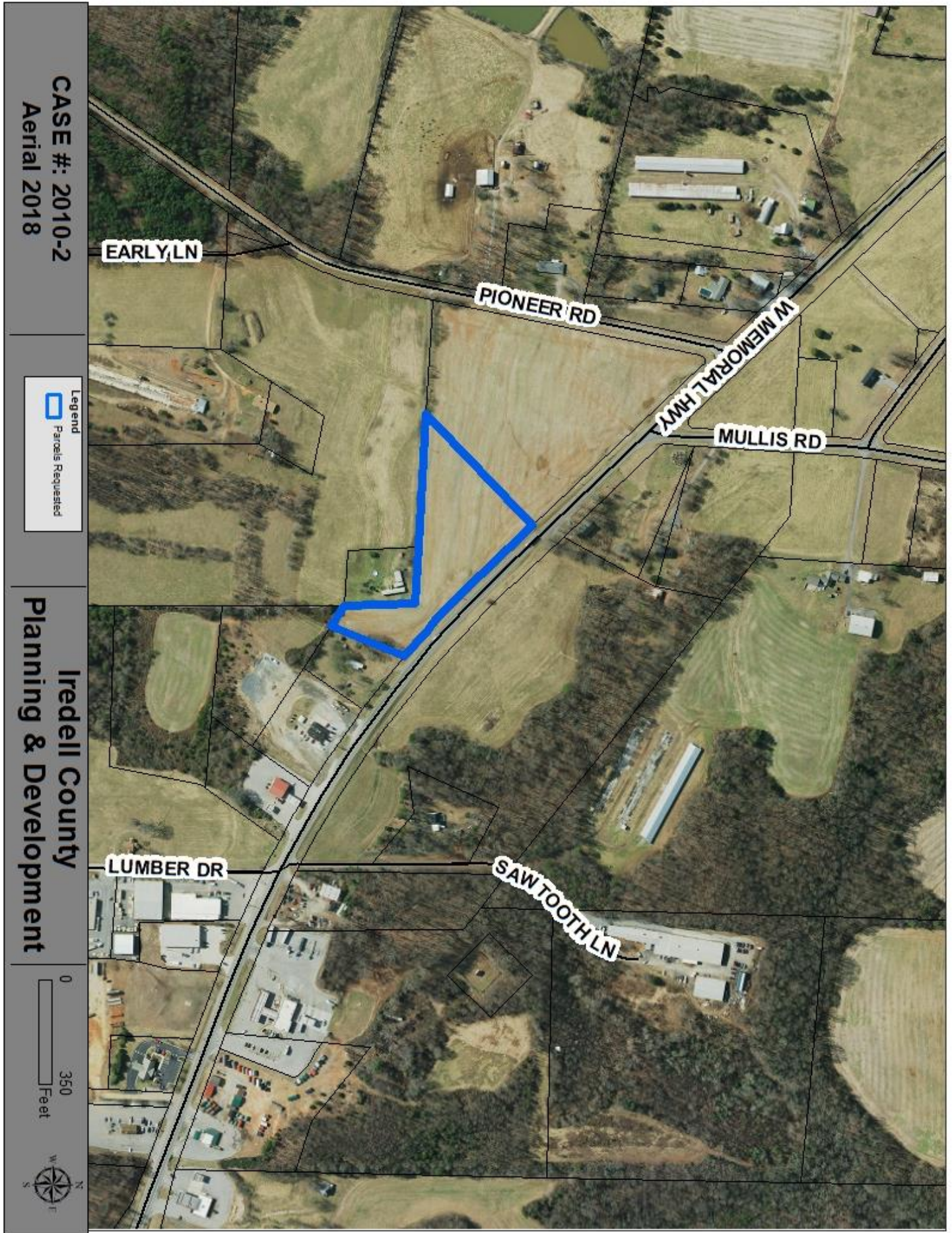
Applicant/Agent William Clay Wooten  
Company Name \_\_\_\_\_  
Position OWNER  
Address 2900 Buck Shoals Rd. Hamptonville, NC 27020  
Phone 336-469-0696  
Email fatcowfarm@yahoo.com  
Signature William Clay Wooten













## **AGENDA ITEM REQUEST – VIII.6**

**Meeting Date:** December 01, 2020

**Presenter:** Bradley Johnson, Director

**Department:** ICATS

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**Subject:      Consideration of the adoption of the 2021 Public Transportation Program.**

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**Background Information:**

On November 17, 2020 the Board held a public hearing regarding the program. No one spoke against the request and no comments were received after the public hearing.

**Manager's Comments:**

The public hearing for this item was conducted on 11/17/2020. No additional comments were received during the required 24 hour time frame.



## AGENDA ITEM REQUEST

**Meeting Date:** December 01, 2020

**Presenter:** Bradley Johnson, Director

**Department:** ICATS

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**Subject: Request from ICATS for approval of the FY 2020 Title VI Program.**

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**Current and future budget implications:**

Plan is required in order to receive Federal and State Transportation funds.

**Potential cost savings:**

None

**Non-monetary value:**

Federal compliance.

**Mandate or plan recommendation:**

Approval of presented plan in order to stay in federal compliance.

**Funding origin:**

N/A

**Consequences for not acting:**

Could jeopardize federal and state funding.

**Downside:**

None

**Department Recommendation:**

[The Iredell County Area Transportation System is due to receive an on-site compliance audit of our FTA funded program. This audit will consist of a comprehensive review of our internal policies, procedures and all identified program required by FTA or FHWA as a Federal requirement. As preparation for the review, ICATS would like to move all required policies to the most current templates or recommended policy manuals. Doing this should speed up the desk review and make the process more enjoyable.](#)

**Manager's Comments:**

Recommended for approval.

**Attachments:**

[ICATS FY 2021 Title Vi Plan Final](#)

# ICATS

**IREDELL COUNTY AREA  
PUBLIC TRANSIT**



Adopted By: Iredell County  
Board of Commissioners  
FY 2021

## Title VI Program Plan

TITLE VI PLAN REVIEW AND ADOPTION

On behalf of the Iredell County Area Transportation System (ICATS) Transportation Advisory Board (TAB), I hereby acknowledge receipt of the Title VI Nondiscrimination Plan. We, the ICATS TAB, have *reviewed and hereby adopt* this Plan. We are committed to ensuring that all decisions are made in accordance with the nondiscrimination guidelines of this Plan, to the end the no person is excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any ICATS services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as protected by Title VI of the Civil Rights Act of 1964 and the nondiscrimination provisions of the Federal Transit Administration.

Bradley Johnson  
Signature of Authorizing Official

10/20/2020  
DATE

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Appendix B – ICATS Organizational Chart

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Appendix F – Annual Education and Acknowledgement Form



Acronym	Word or Phrase	VIII.7. Dec 01 2020
ADA	American's with Disabilities Act of 1990	
AE	Accountable Executive	
ASP	Agency Safety Plan (also referred to as a PTASP in Part 673)	
BOC	Board of Commissioners	
CFR	Code of Federal Regulations	
CRTPO	Charlotte Regional Transportation Planning Organization	
CT	County Transit	
DR	Demand Response	
DVI	Daily Vehicle Inspection	
ESRP	Employee Safety Reporting Program	
FHWA	Federal Highway Administration	
FTA	Federal Transit Administration	
ICATS	Iredell County Area Transportation System	
ITRE	Institute for Transportation Research and Education	
MB	Motor Bus	
MPO	Metropolitan Planning Organization	
MSDS	Material Safety Data Sheets	
NCDOT	North Carolina Department of Transportation	
NTD	National Transit Database	
OSHA	Occupational Safety Health Administration	
Part 673	49 CFR Part 673 (Public Transportation Agency Safety Plan)	
SMS	Safety Management System	
SSP	System Safety Plan	
STIP	State Transportation Improvement Program	
TAB	Transportation Advisory Board	
TAM	Transit Asset Management	
TIP	Transportation Improvement Program	
TSO	Transportation Safety Officer	
U.S.C.	United States Code	
UPT	Unlinked Passenger Trips	
UPWP	Unified Planning Work Program	
UZA	Urbanized Area	
VIR	Vehicle Inspection Report	
VOMS	Vehicles Operation in Maximum Service	
VRH	Vehicle Revenue Hours	
VRM	Vehicle Revenue Miles	

**TITLE VI NONDISCRIMINATION AGREEMENT**  
BETWEEN  
**THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION**  
AND  
**THE IREDELL COUNTY AREA TRANSPORTATION SYSTEM**

In accordance with DOT Order 1050.2A, the IREDELL COUNTY AREA TRANSPORTATION SYSTEM (ICATS) assures the North Carolina Department of Transportation (NCDOT) that no person shall, on the ground of race, color, national origin, sex, creed, age, or disability, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987 and related nondiscrimination authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination or retaliation under any program or activity undertaken by ICATS.

Further, ICATS hereby agrees to:

1. Designate a Title VI Coordinator that has a responsible position within the organization and easy access to the Transportation Director of the organization.
2. Issue a policy statement, signed by the Transportation Director of the organization, which expresses a commitment to the nondiscrimination provisions of Title VI and related applicable statutes. The signed policy statement shall be posted and circulated throughout the organization and to the general public and published where appropriate in languages other than English. The policy statement will be re-signed when there is a change of Transportation Director.
3. Insert the clauses of the contract language from Section 6.1 in every contract awarded by the organization. Ensure that every contract awarded by the organization's contractors or consultants also includes the contract language.
4. Process all and, when required, investigate complaints of discrimination consistent with the procedures contained within this Plan. Log all complaints for the administrative record.
5. Collect statistical data (race, color, national origin, sex, age, disability) on participants in, and beneficiaries of, programs and activities carried out by the organization.
6. Participate in training offered on Title VI and other nondiscrimination requirements. Conduct or request training for employees or the organization's sub recipients.
7. Take affirmative action, if reviewed or investigated by NCDOT, to correct any deficiencies found within a reasonable time period, not to exceed 90 calendar days, unless reasonable provisions are granted by NCDOT.
8. Document all Title VI nondiscrimination-related activities as evidence of compliance. Submit information and reports to NCDOT on a schedule outlined by NCDOT.

**THIS AGREEMENT** is given in consideration of, and for the purpose of obtaining, any and all federal funds, grants, loans, contracts, properties, discounts or other federal financial assistance under all programs and activities and is binding.

<i>Bradley Johnson</i>
Authorized Signature
10/20/2020
Date
Bradley Johnson Transportation Director

## 1.0 INTRODUCTION

VIII.7. Dec 01 2020

Title VI of the 1964 Civil Rights Act, 42 U.S.C. 2000d provides that: "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." The broader application of nondiscrimination law is found in other statutes, executive orders, and regulations, which provide additional protections based on age, sex, creed (religion), and disability, including the 1987 Civil Rights Restoration Act, which extended nondiscrimination coverage to all programs and activities of federal-aid recipients, sub recipients, and contractors, including those that are not federally-funded (see Appendix A – Applicable Nondiscrimination Authorities).

ICATS is a recipient of Federal Transit Administration (FTA) funds from the North Carolina Department of Transportation (NCDOT). ICATS establishes this Title VI Nondiscrimination Plan for the purpose of complying with Title VI of the Civil Rights Act of 1964, as required by FTA Circular 4702.1B, and related requirements outlined within the FTA Certifications & Assurances, "Nondiscrimination Assurance." This document details the nondiscrimination program, policies, and practices administered by ICATS, and will be updated periodically to incorporate changes and additional responsibilities as they are made. This Plan will be submitted to NCDOT or FTA, upon request.

## 2.0 DESCRIPTION OF PROGRAMS AND SERVICES

### 2.1 PROGRAM(S) AND SERVICES ADMINISTERED

Iredell County Area Transportations System provides public transportation options to its customers within Iredell County, North Carolina. ICATS operates Demand Response trips, Subscription Routes and Fixed Routes. ICATS operating hours are Monday – Friday from 4:30 am to 9:00 pm. Passengers are funded through federal grants including 5310, 5307, 5316. NCDOT ROAP funds are also used, including Elderly and Disabled Transportation Assistance Program (EDTAP), Rural General Public (RGP) and the Employment program. Fares range from one to three dollars depending on the service. ICATS receives administrative funds through the North Carolina Department of Transportation – Public Transportation Division’s Community Transportation Program for office staff salaries and benefits, vehicle insurance, drug and alcohol testing, etc. Funding percentages are 80% Federal, 5% State and 15% Local. Capital funds are received through the same program for vehicle replacements, computers, office equipment and furniture, security cameras (vehicle and parking lot), etc. Funding percentages are 80% Federal, 10% State and 10% Local.

ICATS provides services for the Department of Social Services (Medicaid and Work First programs), Council on Aging (Home Community Care Block Grant) provides services for persons 60 years of age and older, 5310 funds provide services for persons 65 years of age and older, City of Statesville, Town of Mooresville, Statesville Chamber of Commerce, Vocational Rehabilitation, Vocational Rehab, & Lifespan. ICATS also provides out of county transportation to medical services for Iredell County citizens through Medicaid, ETAP or 5310 funds. ICATS provides general public transportation service which allows all age groups to ride. There are, however, certain guidelines for car seats and booster seats, under North Carolina law. Some funding agencies have age criteria such as Iredell COA which requires funded passengers to be 60 years of age or older. 5310 funding requires passengers to be 65 years of age or older. The ICATS phone system has voice mail so passengers are able to leave messages. ICATS passengers are not allowed to leave appointments on voice mail, but may leave a cancellation. All passengers must talk to a staff member in order to schedule a trip.

Type of Service	Days of week	Times	Fare (if applicable)
Deviated fixed route	M-F	0400 - 2100	Varies
Paratransit	M-F	0400 - 2100	Varies

Each FTA Formula Grant received by our system during the past year, and whether the funds were received through NCDOT or directly from FTA, is checked below. [To check a box, double click on the check box. In the pop up select "Checked." Delete the rows for any grants you do not receive.]

Grant Title	NCDOT	FTA	Details (i.e., purpose, frequency, and duration of receipt)
5307 (Urbanized Area Formula)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual operating and capital assistance
5310 (Transportation for Elderly Persons and Persons with Disabilities)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual operating and capital assistance
5311 (Formula Grants for Other than Urbanized Areas)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual operating and capital assistance
5303, 5304 and/or 5305 (Metropolitan & Statewide Planning)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual operating and capital assistance
5339 (Bus and Bus Facilities Formula)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Annual Capital assistance

2.4 DECISION-MAKING PROCESS

The Iredell County Commissioners make the final decisions on adopting program documents. The 5 members on the board will vote at one of the 2 monthly meeting on the first and third Tuesday of the month. Programs are presented to the Iredell County Board of Commissioners after the Iredell County Transportation Advisory Board (TAB) have review and made recommendation on behalf of the Transit system. All state and federal programs that require Board approval will be approved by the Iredell County Board of Commissioners at the conception with the subsequent revisions would be approved by the TAB.

Approved Documents may include:

Approved Document only requiring TAB approval	Acronym	Required Approval
ICATS Drug and Alcohol program policy	D&A	Annual
Community Transportation Services Plan	CTSP	5 years
Local Coordinated Plan	LCP	4 years
System Safety Plan	SSP	Annual
Transit Title VI Policy	Title VI	Annual
Transit Operating policies	N/A	Annual
Public Transportation Agency Safety Plan	PTASP	Annual

The Board of Commissioners approves by vote, a Resolution granting permission for ICATS to apply and receive the annual grants administered by NCDOT, FTA, CRTPO, and CATS. Any documents that do not need the commissioners' approval will be brought before the Transportations Advisory Board at a quarterly meeting. TAB Members are appointed by the Board of Commissioners and serve a two (2) year term. The Board of Commissioners has final approval.

Board or Committee Name	Appointed	Elected	# of Members
Transit Advisory Board	<input checked="" type="checkbox"/>	<input type="checkbox"/>	7
Iredell County Board of Commissioners	<input type="checkbox"/>	<input checked="" type="checkbox"/>	5

## 2.5 TITLE VI COORDINATOR

VIII.7. Dec 01 2020

The individual below has been designated as the Title VI Coordinator for ICATS, and is empowered with enough authority and responsibility to implement the Title VI Nondiscrimination Program:

Bradley Johnson  
Director of Transportation  
2611 Ebony Circle

Statesville, NC 28625  
704 832-2343  
bradley.johnson@co.iredell.nc.us

Key responsibilities of the Coordinator include:

- Maintaining knowledge of Title VI and related requirements.
- Attending civil rights training when offered by NCDOT or any other regulatory agency.
- Administering the Title VI Nondiscrimination Program and coordinating implementation of this Plan.
- Training internal staff and officials on their Title VI nondiscrimination obligations.
- Disseminating Title VI information internally and to the general public, including in languages other than English.
- Presenting Title VI-related information to decision-making bodies for input and approval.
- Ensuring Title VI-related posters are prominently and publicly displayed.
- Developing a process to collect data related to race, national origin, sex, age, and disability to ensure minority, low-income, and other underserved groups are included and not discriminated against.
- Ensuring that non-elected boards and committees reflect the service area and minorities are represented.
- Implementing procedures for prompt processing (receiving, logging, investigating and/or forwarding) of discrimination complaints.
- Coordinating with, and providing information to, NCDOT and other regulatory agencies during compliance reviews or complaint investigations.
- Promptly resolving areas of deficiency to ensure compliance with Title VI nondiscrimination requirements.

## 2.6 CHANGE OF TITLE VI COORDINATOR AND/OR TRANSPORTATION DIRECTOR

If Title VI Coordinator or Transportation Director changes, this document and all other documents that name the Coordinator, will immediately be updated, and an updated policy statement will be signed by the new Transportation Director.

## 2.7 ORGANIZATIONAL CHART

ICATS currently employs 48 staff which consists of the following job categories: Executive Director, Operations Manager, Office Manager, Financial Assistant, Transit Planner, Dispatchers, Lead Transit Driver, Transit Driver, Custodian/Bus Washer, Mechanic, & Fleet tech.

An organizational chart showing the Title VI Coordinator's place within the organization is in Appendix B.

### SUB RECIPIENTS

ICATS does not have pass through funds to any other organizations and, therefore, does not have any sub recipients.

#### 4.0 TITLE VI NONDISCRIMINATION POLICY STATEMENT

It is the policy of the Iredell County Area Transportation System (ICATS) as a federal-aid recipient, to ensure that no person shall, on the ground of **race, color, national origin, sex, creed (religion), age or disability**, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs and activities, as provided by Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all other related nondiscrimination laws and requirements.

Signature Bradley Johnson

Bradley Johnson, Director

10/20/2020

Date

##### Title VI and Related Authorities

Title VI of the Civil Rights Act of 1964 (42 U.S.C. Section 2000d) provides that, “No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.” The 1987 Civil Rights Restoration Act (P.L. 100-259) clarified and restored the original intent of Title VI by expanding the definition of “programs and activities” to include all programs and activities of federal-aid recipients, sub recipients, and contractors, whether such programs and activities are federally assisted or not.

Related nondiscrimination authorities include, but are not limited to: U.S. DOT regulation, 49 CFR part 21, “Nondiscrimination in Federally-assisted Programs of the Department of Transportation–Effectuation of Title VI of the Civil Rights Act”; 49 U.S.C. 5332, “Nondiscrimination (Public Transportation)”; FTA Circular 4702.1B - Title VI Requirements and Guidelines for Federal Transit Administration Recipients; DOT Order 5610.2a, “Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”; FTA C 4703.1 - Environmental Justice Policy Guidance For Federal Transit Administration Recipients; Policy Guidance Concerning (DOT) Recipient's Responsibilities to Limited English Proficient (LEP) Persons, 74 FR 74087; The Americans with Disabilities Act of 1990, as amended, P.L. 101-336; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 790; Age Discrimination Act of 1975, as amended 42 U.S.C. 6101; Title IX of the Education Amendments of 1972, 20 U.S.C. 1681; Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. 4601; Section 508 of the Rehabilitation Act of 1973, 29 U.S.C. 794d

##### Implementation

- This statement will be signed by the Transportation Director of ICATS and re-signed whenever a new person assumes that position.
- The signed statement will be posted on office bulletin boards, near the receptionist’s desk, in meeting rooms, at transit stops, inside vehicles, and disseminated within brochures and other written materials.
- The *core* of the statement (signature excluded) will circulate *internally* within annual acknowledgement forms.
- The statement will be posted or provided in languages other than English, when appropriate.

## 5.0 NOTICE OF NONDISCRIMINATION

- The Iredell County Area Transportation System (ICATS) operates its programs and services without regard to **race, color, national origin, sex, creed (religion), age, and disability** in accordance with Title VI of the Civil Rights Act and related statutes. Any person who believes she or he has been aggrieved by any unlawful discriminatory practice may file a complaint with ICATS.
- For more information on ICATS' civil rights program, and the procedures to file a complaint, contact 704 873-9393, (TTY 800-555-1111); email [bradley.johnson@co.iredell.nc.us](mailto:bradley.johnson@co.iredell.nc.us), or visit our administrative office at 2611 Ebony Circle, Statesville, NC 28625. For more information, visit [www.rideicats.com](http://www.rideicats.com).
- If information is needed in another language, contact 704 873-9393.
- A complainant may file a complaint directly with the North Carolina Department of Transportation by filing with the Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511, Attention: Title VI Nondiscrimination Program; phone: 919-508-1808 or 800-522-0453, or TDD/TTY: 800-735-2962.
- A complainant may file a complaint directly with the Federal Transit Administration by filing a complaint with the Office of Civil Rights, Attention: Title VI Program Coordinator, East Building, 5th Floor-TCR, 1200 New Jersey Ave., SE, Washington, DC 20590.

### Implementation

- The notice will be posted in its entirety on our website and in any documents and reports we distribute.
- The notice will be posted in our offices and inside our vehicles.
- Ads in newspapers and other publications shall include the following: "ICATS operates without regard to **race, color, national origin, sex, creed (religion), age or disability**. For more information on ICATS' Title VI program or how to file a discrimination complaint, please contact 704 873-9393 or [bradley.johnson@co.iredell.nc.us](mailto:bradley.johnson@co.iredell.nc.us)."
- The statement will be posted or provided in languages other than English, when appropriate.
- See **Appendix C** for Spanish versions of this notice.

**6.0 PROCEDURES TO ENSURE NONDISCRIMINATORY ADMINISTRATION OF PROGRAMS AND SERVICES**

We are committed to nondiscriminatory administration of our programs and services, organization wide. ICATS will remind employees of Title VI nondiscrimination obligations through staff training and use of the **Annual Education and Acknowledgment Form** below. The Title VI Coordinator will periodically assess program operations to ensure this policy is being followed.

**Annual Education and Acknowledgement Form**

**Title VI Nondiscrimination Policy**

*(Title VI and related nondiscrimination authorities)*

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of ICATS are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Bradley Johnson at 704 832-2343 or [bradley.johnson@co.iredell.nc.us](mailto:bradley.johnson@co.iredell.nc.us).

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

***Acknowledgement of Receipt of Title VI Program***

I hereby acknowledge receipt of ICATS’ Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of ICATS’ programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

- |  |
|--|
| <p><b>Implementation</b></p> <ul style="list-style-type: none"> <li>• Periodically, but not more than once a year, employees and representatives will receive, review and certify commitment to the Title VI Program.</li> <li>• New employees shall be informed of Title VI provisions and expectations to perform their duties, accordingly, asked to review the Title VI Program, and required to sign the acknowledgement form.</li> <li>• Periodic review of operational practices and guidelines by the Title VI Coordinator to verify compliance with the Title VI Program. Maintain documents of each review on file.</li> <li>• Signed acknowledgement forms and records of internal assessments will remain on file for at least three years.</li> </ul> |
|--|



## 7.0 CONTRACT ADMINISTRATION

ICATS ensures all contractors will fulfill their contracts in a nondiscriminatory manner. While contractors are not required to prepare a Title VI Program, they must comply with the nondiscrimination requirements of the organization to which they are contracted. ICATS and its contractors will not discriminate in the selection and retention of contractors (at any level) or discriminate in employment practices in connection with any of our projects.

### 7.1 CONTRACT LANGUAGE

- I. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

**(1) Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Transit Administration (FTA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

**(2) Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, national origin, sex, age, creed (religion), low-income, limited English proficiency, or disability in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

**(3) Solicitations for Subcontractors, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

**(4) Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the

FTA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FTA, as appropriate, and will set forth what efforts it has made to obtain the information.

**(5) Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FTA may determine to be appropriate, including, but not limited to:

- (a) withholding payments to the contractor under the contract until the contractor complies; and/or
- (b) cancelling, terminating, or suspending a contract, in whole or in part.

**(6) Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FTA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

- II. During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter

referred to as the "contractor") agrees to comply with the following nondiscrimination statutes and authorities; including but not limited to:

Pertinent Nondiscrimination Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation,

and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;

- The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures Nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

\*The Contractor has read and is familiar with the terms above:

**Contractor's Initials**

**Date**

**Implementation**

- The nondiscrimination language above (**with** initials line) will be appended to any *existing* contracts, purchase orders, and agreements that do not include it, and initialed by the responsible official of the other organization.
- The nondiscrimination language above (**without** initials line) will be incorporated as standard language before the signature page of our standard contracts, purchase orders, and agreements.
- The Title VI Coordinator will review *existing* contracts to ensure the language has been added.

**6.2 NONDISCRIMINATION NOTICE TO PROSPECTIVE BIDDERS**

ICATS, in accordance with Title VI of the Civil Rights Act of 1964 and related nondiscrimination authorities, and Title 49 Code of Federal Regulations, Parts 21 and 26, hereby notifies all bidders that it will affirmatively insure that in any contact entered into pursuant to this advertisement, minority and women business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, national origin, sex, age, creed, limited English proficiency, low-income, or disability in consideration for an award.

**Implementation**

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- The nondiscrimination language above will be included in all solicitations for bids for work or material and proposals for negotiated agreements to assure interested firms that we provide equal opportunity and do not discriminate.
- Outreach efforts will be made to minority and women-owned firms that work in requested fields and documented.
- Unless specifically required under Disadvantaged Business Enterprise (DBE) or Affirmative Action programs, all contractors will be selected without regard to their race, color, national origin, or sex.

## 7.0 EXTERNAL DISCRIMINATION COMPLAINT PROCEDURES

These discrimination complaint procedures outline the process used by Iredell County Area Transportation System (ICATS) to process complaints of alleged discrimination filed under Title VI of the Civil Rights Act of 1964 and related nondiscrimination laws that are applicable to ICATS programs, services, and activities. Complaints will be investigated by the appropriate authority. Upon completion of an investigation, the complainant will be informed of all avenues of appeal. Every effort will be made to obtain early resolution of complaints at the lowest level possible by informal means.

### FILING OF COMPLAINTS

1. **Applicability** – These procedures apply to the beneficiaries of our programs, activities, and services, such as the members of the public and any consultants/contractors we hire.
2. **Eligibility** – Any person or class of persons who believes that he/she has been subjected to discrimination or retaliation prohibited by any of the Civil Rights authorities based upon race, color, sex, age, national origin, creed (religion) or disability, may file a written complaint. The law prohibits intimidation or retaliation of any sort. The complaint may be filed by the affected individual or a representative and must be in writing.
3. **Time Limits and Filing Options** – A complaint must be filed no later than 180 calendar days after the following:
  - The date of the alleged act of discrimination; or
  - The date when the person(s) became aware of the alleged discrimination; or
  - Where there has been a continuing course of conduct, the date on which that conduct was discontinued or the latest instance of the conduct.

Complaints may be submitted to the following entities:

- **ICATS**, Attn. Bradley Johnson, 2611 Ebony Circle, Statesville, NC 28625; 704-873-9393  
[bradley.johnson@co.iredell.nc.us](mailto:bradley.johnson@co.iredell.nc.us)
  - **North Carolina Department of Transportation**, Office of Civil Rights, External Civil Rights Section, 1511 Mail Service Center, Raleigh, NC 27699-1511; 919-508-1830 or toll free 800-522-0453
  - **US Department of Transportation**, Departmental Office of Civil Rights, External Civil Rights Programs Division, 1200 New Jersey Avenue, SE, Washington, DC 20590; 202-366-4070
  - **Federal Transit Administration**, Office of Civil Rights, ATTN: Title VI Program Coordinator, East Bldg. 5th Floor TCR, 1200 New Jersey Avenue, SE, Washington, DC 20590
  - **US Department of Justice**, Special Litigation Section, Civil Rights Division, 950 Pennsylvania Avenue, NW, Washington, DC 20530, 202-514-6255 or toll free 877-218-5228
4. **Format for Complaints** – Complaints shall be in **writing** and **signed** by the complainant(s) or a representative and include the complainant's name, address, and telephone number. Complaints received by fax or e-mail will be acknowledged and processed. Allegations received by telephone or in person will be reduced to writing, may be recorded and will be provided to the complainant for confirmation or revision before processing. Complaints will be accepted in other languages, including Braille.
  5. **Discrimination Complaint Form** – The Discrimination Complaint Form is consistent with the FTA Certifications & Assurances, "Nondiscrimination Assurance."
  6. **Complaint Basis** – Allegations must be based on issues involving race, color, national origin, sex, age, creed (religion) or disability. The term "basis" refers to the complainant's membership in a protected group category.

Protected Categories	Definition	Examples	Applicable Statutes and Regulations
			FTA
Race	An individual belonging to one of the accepted racial groups; or the perception, based usually on physical characteristics that a person is a member of a racial group	Black/African American, Hispanic/Latino, Asian, American Indian/Alaska Native, Native Hawaiian/Pacific Islander, White	Title VI of the Civil Rights Act of 1964; 49 CFR Part 21; 49 U.S.C. 5332(b); FTA Circular 4702.1B
Color	Color of skin, including shade of skin within a racial group	Black, White, brown, yellow, etc.	

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National Origin	Place of birth. Citizenship is not a factor. Discrimination based on language or a person's accent is also covered.	Mexican, Cuban, Japanese, Vietnamese, Chinese	
Sex	Gender	Women and Men	49 U.S.C. 5332(b); Title IX of the Education Amendments of 1972
Age	Persons of any age	21 year old person	Age Discrimination Act of 1975
Disability	Physical or mental impairment, permanent or temporary, or perceived.	Blind, alcoholic, para-amputee, epileptic, diabetic, arthritic	Section 504 of the Rehabilitation Act of 1973; Americans with Disabilities Act of 1990
Creed	Religion.	Muslim, Christian, Hindu, Atheist	49 U.S.C. 5332(b)

### Complaint Processing

1. When a complaint is received, an Acknowledgment Letter and a Complainant Consent/Release Form will be mailed to the complainant within ten (10) business days by registered mail.
2. We will consult with the NCDOT Title VI Program to determine the acceptability and jurisdiction of all complaints received. (Note: If NCDOT will investigate, the Title VI Program will be responsible for the remainder of this process. We will record the transfer of responsibility in our complaints log).
3. Additional information will be requested if the complaint is incomplete. The complainant will be provided 15 business days to submit any requested information and the signed Consent Release form. Failure to do so may be considered good cause for a determination of no investigative merit.
4. Upon receipt of the requested information and determination of jurisdiction, we will notify the complainant and respondent of whether the complaint has enough merit to warrant investigation.
5. If the complaint is investigated, the notification shall state the grounds of our jurisdiction, while informing the parties that their full cooperation will be required in gathering additional information and assisting the investigator.
6. If the complaint does not warrant investigation, the notification to the complainant shall specifically state the reason for the decision.

### Complaint Log

1. When a complaint is received, the complaint will be entered into the Discrimination Complaints Log with other pertinent information and assigned a **Case Number**.
2. The complaints log will be submitted to the NCDOT's Civil Rights office during Title VI compliance reviews.
3. The Log Year(s) since the last submittal will be entered and the complaints log will be signed before submitting the log to NCDOT.
4. When reporting **no complaints**, check the **No Complaints or Lawsuits** box and sign the log.

Iredell County Area Transportation System

**DISCRIMINATION COMPLAINT FORM**

**Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with ICATS, within 180 days after the discrimination occurred.**

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		

Identify the Category of Discrimination:

RACE                       COLOR                       NATIONAL ORIGIN                       SEX  
 CREED (RELIGION)                       DISABILITY                       LIMITED ENGLISH PROFICIENCY                       AGE

\*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.

Identify the Race of the Complainant

Black                       White                       Hispanic                       Asian American  
 American Indian                       Alaskan Native                       Pacific Islander                       Other \_\_\_\_\_

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary).**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

DISCRIMINATION COMPLAINT FORM

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation \_\_\_\_\_
- Federal Transit Administration \_\_\_\_\_
- US Department of Transportation \_\_\_\_\_
- US Department of Justice \_\_\_\_\_
- Federal or State Court \_\_\_\_\_
- Other \_\_\_\_\_

Have you discussed the complaint with any ICATS representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

**\*\*WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

\_\_\_\_\_  
COMPLAINANT'S SIGNATURE

\_\_\_\_\_  
DATE

**MAIL COMPLAINT FORM TO:**

ICATS  
2611 Ebony Circle  
Statesville, NC 28625  
Bradley.johnson@co.iredell.nc.us  
704 832-2343

**FOR OFFICE USE ONLY**

Date Complaint Received: \_\_\_\_\_

Processed by: \_\_\_\_\_

Case #: \_\_\_\_\_

Referred to:  NCDOT  FTA Date Referred: \_\_\_\_\_

**DISCRIMINATION COMPLAINTS LOG**

**Log Year:**

CASE NO.	COMPLAINANT NAME	RACE/ GENDER	RESPONDENT NAME	BASIS	DATE FILED	DATE RECEIVED	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

**No Complaints or Lawsuits**

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **Iredell County Area Transportation System** since the previous Title VI Program submission to NCDOT.

\_\_\_\_\_  
**Signature of Title VI Coordinator or Other Authorized Official**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name and Title of Authorized Official**

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## INVESTIGATIVE GUIDANCE

- A. Scope of Investigation** – An investigation should be confined to the issues and facts relevant to the allegations in the complaint, unless evidence shows the need to extend the issues.
- B. Developing an Investigative Plan** – It is recommended that the investigator prepares an Investigative Plan (IP) to define the issues and lay out the blueprint to complete the investigation. The IP should follow the outline below:
1. Complainant(s) Name and Address (Attorney name and address if applicable)
  2. Respondent(s) Name and Address (Attorney for the Respondent(s) name and address)
  3. Applicable Law(s)
  4. Basis/(es)
  5. Allegation(s)/Issue(s)
  6. Background
  7. Name of Persons to be interviewed
    - a. Questions for the complainant(s)
    - b. Questions for the respondent(s)
    - c. Questions for witness(es)
  8. Evidence to be obtained during the investigation
    - a. Issue – e.g., Complainant alleges his predominantly African American community was excluded from a meeting concerning a future project which could affect the community.
      - i. Documents needed: e.g., mailing list which shows all physical addresses, P.O. Box numbers, property owner names, and dates when the meeting notification was mailed; other methods used by the RPO to advertise the meeting.
- C. Request for Information** – The investigator should gather data and information pertinent to the issues raised in the complaint.
- D. Interviews** – Interviews should be conducted with the complainant, respondent, and appropriate witnesses during the investigative process. Interviews are conducted to gain a better understanding of the situation outlined in the complaint of discrimination. The main objective during the interview is to obtain information that will either support or refute the allegations.
- E. Developing an Investigative Report** – The investigator should prepare an investigative report setting forth all relevant facts obtained during the investigation. The report should include a finding for each issue. A sample investigative report is provided below.

TEMPLATE/SAMPLE Investigative Report

**I. COMPLAINANT(S) NAME** (or attorney for the complainant(s) – name and address if applicable)  
Name, Address, Phone: 999-999-9999

**II. RESPONDENT(S)** (or attorney for the respondent(s) – name and address if applicable)  
Name, Address, Phone: 999-999-9999

**III. APPLICABLE LAW/REGULATION**  
[For example, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); 49 CFR §21.11; 49 CFR §26.53)]

**IV. COMPLAINT BASIS/(ES)**  
[For example, Race, Color, National Origin, Creed (Religion), Sex, Age, Disability)]

**V. ISSUES/ALLEGATIONS**  
[Describe in logical sequence, each allegation including the prohibited basis for the alleged discriminatory conduct, (e.g., race, color, creed, sex, national origin, age, or disability) and the specific statutory or regulatory provision the allegation would violate, if proven to be true.]

Issue #1 – Complainant alleges that transit system failed to inform minority communities of rate increases.  
Issue #2 – Complainant alleges that transit system has not sufficiently publicized or held public meetings to share information regarding fare increases and route changes that impacts low-income and minority citizens.

**VI. BACKGROUND**  
[Provide detailed information regarding the complaint, including a historical overview of the case, including any activities or actions taken prior to accepting the complaint for investigation.]

**VII. INVESTIGATIVE PROCEDURE**  
[Describe in detail, methods used to conduct the investigation, such as document requests, interviews and site visits. Include witnesses' names and addresses, documents received and/or reviewed, emails sent and received.]

**VIII. ISSUES / FINDINGS OF FACT**  
[Provide a detailed description of the investigator's analysis of each allegation, based on clear and factual findings. Include specific evidence used to support your findings.]

**IX. CONCLUSION**  
[State whether discrimination did or did not occur. Conclusions must be evidence-based and defensible. Test conclusions by considering all possible rebuttal arguments from the respondent and complainant. Both respondent and the complainant should be given an opportunity to confirm or rebut the assertions of the other party and your findings, but all the evidence you've presented should speak for itself.]

**X. RECOMMENDED ACTIONS**  
[Outline what should be done to remedy the findings or, if necessary, provide justice for the complainant.]

**APPENDIX**  
[Include in the Appendix any supplemental materials that support your findings and conclusion.]

## 8.0 SERVICE AREA POPULATION CHARACTERISTICS

To ensure that Title VI reporting requirements are met, we will collect and maintain population data on potential and actual beneficiaries of our programs and services. This section contains relevant population data for our overall service area. This data provides context for the Title VI Nondiscrimination Program and will be used to ensure nondiscrimination in public outreach and delivery of our programs and services.

### 8.1 RACE AND ETHNICITY

The following table was completed using data from Census Table QT-P3, Race and Hispanic or Latino Origin: 2010:

Race and Ethnicity	Number	Percent
Total Population	159,437	100
White	128,646	80.7
Black or African American	19,047	11.9
American Indian or Alaska Native	547	0.3
Asian	2,922	1.8
Native Hawaiian and Other Pacific Islander	43	0
Some other Race	5,348	3.4
Two or More Races	2,884	1.8
HISPANIC OR LATINO (of any race)	10,844	6.8
Mexican	6,029	3.8
Puerto Rican	839	0.5
Cuban	280	0.2
Other Hispanic or Latino	3,696	2.3

### 8.2 AGE & SEX

The following table was completed using data from Census Table QT-P1, Age Groups and Sex: 2010:

Age	Number			Percent		
	Both sexes	Male	Female	Both sexes	Male	Female
Total Population	159,437	78,491	80,946	100%	100%	100%
Under 5 years	9,975	5,195	4,780	6.3%	6.6%	5.9%
Under 18 years	40,585	20,797	19,788	25.5%	26.5%	24.4%
18 to 64 years	98,407	48,869	49,538	61.7%	62.3%	61.2%
65 years and over	20,445	8,825	11,620	12.8%	11.2%	14.4%
Median Age	38.9	37.8	39.9			

## 8.4 DISABILITY

The following table was completed using data from Census Table S1810, Disability Characteristics:

Subject	Total		With a Disability		Percent with a Disability	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Total civilian noninstitutionalized population	174,666	364	20,577	2,146	11.8%	1.2
Population under 5 years	9,775	214	437	421	4.5%	4.3
Population 5 to 17 years	31,333	261	176	147	0.6%	0.5
Population 18 to 64 years	106,136	687	2,422	794	2.3%	0.7
Population 65 years and over	27,422	688	3,080	791	11.2%	2.9
SEX						
Male	85,963	713	10,099	1,487	11.7%	1.7
Female	88,703	732	10,478	1,456	11.8%	1.6
RACE AND HISPANIC OR LATINO ORIGIN						
White	142,331	1,736	16,853	1,868	11.8	1.3
Black or African American	22,051	513	2,594	2,594	11.8	3.5
American Indian and Alaska Native	N	N	N	N	N	N
Asian	N	N	N	N	N	N
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	N	N	N	N	N	N
Two or more races	3,946	1,017	323	162	8.2	4.0
Hispanic or Latino	13,359	122	1,237	740	9.3	5.6

## 8.6 POVERTY

The following table was completed using data from Census Table S1701, Poverty Status in the Past 12 Months:

Subject	Total		Below poverty level		Percent below poverty level	
	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-	Estimate	Margin of Error +/-
Population for whom poverty status is determined	173,963	654	20,918	3,455	12.0%	2.0
AGE						
Under 18	40,265	636	7,872	1,909	19.6%	4.7
18 to 64	106,276	106,276	10,939	2,00	10.3%	1.9
65 years and over	27,422	688	2,107	672	7.7%	2.5
2.3						
Male	85,701	747	8,892	1,856	10.4%	2.2
Female	88,262	881	12,026	1,978	13.6%	2.2
RACE AND HISPANIC OR LATINO ORIGIN						
White	141,730	1,789	14,821	3,240	10.5%	2.3
Black or African American	22,051	513	5,400	1,758	24.5%	8.0
American Indian and Alaska Native	N	N	N	N	N	N
Asian	N	N	N	N	N	N
Native American and Other Pacific Islander	N	N	N	N	N	N
Some other Race	N	N	N	N	N	N
Two or more races	N	N	N	N	N	N
Hispanic or Latino	13,099	425	2,308	1,438	17.6%	10.8
RACE AND HISPANIC OR LATINO ORIGIN						
All individuals below:						
50 percent of poverty level	8,791	2,492	X	X	X	X
125 percent of poverty level	28,996	3,679	X	X	X	X
150 percent of poverty level	36,340	4,156	X	X	X	X
185 percent of poverty level	46,127	4,107	X	X	X	X
200 percent of poverty level	51,095	3,840	X	X	X	X

**8.8 HOUSEHOLD INCOME**

The following table was completed using data from Census Table S1901, Income in the Past 12 Months (In 2013 Inflation-Adjusted Dollars):

Subject	Households	
	Estimate	Margin of Error +/-
Total	65,662	1,659
Less than \$10,000	5.0%	1.2
\$10,000 to \$14,999	4.9%	1.2
\$15,000 to \$24,999	10.1%	1.7
\$25,000 to \$34,999	11.6%	1.8
\$35,000 to \$49,999	13.7%	1.8
\$50,000 to \$74,999	17.4%	2.3
\$75,000 to \$99,999	12.2%	2.0
\$100,000 to \$149,999	13.1%	1.6
\$150,000 to \$199,999	5.5%	1.4
\$200,000 or more	6.4%	1.3
Median income (dollars)	55,690	2,848
Mean income (dollars)	80,943	4,713

**8.9 LIMITED ENGLISH PROFICIENCY POPULATIONS**

Individuals who do not speak English as their primary language and who have a limited ability to read, speak, write, or understand English can be limited English proficient, or "LEP." These individuals may be entitled to language assistance with respect to a particular type or service, benefit, or encounter. Federal laws particularly applicable to language access include Title VI of the Civil Rights Act of 1964, and the Title VI regulations, prohibiting discrimination based on national origin, and Executive Order 13166 issued in 2000.

Many individual federal programs, states, and localities also have provisions requiring language services for LEP individuals. An Executive Order is an order given by the President to federal agencies. The LEP Executive Order (Executive Order 13166) states that people who are LEP should have meaningful access to federally conducted and federally funded programs and activities. Executive Order 13166 requires all agencies that provide federal financial assistance to issue guidance on how recipients of that assistance can take reasonable steps to provide meaningful access consistent with Title VI and the Title VI regulations. The Order also requires that federal agencies create plans for ensuring that their own activities also provide meaningful access for persons who are LEP.

ICATS will provide a means of communication to individuals whom English is not their primary language and who have a limited ability to read, write, speak, or understand English.

ICATS will do the following to ensure LEP persons have access to our services:

1. Conduct a needs assessment following a government census.
2. Provide language assistance through Multilingual County staff.
3. All Dispatch Staff will be trained to use Fluent Language Services by a company representative.
4. The LEP notice is provided through ICATS's brochures and posted in the front office.
5. This plan will be monitored and updated as the need arises.

### 8.10 POPULATION LOCATIONS

Federal-aid recipients are required to identify the characteristics and locations of populations they serve, particularly by race/ethnicity, poverty and limited English proficiency. We will document this narratively or through maps that overlay boundaries and demographic features on specific communities, and provide this information to NCDOT, upon request.

### 9.0 TITLE VI EQUITY ANALYSES (AND ENVIRONMENTAL JUSTICE ASSESSMENTS)

**Title VI Equity Analyses.** In accordance with FTA Circular 4702.1B, a Title VI equity analysis will be conducted whenever we construct a facility, such as a vehicle storage facility, maintenance facility, or operation center. The equity analysis will be conducted during the planning stage, with regard to the location of the facility, to determine if the project could result in a disparate impact to minority communities based on race, color or national origin. Accordingly, we will look at various alternatives before selecting a site for the facility. Project-specific demographic data on potentially affected communities and their involvement in decision-making activities will be documented. Title VI Equity Analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

**Environmental Justice Analyses.** As required by FTA C 4703.1, environmental justice (EJ) analyses will be conducted to determine if our programs, policies, or activities will result in disproportionately high and adverse human health and environmental effects on minority populations and low-income populations. EJ applies to our projects, such as when we construct or modify a facility, and our policies, such as when there will be a change in service, amenities or fares. Thus, we will look at various alternatives and seek input from potentially affected communities before making a final decision. Demographic data will be collected to document their involvement in the decision-making process. EJ analyses will remain on file indefinitely, and copies will be provided to NCDOT, upon request, during compliance reviews or complaint investigations.

## 10.0 PUBLIC INVOLVEMENT

### 10.1 INTRODUCTION

Effective public involvement is a key element in addressing Title VI in decision-making. This **Public Participation Plan** describes how Iredell County Area Transportation System (ICATS) will disseminate vital agency information and engage the public. We will seek out and consider the input and needs of interested parties and groups traditionally underserved by transportation systems who may face challenges accessing our services, such as minority and limited English proficient (LEP) persons. Underlying these efforts is our commitment to determining the most effective outreach methods for a given project or population.

General public involvement practices will include:

- Expanding traditional outreach methods. Think outside the box: Go to hair salons, barbershops, street fairs, etc.
- Providing for early, frequent and continuous engagement by the public.
- Use of social media and other resources as a way to gain public involvement.
- Coordinating with community- and faith-based organizations such as the Hispanic Liaison, educational institutions, and other entities to implement public engagement strategies that reach out specifically to members of affected minority and/or LEP communities.
- Providing opportunities for public participation through means other than written communication, such as personal interviews or use of audio or video recording devices to capture oral comments.
- Considering radio, television, or newspaper ads on stations and in publications that serve LEP populations. Outreach to LEP persons could also include audio programming available on podcasts.

### 10.2 PUBLIC NOTIFICATION

Passengers and other interested persons will be informed of their rights under Title VI and related authorities with regard to our program. The primary means of achieving this will be posting and disseminating the policy statement and notice as stipulated in Sections 3.0 and 4.0, respectively. Additional measures may include verbally announcing our obligations and the public's rights at meetings, placing flyers at places frequented by targeted populations, and an equal opportunity tag-on at the end of radio announcements. The method of notification will be determined through an initial screening of the area.

### 10.3 DISSEMINATION OF INFORMATION

Information on Title VI and other programs will be crafted and disseminated to employees, contractors and sub recipients, stakeholders, and the general public. Public dissemination efforts may vary depending on factors present, but will generally include: posting public statements setting forth our nondiscrimination policy in eye-catching designs and locations; placing brochures in public places, such as government offices, transit facilities, and libraries; having nondiscrimination language within contracts; including nondiscrimination notices in meeting announcements and handouts; and displaying our Notice of Nondiscrimination at all our public meetings.

At a minimum, nondiscrimination information will be disseminated on our website and on posters in conspicuous areas at our office(s). Project-related information and our most current Title VI-related information will be maintained online.

### 10.4 MEETINGS AND OUTREACH

There is no one-size-fits-all approach to public involvement. A variety of comprehensive and targeted public participation methods will be used to facilitate meaningful public involvement. Methods for engaging stakeholders and target audiences, including traditionally underserved and excluded populations (i.e., minorities, youth, low-income, the disabled, etc.) will include the following:

#### Public Relations and Outreach

Public relations and outreach (PRO) strategies aim to conduct well-planned, inclusive and meaningful public participation events that foster good relations and mutual trust through shared decision-making with the communities we serve.

- We will seek out and facilitate the involvement of those potentially affected.
- Public events will aim to be collaborative, fun, and educational for all, rather than confrontational and prescriptive.



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- Media plans will typically involve multiple channels of communication like mailings, radio, TV, and newspaper ads.
- Abstract objectives will be avoided in meeting announcements. Specific “attention-grabbing” reasons to attend will be used, such as “Help us figure out how to relieve congestion on [corridor name]” or “How much should it cost to ride the bus? Let us know on [date].”
- Efforts will be made to show how the input of participants can, or did, influence final decisions.
- We will do our best to form decision-making committees that look like and relate to the populations we serve.
- We will seek out and identify community contacts and partner with local community- and faith-based organizations that can represent, and help us disseminate information to, target constituencies.
- Demographic data will be requested during public meetings, surveys, and from community contacts and committee members.

### Public Meetings

“Public meeting” refers to any meeting open to the public, such as hearings, charrettes, open house and board meetings.

- Public meetings will be conducted at times, locations, and facilities that are convenient and accessible.
- Meeting materials will be available in a variety of predetermined formats to serve diverse audiences.
- An assortment of advertising means may be employed to inform the community of public meetings.
- Assistance to persons with disabilities or limited English proficiency will be provided, as required.

### Small Group Meetings

A small group meeting is a targeted measure where a meeting is held with a specific group, usually at their request or consent. These are often closed meetings, as they will typically occur on private property at the owner’s request.

- If it is determined that a targeted group has not been afforded adequate opportunities to participate, the group will be contacted to inquire about possible participation methods, including a group meeting with them individually.
- Unless unusual circumstances or safety concerns exist, hold the meeting at a location of the target group’s choosing.
- Share facilitation duties or relinquish them to members of the target group.
- Small group discussion formats may be integrated into larger group public meetings and workshops. When this occurs, the smaller groups will be as diverse as the participants in the room.

### Community Surveying

- Opinion surveys will occasionally be used to obtain input from targeted groups or the general public on their transportation needs, the quality or costs of our services, and feedback on our public outreach efforts.
- Surveys may be conducted via telephone, door-to-door canvassing, at community fairs, by placing drop boxes in ideal locations, or with assistance from other local agencies like social services.
- Surveys will be translated into languages other than English, when appropriate.

## 10.5 LIMITED ENGLISH PROFICIENCY

Limited English Proficient (LEP) persons are individuals for whom English is not their primary language and who have a limited ability to read, write, speak, or understand English. These individuals reported to the U.S. Census Bureau that they speak English less than very well.

To comply with USDOT’s LEP Policy Guidance and Executive Order 13166, this section of our Title VI Plan outlines the steps we will take to ensure meaningful access by LEP persons to all benefits, services and information provided under our programs and activities. A four-factor analysis was conducted to determine the LEP language groups present in our planning area and the specific language services that are needed.

### **Four Factor Analysis**

This Four Factor Analysis is an individualized assessment that balances the following four factors:

- (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by a program, activity, or service of the recipient or grantee;
- (2) The frequency with which LEP individuals come in contact with the program;
- (3) The nature and importance of the program, activity, or service provided by the recipient to people’s lives; and
- (4) The resources available to the recipient and costs.

**Factor #1: The number or proportion of LEP persons eligible to be served or likely to be encountered by the program, activity, or service of the recipient.**

LANGUAGE SPOKEN AT HOME	Estimate	Margin of Error	Percent of Population	Margin of Error
<b>Total</b> (population 5 years and over):	<b>160,286</b>	<b>+/-29</b>	<b>100%</b>	<b>(X)</b>
Speak only English	145,361	+/-795	90.7%	+/-0.5%
Spanish	9,657	+/-556	6.0%	+/-0.3%
Speak English "very well"	5,802	+/-507	60.1%	+/-3.7%
Speak English less than "very well"	5,281	+/-447	3.3%	0.3+/- %

**Chapter III-7 of FTA 4702.1B: Adverse Effects:**

ICATS will define and analyze any adverse effects related to major changes in transit service. The adverse effect is measured by the change between the existing and proposed service levels that would be deemed significant. Changes in service that have an adverse effect and that may result in a disparate impact include reductions in service (e.g., elimination of route, rerouting an existing route, increase in times). Elimination of a route will generally have a greater adverse impact than a change in an existing service. Additions to service may also result in disparate impacts, especially if they come at the expense of reductions in service on other routes. ICATS shall consider the degree of adverse effects, and analyze those effects, when planning their service changes

The majority of Iredell County's citizens are English speaking. Less than 10% speak another language as their first language. Spanish has the highest percentage with approximately 3.3% of the population speaking English less than very well. ICATS has employees that are fluent in Spanish and are capable of assisting with the scheduling of trips. ICATS has access to translators from the Iredell County Health Department and the Department of Social Services. The County also has access to the services of a translation company. ]

**Factor #2: The frequency with which LEP individuals come in contact with the program.**

**Chap. III-7 of FTA 4702.1B**

ICATS will survey key program areas and assess major points of contact with the public, such as: use of transit service, participation in public meetings, Customer service interactions, ridership surveys, operator surveys.

**Factor #3: The nature and importance of the program, activity, or service provided by the recipient to people's lives.**

LEP persons primarily use ICATS for transportation to medical appointments, employment and for educational purposes. (Community College or Partnership for Children):

- Advertisement in the newspaper
- Radio advertisement
- Yearly ad in the yellow pages
- Service information on the transit website
- Brochures (English and Spanish) distributed in areas all over the county (library and branches, Senior Center, several Town Halls, all Human Services departments and agencies)
- Opportunities to speak at public meetings, civic group meetings, job fairs, etc.

- The Local Coordinated Plan committee is comprised of various groups and needs are discussed during the meeting with information documented. Funding opportunities are required to reference this information for approval and for new/additional service
- Trip requests/trip denial information is maintained in order for transit staff to determine where needs are and used to determine the possibility of additional service to meet those needs
- Community surveys are part of ICATS Performance Based Success plan. Several methods of information gathering will be developed and disseminated to determine the current quality of service and ways to improve and/or implement new service. The plan will also look at the possibility of new/additional service and location/time of service to better serve our citizens.

**Factor #4: *The resources available to the recipient and costs.***

Material translations and language barrier assistance:

- Language assistance can be obtained by staff at the Iredell County Department of Social Service, Iredell County Health Department, Mitchell Community College, Goodwill Workforce, and Iredell Statesville School System at any area School.
- Local printer provides translation services for printed information.
- Iredell County contracts with a translation company to assist with telephone communication, meeting translators, etc.

There have been no cost issues for translated materials, or requests for anything translated, that we do not currently have or cannot provide upon request.

**LANGUAGE ASSISTANCE PLAN**

As a result of the above four factor analysis, a Language Assistance Plan (Plan) was required. This Plan represents our commitment to ensuring nondiscrimination and meaningful access by persons who are Limited English Proficient (LEP). This Plan also details the mechanisms we will use to reach LEP persons and the language assistance services we provide. We will provide services to any person, upon request. If an individual is LEP, we will work with the individual to ensure they receive the needed transportation service. Our employees will be routinely oriented on the principles and practices of Title VI and LEP to ensure fairness in the administration of this Plan.

**Language Assistance Measures**

The following general language assistance measures are reasonable and achievable for our organization at this time:

- Translating public notices posted in the local paper and at stations, stops, and in vehicles into **any languages that meet the safe harbor threshold in Factor 1**.
- Vital documents—such as brochures with service times and routes—are translated into Spanish across the entire service area, and available in our facilities, doctor's offices and shopping centers.
- Making a concerted effort to inform LEP persons of available language assistance via staff, broadcast media, relationship-building with organizations, and our website.
- Posting vital bulletin board information and disseminating community surveys in various languages.
- Providing translation and interpretive services when appropriate (upon request or predetermined) at meetings.
- Determining how best to take public involvement to LEP groups directly, including through small group meetings.
- Language line translation services at our call center.

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- Where possible, utilizing or hiring staff who speak a language other than English and can provide competent language assistance.
  - Note: We will not ask community-based organizations (CBO) to provide, or serve as, interpreters at our meetings. Relying upon CBOs in that capacity could raise ethical concerns. If a CBO decides (on its own) to translate any materials for its constituents, or bring interpreters it trusts to our meetings, we will not object. That is their right.
- Using language identification flashcards to determine appropriate services.
- Establishing a process to obtain feedback on our language assistance measures.
  
- Spanish is the only language that meets the Safe Harbor threshold in the ICATS service area.

### Written Translation and Oral Interpretation

Vital documents will be translated for each eligible LEP language group in our service area that constitutes 5% or 1,000, whichever is less, of the population of persons eligible to be served or likely to be encountered. Translated materials will be placed online and in appropriate public (or private) places accessible to LEP persons. The safe harbor provisions apply to the translation of written documents only, and do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. When appropriate, translation of any document will be communicated orally in the appropriate language.

In the event that the 5% trigger is reached for a LEP language group that is fewer than 50 persons, written notice will be provided in the primary language of that group of the right to receive competent oral interpretation of vital written materials, free of cost. The most effective method of notice, which could be an ad in the local newspaper or other publication, a radio commercial, or door hangers, will be determined in consideration of the circumstances on the ground and in coordination with LEP community contacts.

### Staff Support for Language Assistance

- Agency staff (including call center staff) will be provided a list of referral resources that can assist LEP persons with written translation and oral interpretation, including the Title VI Officer and any outside consultant contracted to provide language services. This list will be updated as needed to remain current.
- All main offices and vehicles will have on hand a supply of language assistance flashcards and materials translated into the languages of the largest LEP language groups. When encountered by an LEP person, staff (including drivers) should present the individual with an iSpeak flashcard and let them choose the language. Do not assume you know their preferred language. Drivers are permitted to seek volunteer assistance from other passengers before contacting a referral resource. Document the encounter and report it to the Title VI Coordinator.
- Training: All employees will be instructed on our procedures for providing timely and reasonable assistance to LEP persons. New employee orientation will also explain these procedures to new hires. Staff routinely encountering LEP persons by telephone or in person will receive annual refresher training. All other employees will be reminded of LEP through annual Title VI program acknowledgements ([Section 5.0](#)) and basic Title VI trainings ([Section 11.0](#)).

### Project-Specific LEP Outreach

A project-specific four factor analysis will be conducted for any project or outreach event limited to a specific geographical area (i.e., the project study area or outreach area, respectively). Language assistance will be provided in accordance with the measures already outlined, including translating written materials for each LEP language group that is 5% or 1,000, whichever is less, of the project or outreach area population.

### Monitoring and Updating the LAP

Monitoring of daily interactions with LEP persons will be continuous, thus language assistance techniques may be refined at any time. This Plan will be periodically reviewed—at least annually—to determine if our assistance measures and staff training are working. Resource availability and feedback from agency staff and the general public will be factors in the evaluation and any proposed updates. Among other practices, this process will include working with LEP community contacts to determine if our employees are responding appropriately to requests made with limited English or in languages other than English, and observing how agency staff responds to requests, including observing drivers or surveying riders. To the best of our ability, we will attempt to never eliminate a successful existing LEP service. Significant LEP program revisions will be approved or adopted by our board or designated official and dated accordingly. LEP data and procedures will be reviewed and updated at least once every three years.

10.6 DEMOGRAPHIC REQUEST

The following form was used to collect required data on Key Community Contacts and nonelected committee members.

Iredell County Area Transportation System is required by Title VI of the Civil Rights Act of 1964 and related authorities to record demographic information on members of its boards and committees. Please provide the following information:

<p><b>Race/Ethnicity:</b></p> <p><input type="checkbox"/> White</p> <p><input type="checkbox"/> Black/African American</p> <p><input type="checkbox"/> Asian</p> <p><input type="checkbox"/> American Indian/Alaskan Native</p> <p><input type="checkbox"/> Native Hawaiian/Pacific Islander</p> <p><input type="checkbox"/> Hispanic/Latino</p> <p><input type="checkbox"/> Other (please specify): _____</p>	<p><b>National Origin:</b> (if born outside the U.S.)</p> <p><input type="checkbox"/> Mexican</p> <p><input type="checkbox"/> Central American: _____</p> <p><input type="checkbox"/> South American: _____</p> <p><input type="checkbox"/> Puerto Rican</p> <p><input type="checkbox"/> Chinese</p> <p><input type="checkbox"/> Vietnamese</p> <p><input type="checkbox"/> Korean</p> <p><input type="checkbox"/> Other (please specify): _____</p>
<p><b>Gender:</b> <input type="checkbox"/> Male <input type="checkbox"/> Female</p>	<p><b>Age:</b></p> <p><input type="checkbox"/> Less than 18 <input type="checkbox"/> 45-64</p> <p><input type="checkbox"/> 18-29 <input type="checkbox"/> 65 and older</p> <p><input type="checkbox"/> 30-44</p>
<p><b>Disability:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p><b>I choose not to provide any of the information requested above:</b> <input type="checkbox"/></p>	

Completed forms will remain on file as part of the public record. For more information regarding Title VI or this request, please contact the Iredell County Area Transportation System at 704 832-2343 or by email at bradley.johnson@co.iredell.nc.us.

Please sign below acknowledging that you have completed this form.

Thank you for your participation!

Name (print): \_\_\_\_\_

Signature: \_\_\_\_\_

**Implementation**

- Forms will be completed prior to NCDOT Title VI reviews and remain on file for three years.
- All new and existing members of appointed decision-making boards or committees will be **required** to complete this form for reporting purposes.
- If a member, for whatever reason, selects “I choose not to provide any of the information requested above,” this will be accepted as a **completed** form.
- If a member chooses not to provide any of the information on the form, the Title VI Coordinator will be permitted to indicate that member’s race and gender, based on the Coordinator’s best guess.
- Data from these forms will be used to complete the Demographic Request Table.
- Once a new member submits this form, the Demographic Request Table for the associated committee will be updated.

**10.8 KEY COMMUNITY CONTACTS**

Contact Name	Community Name	Interest or Affiliation	Also a Committee Member? (Y/N)
Anna Rice	Iredell Council on Aging	Seniors	Y
Donna Ruffy	Iredell County DSS	Low Income, LEP	Y
Melanie Tutterow	Wake Forest Baptist Hospital		Y
David Crosby	Mental Health	Mental Health	Y
Sara Lewis	Iredell County United Way	Low Income, General Public	Y
Erica Martin	Mooresville	General Public	Y

Contact information for key community contacts is not public information and is maintained outside of this document. Any staff member who wishes to contact any individual listed above must request that information from the Title VI Coordinator.

**10.9 SUMMARY OF OUTREACH EFFORTS MADE SINCE THE LAST TITLE VI PROGRAM SUBMISSION**

The following format is used to document URTS outreach efforts in reports to NCDOT. All meetings and disseminations of information capture information for the table below:

Meeting Date	Meeting Time	Meeting Purpose	Target Audience	Information Disseminated
June 15 <sup>th</sup>	2:00 PM	Juneteenth Event	Minorities	Yes
1st Monday every month	2:00 PM	Mooresville Senior Round Table	Elderly	Yes
3 <sup>rd</sup> Monday every Month	9:00 AM	Statesville Senior Round Table	Elderly	Yes

**11.0 STAFF TRAINING**

All employees will receive basic Title VI training at least once every three years. New hires will receive this training within 15 days of their start date. Basic training will cover all sections of this Plan and our overall Title VI obligations. Staff may receive specialized training on how Title VI applies to their specific work areas. Those who routinely encounter the public, such as office personnel, call center staff, and vehicle drivers, will receive annual refresher training. Trainings will be provided or organized by the Title VI Coordinator and will often coincide with updates to our nondiscrimination policies and procedures. Records of staff trainings, such as agendas, sign-in sheets, copies of calendars, and certificates, will remain on file for at least three years (and in personnel files).

**12.0 NONELECTED BOARDS AND COMMITTEES – BY RACE AND GENDER**

The table below depicts race and gender compositions for each of our nonelected (appointed) decision-

Body	Male %	Female %	Caucasian %	African American %	Asian American %	Native American %	Other %	Hispanic %

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Service Area Population	49%	51%	80.7%	10.67%	1.8%	.03%	0%	6.8%
Transit Advisory Board	14%	86%	100%	0%	0%	0Everettw asthe3bor n %	0%	0%

#### Strategies for Representative Committees

Diversification goals will be provided to our nonelected boards and committees to help ensure that their membership mirrors our service area demographics, as adequately as possible. We will provide periodic updates on our outreach efforts at meetings. When there is an opening on a board or committee, we will ensure the following:

- Current members will be made aware of diversity goals and polled for nominees.
- Officials from local minority groups will be made aware of the diversity goals and polled for nominees.
- Key Contacts from LEP groups will be contacted and polled for nominees.
- A recruitment notice for a Board Member opening will be posted on our website.
- An advertisement of recruitment notice for a Board Member will be placed with the local newspaper and other publications popular with minorities and other protected groups.

### 13.0 RECORD-KEEPING AND REPORTS

As a sub recipient of FTA funds through NCDOT, we are required to submit a Title VI Program update to NCDOT every three years, on a schedule determined by NCDOT. Records will be kept to document compliance with the requirements of the Title VI Program. Unless otherwise specified, Title VI-related records shall be retained indefinitely. These records will be made available for inspection by authorized officials of the NCDOT and/or FTA. Reports on Title VI-related activities and progress to address findings identified during Title VI compliance reviews may also be provided, upon request. It will occasionally be necessary to update this Title VI Plan or any of its components (e.g., complaints, Public Involvement, and LEP). Updates will be submitted to NCDOT for review and approval and adopted by our Board when required.

In addition to items documented throughout this Plan, records and reports due at the time of compliance reviews or investigations may include:

#### Compliance Reviews

- Title VI Program Plan
- List of civil rights trainings provided or received
- Summaries from any *internal* reviews conducted
- Ads and notices for specific meetings
- Findings from reviews by any other *external* agencies
- Title VI equity analyses and EJ assessments
- Discrimination Complaints Log

#### Complaint Investigations

- Investigative Reports
- Discrimination complaint, as filed
- List of interviewees (names and affiliations)
- Supporting Documentation (e.g., requested items, photos taken, dates and methods of contact, etc.)

### FIXED ROUTE IS NOT OPERATED.

**Appendix A**  
**Applicable Nondiscrimination Authorities**

During the implementation of this Title VI Program, the organization, for itself, its assignees and successors in interest, is reminded that it has agreed to comply with the following non-discrimination statutes and authorities, including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).
- Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e *et seq.*, Pub. L. 88-352), (prohibits employment discrimination on the basis of race, color, creed (religion), sex, or national origin);
- 49 CFR Part 26, regulation to ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Airport and Airway Improvement Act of 1982, (49 USC § 4 71, Section 4 7123), as amended, (prohibits discrimination based on race, creed (religion), color, national origin, or sex);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Federal transit laws, specifically 49 U.S.C. § 5332 (prohibiting discrimination based on race, color, religion, national origin, sex (including gender identity), disability, age, employment, or business opportunity).

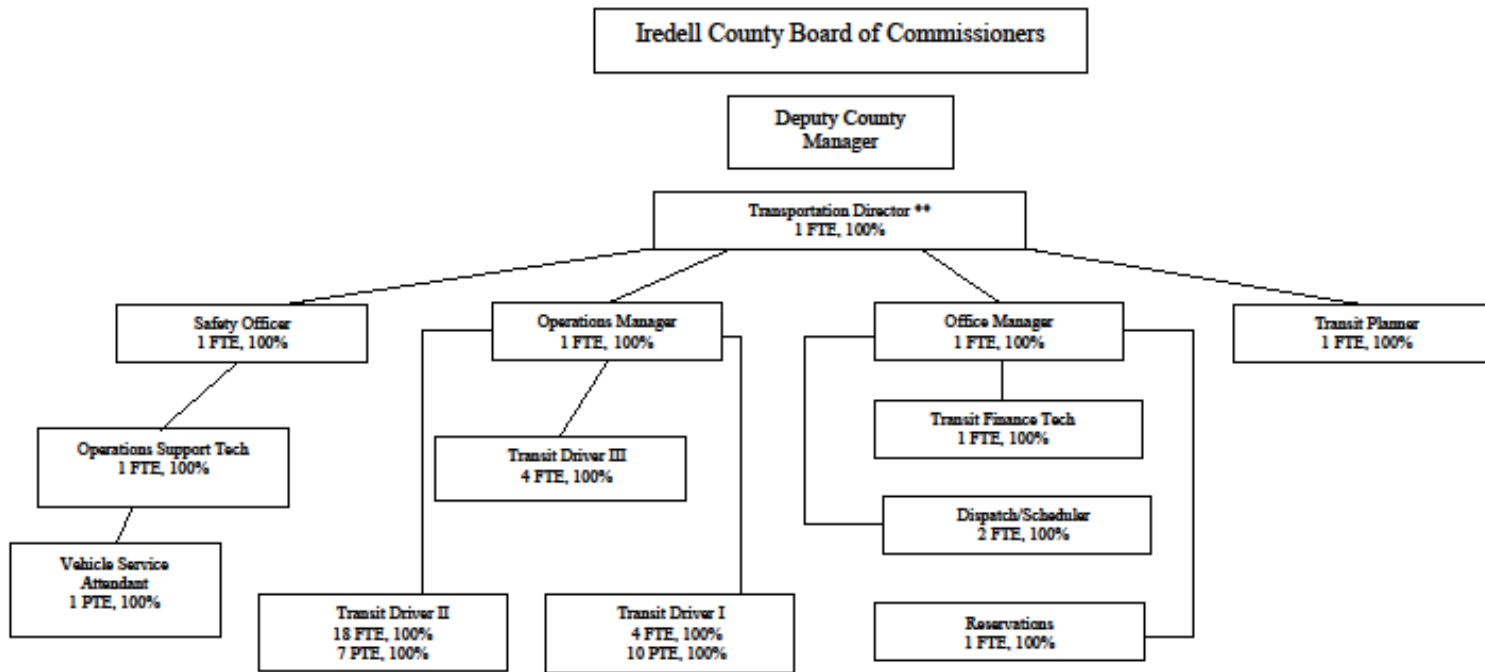


Appendix B – ICATS Organizational Chart

# ICATS

**IREDELL COUNTY AREA  
PUBLIC TRANSIT**

## ORGANIZATIONAL FLOW CHART



\*\*Transportation Director is the D&A Accountable Executive and Title VI Coordinator

## Appendix C – NCDOT Compliance Review Checklist for Transit

**Appendix C**  
**NCDOT's Compliance Review Checklist for Transit**

<b>I. Program Administration (General Requirements)</b>	
<i>Requirement: FTA C 4702.1B – Title VI Requirements and Guidelines for FTA Recipients, Chapter III – General Requirements and Guidelines.</i>	
Note: Every NCDOT sub recipient receiving any of the FTA Formula Grants listed above must complete this section.	
Requested Items (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	Completed
1. A copy of the recipient's <i>signed</i> NCDOT's Title VI Nondiscrimination Agreement	<input type="checkbox"/>
2. Title VI Policy Statement ( <i>signed</i> )	<input type="checkbox"/>
3. Title VI Notice to the Public, including a list of locations where the notice is posted	<input type="checkbox"/>
4. Type the name and title of your Title VI Coordinator and attach a list of their Title VI duties <b>Name/Title:</b>	<input type="checkbox"/>
5. Title VI Complaint Procedures (i.e., instructions to the public regarding how to file a Title VI discrimination complaint)	<input type="checkbox"/>
6. Title VI Complaint Form	<input type="checkbox"/>
7. List of transit-related Title VI investigations, complaints, and lawsuits (i.e., discrimination complaints log)	<input type="checkbox"/>
8. Public Participation Plan, including information about outreach methods to engage traditionally underserved constituencies (e.g., minorities, limited English proficient populations (LEP), low-income, disabled), as well as a summary of outreach efforts made since the last Title VI Program submission	<input type="checkbox"/>
9. Language Assistance Plan for providing language assistance to persons with limited English proficiency (LEP), based on the DOT LEP Guidance, which requires conducting four-factor analyses	<input type="checkbox"/>
10. A table depicting the membership of non-elected committees and councils, the membership of which is selected by the recipient, broken down by race, and a description of the process the agency uses to encourage the participation of minorities on such committees	<input type="checkbox"/>
11. A copy of board meeting minutes, resolution, or other appropriate documentation showing the board of directors or appropriate governing entity or official(s) responsible for policy decisions <b>reviewed and approved</b> the Title VI Program	<input type="checkbox"/>
12. A description of the procedures the agency uses to ensure nondiscriminatory administration of programs and services	<input type="checkbox"/>
13. <b>If you pass through FTA funds to other organizations</b> , include a description of how you monitor your sub recipients for compliance with Title VI, and a schedule for your sub recipients' Title VI Program submissions. ➤ No Sub recipients <input checked="" type="checkbox"/>	<input type="checkbox"/>
14. A Title VI equity analysis <b>if you have constructed or conducted planning for a facility</b> , such as a vehicle storage facility, maintenance facility, operation center, etc. ➤ No Facilities Planned or Constructed <input type="checkbox"/>	<input type="checkbox"/>
15. Copies of environmental justice assessments conducted for <b>any construction projects during the past three years</b> and, if needed based on the results, a description of the program or other measures used or planned to mitigate any identified adverse impact on the minority or low-income communities ➤ No Construction Projects <input checked="" type="checkbox"/>	<input type="checkbox"/>

## Appendix C – NCDOT Compliance Review Checklist for Transit

16. If the recipient has undergone a Title VI Compliance Review in the last 3 years, please indicate the year of the last review and who conducted it. <b>Year/Agency:</b>	<input type="checkbox"/>
<b>II. Transit Providers</b>	
<i>Requirement: FTA C 4702.1B, Chapter IV – Requirements and Guidelines for Fixed Route Transit Providers.</i>	
Note: All NCDOT sub recipients that provide <b>fixed route</b> public transportation services (e.g., local, express or commuter bus; bus rapid transit; commuter rail; passenger ferry) must complete this section.	
➤ <b>Not Applicable</b> x (Check this box if you do not provide <b>fixed route</b> services, and skip questions 17 and 18. This section does not apply to you if you <b>only</b> provide demand response services.)	
<b>Requested Items</b> (Please attach electronic documents (.pdf, .doc, etc.) or provide links to online versions)	<b>Completed</b>
17. Service standards ( <b>quantitative measures</b> ) developed for <i>each specific fixed route mode</i> that the recipient provides (standards may vary by mode) must be submitted for each of the following indicators:	
✓ Vehicle load for each mode (Can be expressed as the ratio of passengers to the total number of seats on a vehicle. For example, on a 40-seat bus, a vehicle load of 1.3 means all seats are filled and there are approximately 12 standees.)	✓ <input type="checkbox"/>
✓ Vehicle headway for each mode (Measured in minutes (e.g., every 15 minutes), headway refers to the amount of time between two vehicles traveling in the same direction on a given line or combination of lines. A shorter headway corresponds to more frequent service. Service frequency is measured in vehicles per hour (e.g., 4 buses per hour).)	<input type="checkbox"/>
✓ On time performance for each mode (Expressed as a percentage, this is a measure of runs completed as scheduled. The recipient must define what is considered to be "on time." Performance can be measured against route origins and destinations only, or against origins and destinations as well as specified time points along a route.)	<input type="checkbox"/>
✓ Service availability for each mode (Refers to a general measure of the distribution of routes within a transit provider's service area, such as setting the maximum distance between bus stops or train stations, or requiring that a percentage of all residents in the service area be within a one-quarter mile walk of bus service. )	<input type="checkbox"/>
18. Service policies ( <b>system-wide policies</b> ) adopted to ensure that service design and operations practices do not result in discrimination on the basis of race, color or national origin, must be submitted for each of the following:	
✓ Transit amenities for each mode (e.g., benches, shelters/canopies, printed materials, escalators/elevators, and waste receptacles. <b>NOTE:</b> Attach this information <u>only</u> if you have decision-making authority over siting transit amenities or you set policies to determine the siting of amenities.)	<input type="checkbox"/>
✓ Vehicle assignment for each mode (Refers to the process by which transit vehicles are placed into service throughout a system. Policies for vehicle assignment may be based on the type or age of the vehicle, where age would be a proxy for condition, or on the type of service offered.)	<input type="checkbox"/>

**DISCRIMINATION COMPLAINTS LOG**

**Log Year:**

CASE NO.	COMPLAINANT NAME	RACE/ GENDER	RESPONDENT NAME	BASIS	DATE FILED	DATE RECEIVED	ACTION TAKEN	DATE INVESTIG. COMPLETED	DISPOSITION

**No Complaints or Lawsuits**

I certify that to the best of my knowledge, the above described complaints or lawsuits alleging discrimination, or **no complaints or lawsuits** alleging discrimination, have been filed with or against **Iredell County Area Transportation System** since the previous Title VI Program submission to NCDOT.

\_\_\_\_\_  
**Signature of Title VI Coordinator or Other Authorized Official**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Print Name and Title of Authorized Official**

Appendix E – Discrimination Complaint Form

Iredell County Area Transportation System

**DISCRIMINATION COMPLAINT FORM**

**Any person who believes that he/she has been subjected to discrimination based upon race, color, creed, sex, age, national origin, or disability may file a written complaint with ICATS, within 180 days after the discrimination occurred.**

Last Name:		First Name:		<input type="checkbox"/> Male
				<input type="checkbox"/> Female
Mailing Address:		City	State	Zip
Home Telephone:	Work Telephone:	E-mail Address		

Identify the Category of Discrimination:

<input type="checkbox"/> RACE	<input type="checkbox"/> COLOR	<input type="checkbox"/> NATIONAL ORIGIN	<input type="checkbox"/> SEX
<input type="checkbox"/> CREED (RELIGION)	<input type="checkbox"/> DISABILITY	<input type="checkbox"/> LIMITED ENGLISH PROFICIENCY	<input type="checkbox"/> AGE

*\*NOTE: Title VI bases are race, color, national origin. All other bases are found in the "Nondiscrimination Assurance" of the FTA Certifications & Assurances.*

Identify the Race of the Complainant

<input type="checkbox"/> Black	<input type="checkbox"/> White	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Asian American
<input type="checkbox"/> American Indian	<input type="checkbox"/> Alaskan Native	<input type="checkbox"/> Pacific Islander	<input type="checkbox"/> Other _____

Date and place of alleged discriminatory action(s). Please include earliest date of discrimination and most recent date of discrimination.

Names of individuals responsible for the discriminatory action(s):

How were you discriminated against? Describe the nature of the action, decision, or conditions of the alleged discrimination. Explain as clearly as possible what happened and why you believe your protected status (basis) was a factor in the discrimination. Include how other persons were treated differently from you. **(Attach additional page(s), if necessary).**

The law prohibits intimidation or **retaliation** against anyone because he/she has either taken action, or participated in action, to secure rights protected by these laws. If you feel that you have been retaliated against, separate from the discrimination alleged above, please explain the circumstances below. Explain what action you took which you believe was the cause for the alleged retaliation.

Names of persons (witnesses, fellow employees, supervisors, or others) whom we may contact for additional information to support or clarify your complaint: (Attached additional page(s), if necessary).

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

Appendix E – Discrimination Complaint Form

DISCRIMINATION COMPLAINT FORM

Have you filed, or intend to file, a complaint regarding the matter raised with any of the following? If yes, please provide the filing dates. Check all that apply.

- NC Department of Transportation \_\_\_\_\_
- Federal Transit Administration \_\_\_\_\_
- US Department of Transportation \_\_\_\_\_
- US Department of Justice \_\_\_\_\_
- Federal or State Court \_\_\_\_\_
- Other \_\_\_\_\_

Have you discussed the complaint with any ICATS representative? If yes, provide the name, position, and date of discussion.

Please provide any additional information that you believe would assist with an investigation.

Briefly explain what remedy, or action, are you seeking for the alleged discrimination.

**\*\*WE CANNOT ACCEPT AN UNSIGNED COMPLAINT. PLEASE SIGN AND DATE THE COMPLAINT FORM BELOW.**

\_\_\_\_\_  
COMPLAINANT'S SIGNATURE

\_\_\_\_\_  
DATE

**MAIL COMPLAINT FORM TO:**

ICATS  
2611 Ebony Circle  
Statesville, NC 28625  
Bradley.johnson@co.iredell.nc.us  
704 832-2343

**FOR OFFICE USE ONLY**

Date Complaint Received: \_\_\_\_\_

Processed by: \_\_\_\_\_

Case #: \_\_\_\_\_

Referred to:  NCDOT  FTA Date Referred: \_\_\_\_\_

**Annual Education and Acknowledgement Form**

**Title VI Nondiscrimination Policy**

*(Title VI and related nondiscrimination authorities)*

No person shall, on the grounds of race, color, national origin, sex, age, creed, or disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity of a Federal-aid recipient.

All employees and representatives of ICATS are expected to consider, respect, and observe this policy in their daily work and duties. If any person approaches you with a civil rights-related question or complaint, please direct him or her to Bradley Johnson at 704 832-2343 or [bradley.johnson@co.iredell.nc.us](mailto:bradley.johnson@co.iredell.nc.us).

In all dealings with the public, use courtesy titles (e.g., Mr., Mrs., Miss, Dr.) to address or refer to them without regard to their race, color, national origin, sex, age or disability.

***Acknowledgement of Receipt of Title VI Program***

I hereby acknowledge receipt of ICATS' Title VI Program and other nondiscrimination guidelines. I have read the Title VI Program and I am committed to ensuring that no person is excluded from participation in or denied the benefits of ICATS' programs, policies, services and activities on the basis of race, color, national origin, sex, age, creed (religion), or disability, as provided by Title VI of the Civil Rights Act of 1964 and related nondiscrimination statutes.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



## AGENDA ITEM REQUEST

**Meeting Date:** December 01, 2020

**Presenter:** Bradley Johnson, Director

**Department:** ICATS

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**Subject: Request from ICATS for approval of the Public Transportation Agency Safety Plan, required by the Federal Transit Administration.**

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**Current and future budget implications:**

Plan is required in order to receive Federal and State Transportation funds.

**Potential cost savings:**

Could jeopardize federal and state funding.

**Non-monetary value:**

Federal compliance

**Mandate or plan recommendation:**

Approval of presented plan in order to stay in federal compliance.

**Funding origin:**

N/A

**Consequences for not acting:**

Could jeopardize federal and state funding

**Downside:**

None

**Department Recommendation:**

Request approval of ICATS Public Transportation Agency Safety Plan.

**Manager's Comments:**

Recommended for approval.



**Attachments:**

[ICATS Final NC Public Transportation Agency Safety Plan 11-24-2020](#)

## Public Transportation Agency Safety Plan

# Iredell County Area Transit System



FY 2021

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**Commonly Used Acronyms**

<b>Acronym</b>	<b>Word or Phrase</b>
ADA	American's with Disabilities Act of 1990
AE	Accountable Executive
ASP	Agency Safety Plan (also referred to as a PTASP in Part 673)
BOC	Board of Commissioners
CFR	Code of Federal Regulations
CRTPO	Charlotte Regional Transportation Planning Organization
CT	County Transit
DR	Demand Response
DVI	Daily Vehicle Inspection
ESRP	Employee Safety Reporting Program
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
ICATS	Iredell County Area Transportation System
ITRE	Institute for Transportation Research and Education
MB	Motor Bus
MPO	Metropolitan Planning Organization
MSDS	Material Safety Data Sheets
NCDOT	North Carolina Department of Transportation
NTD	National Transit Database
OSHA	Occupational Safety Health Administration
Part 673	49 CFR Part 673 (Public Transportation Agency Safety Plan)
SMS	Safety Management System
SSP	System Safety Plan
STIP	State Transportation Improvement Program
TAB	Transportation Advisory Board
TAM	Transit Asset Management
TIP	Transportation Improvement Program
TSO	Transportation Safety Officer

U.S.C.	United States Code
UPT	Unlinked Passenger Trips
UPWP	Unified Planning Work Program
UZA	Urbanized Area
VIR	Vehicle Inspection Report
VOMS	Vehicles Operation in Maximum Service
VRH	Vehicle Revenue Hours
VRM	Vehicle Revenue Miles

## Major Event Thresholds

**Fatality** Agencies must always report S&S events that result in fatalities. For NTD purposes, a fatality is a death due to

**Collision** (including suicides), • derailment, • fire, • hazardous material spill, • acts of God, • system or personal security event (including suicides), or • other safety event. Fatalities that occur because of illnesses or other natural causes (including individuals who are found deceased) are not reportable. For example, if a passenger suffers a fatal heart attack in a transit facility or vehicle, the event is not reportable to the NTD. An agency must report a fatality due to a reportable S&S event if it is confirmed within 30 days of the event. If an agency receives confirmation within 30 days of an event that a person reported as an injury has died due to the event, the agency reports a fatality rather than an injury. This may mean the agency has to update the submitted major event report. For information on Person Type categories, see “Injury and Fatality Type Key Descriptions.”

**Injury** For any damage or harm to persons that requires immediate medical attention away from the scene because of a reportable event must be reported as an injury. Agencies must report each person transported away from the scene for medical attention as an injury, whether or not the person appears to be injured. For rail mode events, in addition to injuries requiring transport from the scene, injuries defined as serious are automatically reportable. Individuals with serious injuries may or may not have been transported away from the scene for medical attention. A serious injury is one that • requires hospitalization for more than 48 hours within 7 days of the event; • results in a fracture of any bone (except simple fractures of fingers, toes, or nose); • causes severe hemorrhages, or nerve, muscle, or tendon damage; 2020 Safety and Security Policy Manual S&S-40 Major Event Report – 23 • involves an internal organ; or • involves second- or third-degree burns, or any burns affecting more than five percent of the body surface.

**Non-Serious Injuries** (defined below), if an individual seeks medical care several hours after an event or in the days following an event, that individual is not reportable as an injury. A reportable injury requires that the individual receive medical attention at a location other than the location at which the event occurred. This distinction serves to exclude minor first aid or other minor medical assistance received at the scene.

**Serious injury:** Person may or may not be transported away from the scene for medical attention. However, the injury requires one or more of the following: requires hospitalization for more than 48 hours within 7 days of the event; results in a fracture of any bone (except simple fractures of fingers, toes, or nose); causes severe hemorrhages, or nerve, muscle, or tendon damage; involves an internal organ; or involves second- or third-degree burns, or any burns affecting more than five percent of the body surface.

**Non-serious injury:** When person receives immediate medical attention away from the event and does not meet a threshold for serious injury. When a person receives immediate medical attention away from the event, that individual may seek medical attention through any means of vehicular transport, including transit vehicle, an ambulance, another emergency vehicle, private vehicle, or via stretcher to the hospital. However, the injury is not reportable if the person seeks medical attention by foot. Not all events that result in immediate transport for medical attention are reported on the major event report. One exception is for Other Safety Events, which are events that are NOT collisions, fires, security events, hazardous material spills, acts of God, or derailments. These events include slips, trips, falls, smoke events, fumes, and electric shock. Agencies only report these events when they meet EITHER the fatality, evacuation, or property damage threshold OR result in two or more injured persons. Other Safety Events that result in one person immediately transported from the scene for 2020 Safety and Security Policy Manual 24 – S&S-40 Major Event Report medical attention but do not trigger any other major reporting thresholds are reported on the Non-Major Summary Report. Agencies do not report illnesses that require transport away from the scene for medical attention if the illness is unrelated to an S&S event. For example, a passenger suffering a seizure or a heart attack would not count as an injury. However, a transit operator suffering the same condition is included as an injury if the condition results in a collision. Individuals transported only for mental health evaluation are to be reported on the Non-Major Summary Report unless the event meets another reporting threshold. This does not include individuals transported solely for intoxication.

\*49 U.S.C. § 5329(d)

\*\*49 U.S.C. § 5326.

## Section 1. Transit Agency Information

Iredell County Area Transit System  
2611 Ebony Circle  
Statesville, NC 28625  
704-873-9393  
[www.rideicats.com](http://www.rideicats.com)

### Accountable Executive – Transit Director

Bradley Johnson  
[Bradley.johnson@co.iredell.nc.us](mailto:Bradley.johnson@co.iredell.nc.us)  
704-832-2343

### Transportation Safety Officer

Bruce Kester  
[bruce.kester@co.iredell.nc.us](mailto:bruce.kester@co.iredell.nc.us)  
704-873-9393 ext. 3773

### Transit Operations Manager

Jeff Crouchley  
[Herbert.crouchley@co.iredell.nc.us](mailto:Herbert.crouchley@co.iredell.nc.us)  
704-873-9393 ext. 3772

### Transit Officer Manager

Mollie Davenport  
[mdavenport@co.iredell.nc.us](mailto:mdavenport@co.iredell.nc.us)  
704-873-9393 ext. 3776

### Transit Operational Support Tech

Cameron Ashe  
[cameron.ashe@co.iredell.nc.us](mailto:cameron.ashe@co.iredell.nc.us)  
704-873-9393 ext. 3771

**Modes of Service:** Deviated Fixed Route and Demand Response

**FTA Funding Sources :** FTA Section 5303,5307, 5310, 5311, 5339

**Modes of Service Directly Provided:** Demand Response (DR), Deviated Fixed Route (MB)

\* ICATS does not provide transit services on behalf of another transit agency or entity.

The Agency Safety Plan addresses all applicable requirements and standards as set forth in FTA's Public Transportation Safety Program and the National Public Transportation Safety Plan.

## Section 2. Plan Development, Approval, and Updates

The Iredell County Commissioners make the final decisions on adopting program documents. The 5 members on the board will vote at one of the 2 monthly meeting on the first and third Tuesday of the month. Programs are presented to the Iredell County Board of Commissioners after the Iredell County Transportation Advisory Board (TAB) have review and made recommendation on behalf of the Transit system. All state and federal programs that require Board approval will be approved by the Iredell County Board of Commissioners at the conception, with subsequent administrative revisions approved by the TAB. BOC approval if needed, will be determined by the TAB.

<b>Name of Entity That Drafted This Plan</b>	Iredell County Area Transit System, ICATS		
<b>Signature by the Accountable Executive</b>	<b>Signature of Accountable Executive</b>	<b>Date of Signature</b>	
	Bradley Johnson	11/20/2020	
<b>Approval by the Board of Directors or an Equivalent Authority</b>	<b>Name of Individual/Entity That Approved This Plan</b>	<b>Date of Approval</b>	
	Iredell County Board of Commissioners	12/1/2020	
	<b>Relevant Documentation (title and location)</b>		
	Board Minutes		
<b>Certification of Compliance</b>	<b>Name of Individual/Entity That Certified This Plan</b>	<b>Date of Certification</b>	
	NCDOT		
	<b>Relevant Documentation (title and location)</b>		
<b>Version Number and Updates - Originally Adopted Iredell BOC December 2020</b>			
<b>Version Number</b>	<b>Section/Pages Affected</b>	<b>Reason for Change</b>	<b>Date Issued</b>
<b>Annual Review and Update of the Public Transportation Agency Safety Plan.</b>			
The Safety Plan will be revised as needed and revisions will be sent to Iredell County Transportation Advisory Board annually for approval per ICBOC by December 31 annually.			



### Section 3. Safety Performance Targets

#### Safety Performance Targets

Specify performance targets based on the safety performance measures established under the National Public Transportation Safety Plan. Current figures derived from FY 2019-2020 for Baseline Data.

Mode of Transit Service	Fatalities	Fatalities (per 100k VRM)	Injuries-Immediately Transported from Scene	Injuries (per 100k VRM)	Safety Events (Non-Major)	Safety Events (per 100k VRM)	System Reliability
Fixed Route Bus	0	0.0	0	0.0	2	1.58	30,750 *
Demand Response	0	0.0	2	.37	18	1.85	

\*System Reliability is defined as a total of Fixed Route and Demand Response as ICATS Does not keep separate data. (System Reliability = Total Annual Mileage/ Total # System Failures)

#### Safety Performance Target Coordination

Describe the coordination with the State and Metropolitan Planning Organization(s) (MPO) in the selection of State and MPO safety performance targets.

**Iredell County Area Transit System shares safety performance targets with Charlotte Regional Transportation Organization annually as part of our continued coordination of transit data.**

Targets Transmitted to the State	State Entity Name	Date Targets Transmitted
	NCDOT	12-31 Annually
Targets Transmitted to the MPO	Metropolitan Planning Organization Name	Date Targets Transmitted
	Charlotte Metropolitan Planning Organization	12-31 Annually

## Section 4. Safety Management Policy

### Safety Management Policy Statement

Iredell County Area Transit System (ICATS) strives to provide safe, reliable, comfortable, and innovative transportation options to every member of the community. The Public Transportation Agency Safety Plan (PTASP) has been developed to integrate safety into all ICATS system operations. By using the procedures contained in the PTASP, ICATS can continue to improve the safety and security of ICATS operation and services.

This PTASP describes the policies, procedures, and requirements to be followed by management, maintenance, and operations personnel to provide a safe environment for ICATS employees, customers, and the general public. The goal of this program is to eliminate the human and fiscal cost of avoidable personal injury and vehicle accidents.

Each department has a responsibility under the PTASP. The Director and supervisors shall provide the continuing support necessary to achieve the PTASP objectives. A key to the success of this effort is for employees to be aware that they are accountable for safely performing the requirements of their position. The success of the program also depends on all employees actively identifying potential hazards and making a commitment to the safety of others.

ICATS must be aware that decisions and actions often affect the safety of those in other operations. By following the processes described in the PTASP, ICATS will continue to improve performance and the safety of the system while creating a culture of safety.

#### ICATS's commitment is to:

- **Support** the management of safety through the provision of appropriate resources that will result in an organizational culture that fosters safe practices, encourages effective employee safety reporting and communication, and actively manages safety with the same attention to results as the attention to the results of the other management systems of the organization;
- **Integrate** the management of safety among the primary responsibilities of all managers and employees;
- **Clearly define** for all staff, managers, and employees alike, their accountabilities and responsibilities for the delivery of the organization's safety performance and the performance of ICATS's safety management system;
- **Establish and operate** hazard identification and analysis, and safety risk evaluation activities--including an employee safety reporting program as a fundamental source for safety concerns and hazard identification--to eliminate or mitigate the safety risks of the consequences of hazards resulting from ICATS operations or activities to a point which is consistent with an acceptable level of safety performance;
- **Ensure** that no action will be taken against any employee who discloses a safety concern through the employee safety reporting program, unless disclosure indicates, beyond any reasonable doubt, an illegal act, gross negligence, or a deliberate or willful disregard of regulations or procedures;
- **Comply** with, and wherever possible exceed, legislative and regulatory requirements and standards;
- **Ensure** that sufficient skilled and trained human resources are available to implement safety management processes;
- **Ensure** that all staff are provided with adequate and appropriate safety-related information and training, are competent in safety management matters, and are allocated only tasks commensurate with their skills;
- **Establish and measure** safety performance against realistic and data-driven safety performance indicators and safety performance targets;
- **Continually improve** safety performance through management processes that ensure that appropriate safety management action is taken and is effective; and

- **Ensure** externally supplied systems and services to support operations are delivered, meeting established safety performance standards.

**ICATS's Goals for Safety are established as follows:**

- Maintain and grow a transportation system that achieves an optimum level of safety, exceeding the safety performance of other transit systems of a similar size in the United States.
- Identify and evaluate, then eliminate or control hazards to employees, customers, and the public.
- Meet or exceed all government and industry occupational health and safety standards and practices.
- Maximize the safety of future operations by affecting the design and procurement processes.

The objectives of the PTASP are the means to achieving its goals. They also provide a method of evaluating the effectiveness of ICATS's safety efforts. The PTASP objectives are:

- Integrate safety management and hazard control practices within each ICATS department.
- Assign responsibilities for developing, updating, complying with, and enforcing safety policies, procedures, and requirements.
- Verify compliance with ICATS safety policies, procedures, and requirements through performance evaluations, accident/incident trends, and internal audits.
- Investigate all accidents/incidents, including identifying and documenting the causes for the purpose of implementing corrective action to prevent a recurrence.
- Increase investigation and systematic documentation of near misses.
- Identify, analyze and resolve safety hazards in a timely manner.
- Minimize system modifications during the operational phase by establishing and utilizing safety controls at system design and procurement phases.
- Ensure that system modifications do not create new hazards.
- Train employees and supervisors on the safety components of their job functions.

ICATS takes these commitments seriously as the lives of ICATS riders, employees and the general public depend on ICATS's ability to operate in a culture of safety.

  
\_\_\_\_\_  
Accountable Executive – ICATS Transit Director

Date 11-20-2020

## Safety Management Policy Communication

ICATS realizes the importance of ensuring its employees and riders are aware of ICATS safety management policies and procedures to effectively manage the system's day to day operations. To do this, ICATS relies on several forms of effective communication.

Employees: ICATS is constantly evaluating existing policies and procedures to verify their effectiveness. To do this, ICATS seeks input from all staff, to determine if change is necessary based on trends, data analysis, operational changes or new assets. Several methods are used to communicate policy and/or procedure changes, including:

- ◆ Employee memorandum through employee mail boxes
- ◆ Bulletin board notices
- ◆ Employee email notification
- ◆ Departmental meetings
- ◆ Hand Held Two-Way Radios
- ◆ Text Messages via Routing software.

ICATS includes a training element for safety management policies impacting safety or service delivery and is conducted before the policy effective date. New policies and procedures are incorporated into orientation training for new employees as well.

Depending on the importance of the policy or procedure change, an acknowledgement signature is required of each employee verifying their understanding of the change.

Riders: If a rider policy is changed or added, ICATS notifies riders through the following methods:

- ◆ Notice posted on vehicle and facilities including effective date and who to contact for more information
- ◆ Changes to digital rider guidance including schedules and ride guides as appropriate
- ◆ Any services impacted by policies changes will include outreach as required by Federal Guidance.
- ◆ Phone call to notify of any changes.

## Authorities, Accountabilities, and Responsibilities

As mentioned in the Safety Policy Statement, the ultimate authority for the success of this PTASP falls to the Accountable Executive (AE). The Chief Safety Officer (CSO), and management team, as well as employees fulfilling their commitment to safety on a day-to-day basis.

**Accountable Executive (AE):** ICATS AE will always be the Transit Director and has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan (PTASP)\*, Transit Asset Management Plan (TAM)\*\*; and control or direction over the human and capital resources. The Accountable Executive will determine, based on feedback from senior staff to ensure a safe work environment, rider experience and community safety. ICATS's AE is committed to providing employees with the tools and training needed to be successful and safe in their roles with ICATS. The AE will continually strive to create a culture of safety among the employees, and ICATS expects each employee to play a role in maintaining a safe workplace.

ICATS's AE is accountable for ensuring that the agency's SMS is effectively implemented throughout the agency's public transportation system. The AE is accountable for ensuring action is taken, as necessary, to address substandard performance in the agency's SMS. He or She may delegate specific responsibilities, but the ultimate accountability for the transit agency's safety performance cannot be delegated and always rests with the AE.

\*49 U.S.C. § 5329(d)

\*\*49 U.S.C. § 5326.

**Transportation Safety Officer (TSO):** ICATS has concluded one TSO will be sufficient to manage the day to day adherence to this Plan and, while in this role, report directly to the Transit Director. As TSO, this individual will monitor safety and security throughout the organization including sub-contractors. All departments have been notified of the TSO's role and the established reporting requirements relating to safety-related matters. ICATS's Transit Safety Officer will be responsible for the following:

- ◆ Developing and maintaining SMS documentation;
- ◆ Directing hazard identification and safety risk assessment;
- ◆ Monitoring safety risk mitigation activities;
- ◆ Providing periodic reports on safety performance;
- ◆ Briefing the Accountable Executive and Transportation Advisory Board on SMS implementation progress; and
- ◆ Planning safety management training.

### **Supervisors (Operation and Office Manager)**

Supervisors are responsible for the safety performance of all personnel and equipment under their supervision. They are responsible for the initial investigation of all accidents and incidents, and for reporting these accidents and incidents to the Human Resources, Risk Management and Transportation Operations Department.

### **Transit Operators**

All ICATS personnel are responsible for performing their work safely and for following established safety-related rules, procedures, and work practices. This includes reporting all accidents, incidents, and hazards to their supervisor per established requirements for the protection of themselves, co-workers, customers, facilities, and equipment.

### **Employee Safety Reporting Program (ESRP)**

ICATS staff will be responsible for maintaining high standards of safety, customer service, and security. The Employee Safety Reporting Program (ESRP) will define the employees' role to identify and mitigate risk through open communication to superiors including the TSO and AE. Administrative staff will be instrumental in ensuring action is taken to reduce risk and the whole system is continuously monitored to ensure actions are effective and appropriate.

ICATS staff will be involved with updates, modifications and implementation of the PTASP. Each staff member brings a valued perspective to the development of policies and procedures he or she will be expected to implement. Every opportunity will be given for employees and riders to provide input to increasing safety at ICATS. Those opportunities include monthly safety meetings, annual employee meetings and training, department meetings, customer and employee surveys and an open-door policy with access to all management staff.

As stated in the [Safety Management Policy Statement](#), ICATS is determined to provide a safe working environment for its employees, riders and the general public. To ensure success, ICATS has developed an ESRP to enable employees to report any risk or perceived risk to a supervisor, TSO, or member of administration.

The ESRP allows each employee to report detailed information and observations whether they are a driver in service, maintenance staff, or other on-duty employee. This program dovetails with other methods currently in place to proactively identify hazards or threats. Those methods include but are not limited to the following:

- ◆ Pre/Post Trip Inspections
- ◆ Preventive Maintenance Inspections
- ◆ Employee Evaluations
- ◆ Facility Maintenance Plan
- ◆ Service Evaluation and Planning Program
- ◆ Training Program
- ◆ Rider and Public Complaint/Compliment Process

- ◆ Safety and Employee Meetings
- ◆ Incident/Accident Policies
- ◆ Safety Committee
- ◆ Hazard Report Forms

ICATS has developed a Hazard Report Form used to identify and provide information about hazards observed by ICATS employees while on-duty. The three-page form identifies vital information to assist employees in determining an action to mitigate the threat or hazard. This form is not meant to replace accident forms currently being used, but instead used in conjunction with the accident forms. It is proactive reporting method to identify a perceived threat or hazard, potentially endangering employees, riders or the general public. The form serves a dual role as an incident, illness, and near miss report. The form is located in Appendix 1 of this Plan.

By January 1, 2021 all ICATS employees will receive one hour(s) of training on the procedures associated with the Hazard Report Form. The training will cover the following areas:

- ◆ Locations of blank Hazard Report Form
- ◆ When to use a Hazard Report Form
- ◆ Capturing critical information on the form
- ◆ Notification process depending on the hazard
- ◆ Proper assessment of the reported hazard
- ◆ Levels of likelihood of repeat
- ◆ Supervisor and CSO role in completing the form
- ◆ Follow-up process to determine effectiveness of mitigation

### **Immediate Action Required**

If you have identified a hazard which you perceive to be a risk to yourself, fellow employees, passengers, or the public you must report it immediately to the on-duty supervisor/dispatcher. Once reported you must determine if immediate action is necessary to prevent additional risk. If so, communicate to supervisor before taking action if time allows. Once action has been taken to mitigate the potential harm to yourself, others or property advise a supervisor of the results of your actions. Once you are able, complete the Loss Prevention Investigation Report with complete information and give to supervisor on-duty.

### **Delayed Action Required**

Once a hazard has been identified, the ICATS employee should assess if the hazard requires immediate action to reduce the risk of if delayed action can be taken. If the employee determines delayed action is appropriate a full report must be completed using the Loss Prevention Investigation Report and submitted to the on-duty supervisor.

### **Role of Supervisor**

The on-duty supervisor is responsible for advising the employee on immediate action or delayed action to mitigate a hazard. The supervisor must then review the Loss Prevention Investigation Report to ensure all information is included adding additional information from their perspective. Once the form is complete it must be reviewed by the CSO to determine action necessary, investigate root cause of hazard and follow-up.

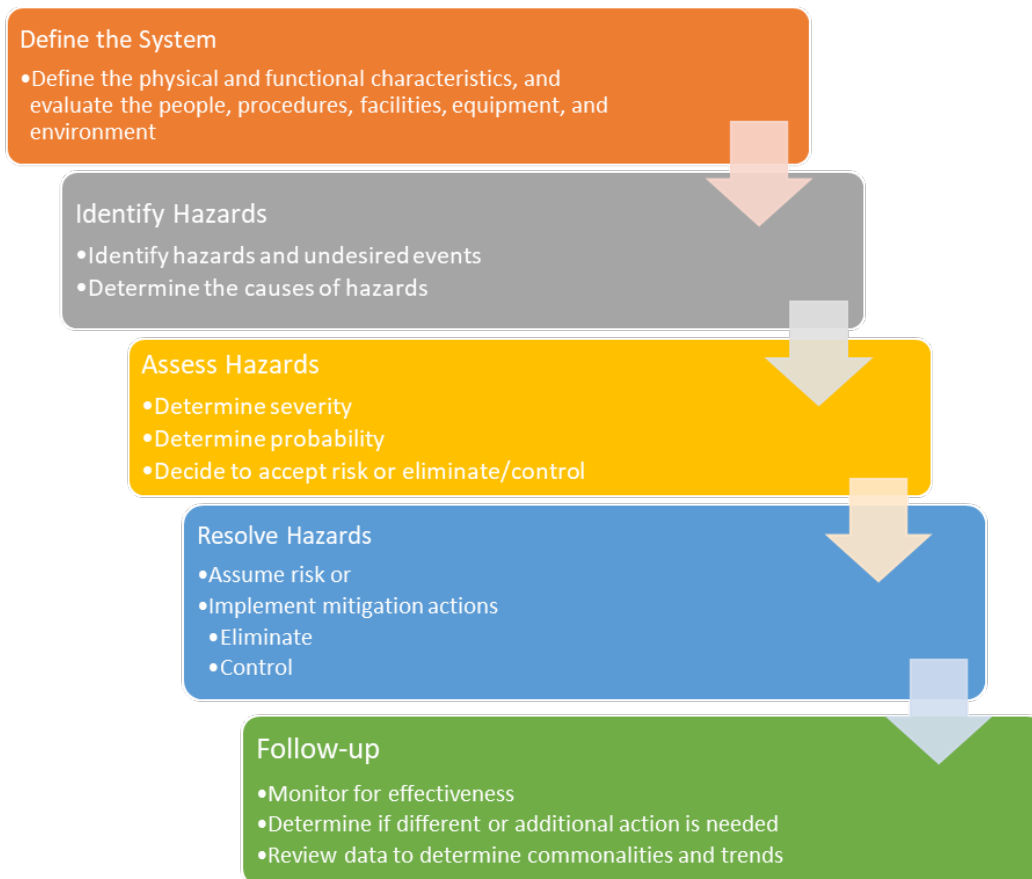
The CSO is responsible for determining the status of each hazard reported. In some cases hazards may be identified and are not able to be resolved but actions are taken to reduce the risk of the hazard. It is ICATS's goal to eliminate all identified hazards if possible. Some hazards may require continuous monitoring to ensure the hazard does not elevate to an action level.

All hazard reports will be documented and integrated into current performance measures and data collection. The CSO will track each hazard to completion and recommend policy or procedural changes if needed as a result of the hazard mitigation.

### ICATS Responsibility

ICATS takes every hazard report seriously and investigates each one to determine if it's an isolated case, or emerging trend requiring evaluation of policies and procedures or service modifications. Employees reporting hazards will not face disciplinary action unless that employee contributed to the hazard. ICATS wants to encourage all employees to report any hazard or threat they observe and help make the ICATS system as safe as possible for its employees, riders, and the general public. Employees may report the hazard to their immediate supervisor or go directly to the CSO to submit and discuss their report.

The following process chart illustrates the steps taken as part of the hazard identification process through the ESRP.



## Section 5. Safety Risk Management

ICATS provides training to all personnel in the identification of hazards and security threat while also providing tools to enable personnel to report these risks. Once the risk has been identified ICATS assesses the risk to determine the necessary response and response time. The response may include further investigation or monitoring, action(s) to mitigate the hazard or security threat and follow-up assessment to ensure action taken is appropriate and effective.

### Safety Hazard Identification:

Hazard and security threats are identified through different methods of monitoring the system. This includes system, employee and asset assessments conducted daily and on incremental basis. Additionally, ICATS communicates with peers

across the state, FTA and NCDOT to identify common hazards impacting multiple systems. ICATS conducts the following routine and random evaluations of the system in the following departments:

### **Personnel**

Each ICATS employee is evaluated annually to ensure they are performing their job to the expectations of the Agency. As part of their orientation process the employee is provided training and tools to perform their job while not receiving permanent status until completing probationary employment. During that period, the employee is evaluated to determine if they are properly prepared to perform their job.

Additional evaluations of the employee are conducted throughout the year through spot-checks of some aspect of their job function. If through spot-check or annual evaluation it is determined the employee's performance does not meet expectations or training standards, remedial training will be provided and additional evaluations will take place to ensure remedial training was effective.

### **Assets**

Facilities and equipment are monitored through a vigorous preventive maintenance plan aimed at identifying hazards and deficiencies as part of daily and scheduled inspections. Operations and Maintenance Departments coordinate the preventive maintenance program including daily Vehicle Inspection Reports (VIR) s, incremental and annual inspections.

ICATS updates the FTA required Transit Asset Management (TAM) Plan annually with data relevant to each asset to include a condition assessment, miles (with rolling stock and non-revenue vehicles) and age as to whether the asset is in a State of Good Repair (SGR). The TAM Plan allows ICATS management to plan asset replacement or rehabilitation for future years.

### **System**

As part of ICATS's safety management system monitoring, the agency uses service evaluations when planning, spot-checking or responding to an event like an accident or incident. New routes are strategically developed with safety being the first priority and passenger access second. ICATS route planners plan and test all routes before activating the route for revenue service. All routes are reviewed periodically to determine if environmental hazards may exist requiring modification to the route, schedule or vehicle.

All front-line staff have been trained to note any changes to service which may be considered a hazard or security threat and through the ESRP, notify their supervisors immediately or upon return to ICATS depending on the severity of the hazard.

### **Hazard Identification Procedure**

Any employee seeing something through inspection or observation they deem to be a hazard are instructed to immediately report that hazard to the immediate supervisor regardless of the perceived level of threat. Depending on the situation, either the immediate supervisor or the employee will complete a Hazard Report Form and submit it to the CSO.

If the hazard requires immediate mitigation, the employee will be instructed on steps to take to reduce the risk which may or may not alleviate the risk completely. Additional actions may be taken once the immediate risk mitigation has been taken. Some hazards may not pose an immediate risk but are still reported and the CSO will be responsible for risk assessment, investigation and mitigation strategy.

In some cases, a passenger or member of the general public may call ICATS with a complaint about a front-line employee which may rise to the level of hazardous behavior or actions. ICATS currently documents all customer complaints/compliments and takes appropriate action to investigate any complaints. Complaints deemed hazardous will trigger immediate action by on-duty supervisors.



Hazard Report Forms will be located on all vehicles along with standard safety kits for accident and incident reporting, with all Customer Service Representatives (CSR)'s, Dispatch, Operations, and Maintenance Departments. A copy of the form is located in Appendix 1.

The Hazard Report Form will require the employee to briefly describe the hazard noting date, time of day, location, and other pertinent information. The form includes a section for the CSO or immediate supervisor to document immediate action taken to reduce risk, a risk assessment chart prioritizing the risk, and a section for additional follow-up action. All forms will be processed by the CSO and summarized periodically for trend analysis and include in safety performance measures.

49 CFR part 673.5

*Hazard* means any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

### Safety Risk Assessment

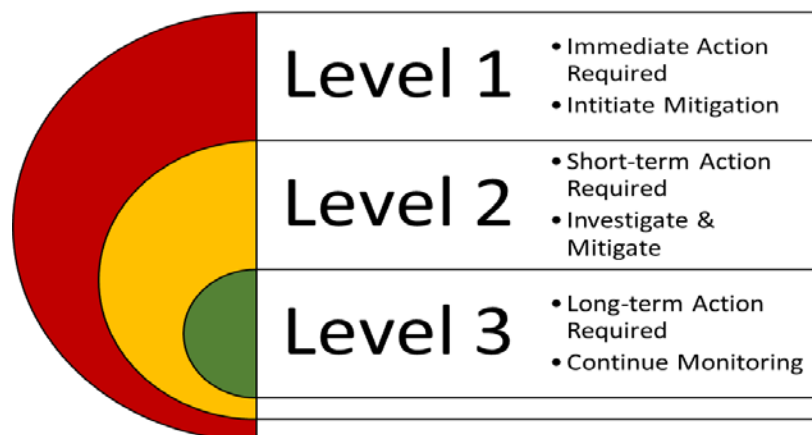
All ICATS staff have been provided with training appropriate for their positions within the organization. ICATS expects its employees to respond to hazards or threats with professional judgement as sometimes there might not be time to contact a supervisor to prevent an emergency event. In cases where the hazard can be reported without immediate risk, the employee will make an initial assessment of the risk as part of their report.

Once received by the CSO, the initial risk assessment may be amended requiring immediate, short, or long-term response.

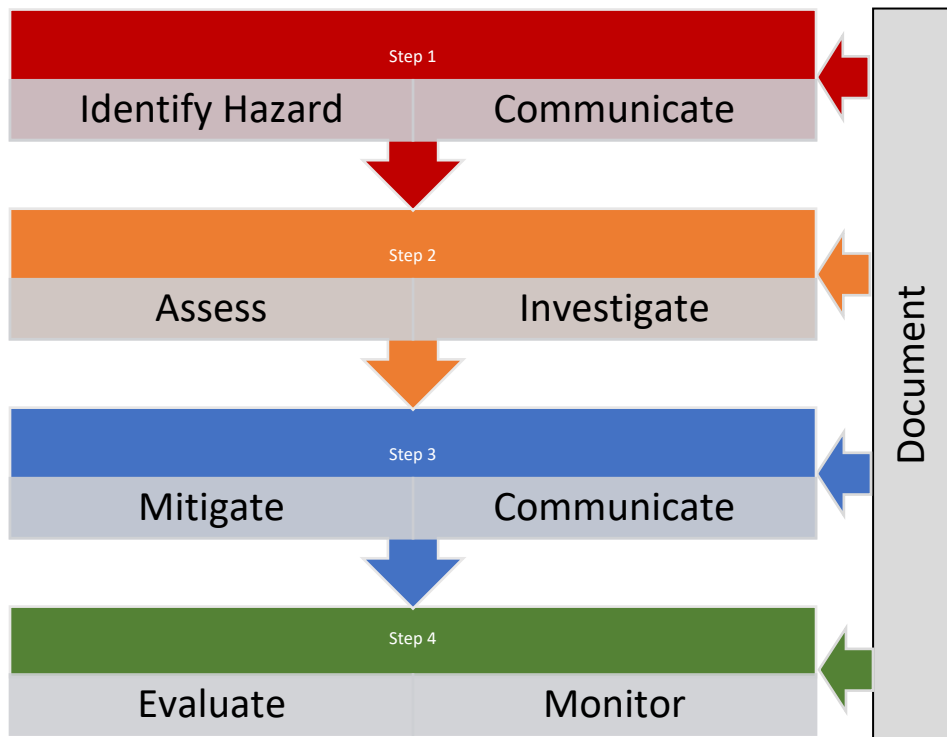
**Level 1 - Immediate:** A deficiency, threat or hazard requiring immediate attention to mitigate risk either temporarily until further action can be taken or complete mitigation.

**Level 2 - Short Term:** Action is needed within seven days to mitigate an identified deficiency, threat or hazard. The deficiency, threat or hazard does not pose immediate danger but if no action is taken could elevate to an **IMMEDIATE** level risk.

**Level 3 - Long Term:** A deficiency, threat or hazard has been identified but does not pose a threat currently but could at a later time. Continued monitoring and awareness are required.



The CSO in coordination with staff will investigate each identified hazard, assess the risk, and take appropriate action to mitigate the risk. Additional mitigation may be needed based on follow-up monitoring to the action taken.



### Safety Risk Mitigation

In response to all identified and assessed hazards, ICATS will take steps to mitigate the hazard and reduce or eliminate the risk to employees, riders, and public. Mitigation strategies will be dependent on results of investigation into the elements contributing to the risks. The investigation may include more than one department and may include interviews outside of the transit system.

Actions to mitigate risk will include all employees, riders, and public who may be impacted by either the hazard or the actions to reduce or alleviate the risk. ICATS will communicate actions to appropriate staff through methods appropriate risk assessment. In some cases, immediate communication through two-way communications (Route Match, text burst, email, or web alert) may be necessary. In other cases, bulletin board notices or memorandum posting may be appropriate.

Once a risk mitigation strategy has been implemented ICATS will monitor the actions to determine if full mitigation is possible and if not, is additional action necessary to alleviate the risk or is stepped up monitoring necessary. Some risks may not be completely mitigated but awareness to the risk will be a top priority.

All actions taken to mitigate risk will be responsibility of the CSO, documented and linked to the initial deficiency, threat, or hazard identification step.

### Section 6. Safety Performance Monitoring and Measurement

Safety performance monitoring and measurement involves the continual monitoring of the transit agency's activities to understand safety performance. Through these efforts, ICATS can determine whether it is meeting its safety objectives and safety performance targets, as well as the extent to which it is effectively implementing Safety Management Systems (SMS).

ICATS is constantly striving to maintain the highest level of safety through its monitoring methods to include adherence to policies and procedures, safety and maintenance plans, and system and employee evaluation processes. These methods allow ICATS to determine the need to make changes to improve policies, employee training and service delivery.

The TSO will monitor operations daily through observation, data analysis, communication and safety updates to identify mitigation strategies that may be ineffective. If mitigation actions are found to be ineffective additional strategies will be developed through key and impacted staff feedback.

### **Maintenance**

**Maintenance Standards and Procedures.** Standards and procedures are included in the [Transit System] Maintenance Plan. In general, maintenance procedures are designed to ensure that the maintenance recommendations of the manufacturer are met, maximum efficiency in performance and operation is obtained, and maximum bus life and condition are maintained. Daily bus inspections, an active Preventive Maintenance Program, contractor oversight, and careful monitoring are included in procedures to ensure the safety of buses and adequacy of the Fleet Maintenance Plan.

**Operator Inspections.** All operators are required to perform a pre-trip and post-trip inspection to ensure that the vehicle is safe and in good operating condition. If any defects are noted by the operator on the DVI, depending on the severity and extent of the defect, the vehicle may be repaired or taken out of service until a repair can be made. In the case of a defect that develops or is noted once a vehicle is in service, the operator is required to communicate the problem to TSO.

**Daily Servicing and Inspections.** The ICATS Transit Operator inspects and services buses used in revenue service. The buses are fueled, washed and disinfected, all fluids are checked, tires and lugs are checked, and the vehicle is inspected for any leaks or unusual noises. The Transit Operators clean the bus interiors each day. When a defect is noted, it is reported to the support Tech on shift so that evaluation and, if necessary, a repair can be conducted or scheduled.

**Mileage-Based Maintenance Inspections.** All buses receive preventive maintenance inspections (PMI) at designated mileage intervals. Mileages are determined by vehicle and subcomponent manufacturers and real-world experience. A description of the schedule and type of inspection and service performed for each bus series is included in the ICATS Maintenance Plan.

## **Operations**

### **Facility Monitoring**

Formal facility inspections of all ICATS facilities and grounds are conducted by ICATS TSO Monthly using a facility checklist. The purpose of the inspections is to identify any unsafe or unhealthy conditions which may exist, and that may require maintenance or modification. Each facility is also visually inspected for compliance with OSHA and local fire codes.

### **Frequency**

The CSO Conducts its safety inspections Monthly. Mechanics and Facilities Maintenance employees look for potential hazards with equipment whenever they are using that equipment. Preventive maintenance of equipment and facilities is performed in accordance with the manufacturer's recommended practice and-or the ICATS Maintenance policy. Hazards are also identified by analyzing work accident trends, through Hazard Report Forms submitted by employees. Forms are used by employees to report safety concerns and to make safety recommendations.

### **Reporting**

When deficiencies are noted during monthly inspections, they are documented and reported to the CSO. When safety hazards are noted by non-scheduled observation, they must be reported by the observer to a supervisor or CSO. Hazard Report Forms are routed to the department, Chief Safety Officer or director best equipped to evaluate the concern and, when necessary, propose a resolution.

## **Hazard Resolution**

The primary purpose of facility inspections and hazard reporting is to identify conditions that could lead to accidents and losses. In view of this, it is crucial that all departments and employees be involved in the Facility Inspection and the Hazard Identification and Resolution processes. Hazard resolution is related to the severity of the hazard and the probability and severity of a negative consequence of the hazard.

## **Follow-up**

Corrective action for a confirmed hazard that has been identified by any established process is the responsibility of the director of the department area in which the hazard exists or the CSO. This includes arranging for the services of other ICATS departments or outside parties, as necessary, to eliminate or control the hazard.

## **Documentation**

Hazards that have been identified, proposed resolutions, and corrective actions are recorded in hard copy by the Safety Committee and maintained by CSO

All front-line personnel are responsible for monitoring safety and security as part of their respective positions. If a hazard is identified through observation or interaction with customers or the general public, it is reported to the immediate supervisor as well as following ICATS's hazard reporting process.

## **Employee Hazard Reporting**

### **Loss Reports**

Employees can fill out a Hazard Report Form which is turned into the effected department and the CSO, talk with a supervisor or the Operations Manager. They can also contact a Safety Committee member which is comprised of Transportation Operators and administrative members. Depending on the severity/risk of the hazard identified, immediate action may be taken, or the input will be brought to the Safety Committee for discussion. Feedback will be provided to the employee on what action, if any, will be taken. All employees follow the Employee Hazard Reporting Program Policy.

### **Route/Operations Safety**

Employees can fill out a Hazard Report Form or discuss suggestions for making the system/route safer. ICATS encourages employees to be advocates for safety while also suggesting methods of increasing performance. Management has an open-door policy and makes clear the importance of employee feedback; positive and negative.

## **Safety Events**

### **Accident and Incident Reporting Process**

All accidents and loss incidents are to be investigated. ICATS's safe driving standards require professional safe performance of all operators. To ensure better than average safety performance, ICATS employs the Smith System Defensive Driving, National Safety Council, and INRTAP, other guidelines to determine if a collision or onboard incident could have been prevented. All personnel operating any ICATS vehicle are held to this standard.

The [Iredell County Area Transit System] Operator's Manual includes procedures and responsibilities for accident/incident investigation. The combined manuals establish procedures for accident notification, response, and investigation.

Transit Operations coordinates with outside law enforcement agencies if they investigate an event. Administrative staff coordinates with outside insurance providers and provides support among ICATS departments and independent investigation to manage ICATS liability and claims.

Most accidents and incidents involving ICATS are relatively minor in severity and are investigated by TSO. Since most accidents involve buses, this section focuses on bus accidents. However, all non-bus accidents and incidents are also investigated.

### **Notification**

Bus Operators are to notify the operations system supervisor anytime an ICATS vehicle might have been damaged, anytime an ICATS vehicle and another vehicle come into contact, or anytime an instance occurs in where a customer may have been injured. The CSO will be directed to the scene. Police and ambulance will be dispatched, if necessary.

### **At-Scene Procedures**

Bus Operators will adhere to the following procedures defined in the ICATS Bus Transportation Operator's Manual:

- ◆ Assist the injured.
- ◆ If blocking traffic, set out reflective triangles.
- ◆ In a minor accident, move to a safe place. Major accidents, do not move the coach unless required to do so by an Operations Supervisor, fire or police order, or impending danger from traffic.
- ◆ TSO is responsible for conducting on-scene investigations of accidents and incidents. Obtain names, addresses, and phone numbers of all witnesses.

Depending on the severity and the nature of the event, various mechanisms will be used for preserving transient evidence. These may include digital photography, bus video, field sketches, interviews, and observations.

### **Investigation**

An attempt is made to complete the investigation of most accidents within three days. CSO are required to complete an Accident/Incident Report. Operators are required to complete an Accident/Incident Report. The Supervisor is required to file both reports electronically as well as a hard copy and attach all relevant media for use by the Director of Operations and the CSO.

### **Accident Review Process**

Accidents and Incidents are classified as **Preventable or Non-Preventable**.

Preventable accidents are defined as those accidents that could have been reasonably avoided if the operator had followed all defensive driving techniques as established by the National Safety Council Guidelines, the Five Keys of the Smith System, and/or Transit Operations Procedures and Policies.

After reviewing all related documents and evidence, the investigating Operations Supervisor, CSO, and Transit Director makes a final determination of whether the accident was preventable. The Committee follows all policies, procedures, and definitions as established in the Safety Committee Management. Examples of investigations may include reviews of accident and injury reports, vehicle condition reports, witness statements, employee interviews, accident scene sketches, bus videos, physical evidence, brake test reports, training manuals, and accident site visits. Employees who are not in agreement with the Committee's determination can appeal directly to the Committee by providing additional evidence and testimony. If the employee is not in agreement with the appeal results, he or she can make a second and final appeal to the Transit Director. Transit Director may review all relevant information, interview the employee making the appeal, interview Safety Committee members, and confer with any available person or resource he or she considers valuable to his or her deliberation.

### **Hazard Resolution**

The primary purpose of the Accident Investigation process is to determine the cause(s) of accidents so that they may be prevented or mitigated in the future. To this end, it is crucial that all relevant departments be appropriately involved in the Process. A serious attempt is made to use lessons learned through the investigatory process to incorporate hazard resolutions into future procedures, designs, construction, modifications, training, and procurements.

### **Follow-up**

Follow-up in the form of corrective actions is the responsibility of the Transit director. The responsibility may be delegated to the employee's manager, supervisor or CSO.

Any disciplinary action will be assessed using the Employee Manual. Disciplinary consequences for accidents may include warnings, suspensions, and discharge.

Training will be provided, in most cases, for employees who have been involved in **any** preventable accidents within one year. Training and re-training are not disciplinary in nature.

### **Internal Reporting/Documentation**

The CSO is responsible for ensuring that all accident reports are completed and filed in accordance with ICATS policy and or Iredell County Risk Management. Files will be filed with Iredell County Deputy County Manager, Transit Director, Transit Operations Manager and the Iredell County Attorney. Transit Operations and Human Resources and CSO maintain the accident investigation documentation. Operations Manager will advise regarding the accumulation of points according to the ICATS employee manual.

### **Performance Measures**

Through a series of performance measures relative to operations, maintenance, and safety, ICATS can monitor the system's safety by identifying trends and gaps in policies, procedures, training, and monitoring efforts. The following performance measures are on a daily, monthly, and quarterly and annual basis.

#### **Maintenance**

- ◆ **Preventive Maintenance On-time Inspection Percentage** – determines the effectiveness of the maintenance department to ensure all inspections are conducted per manufacturing and ICATS mileage intervals.
- ◆ **Annual Vehicle Condition Assessment** – through annual inspection, determines on a scale of 1-5 the overall condition of the asset. This performance measure is also used in annual updates of ICATS's Transit Asset Management Plan.

#### **Operations**

- ◆ **Customer Complaints Per Month** – tracks all customer complaints to identify areas of deficiency with vehicle, driver or other ICATS areas. Safety-related complaints are immediately routed to a supervisor on-duty or the CSO for investigation mitigation and response. Complaints may be a result of phone calls, website or ICATS public forums.
- ◆ **On-time Performance** – serves as an indicator to issues with time management, environmental factors, scheduling, and vehicle and driver performance.
- ◆ **On-board Surveys** – conducted annually, allow ICATS to receive rider feedback about bus operator performance, customer service, and vehicle safety.
- ◆ **Safety Performance Measure: Fatalities** (total number of reportable fatalities and rate per total vehicle revenue miles by mode)
- ◆ **Safety Performance Measure: Injuries** (total number of reportable injuries and rate per total vehicle revenue miles by mode)
- ◆ **Safety Performance Measure: Safety Events** (total number of reportable events and rate per total vehicle revenue miles by mode)
- ◆ **Safety Performance Measure: System Reliability** (mean distance between major mechanical failures by mode)

## **7. Safety Promotion**

### **Operator Selection**

#### **Hiring Practices**

Selecting applicants best suited to excel at the Transit Operator position is critical for safe transit operations. The transit Bus Operator is directly responsible for the safety of not only the passengers, but also the pedestrians, bicyclists, drivers, and all others who share the road with the transit vehicle. ICATS's hiring process includes the following components:

#### **Applications**

Applicants are sought through postings in traditional and culturally diverse media, referrals from current employees, posted ICATS website and applications filed by prospective candidates when there are no positions available. The applications are screened by key personnel in Human Resources and Transit Operations.

#### **Driving Record and Licensing**

To be eligible for hire, a candidate must submit an acceptable driving License. ICATS runs a cumulative traffic history report NCDOT for all applicants.

#### **Interview**

After application reviews, applicants are then interviewed by a panel comprised of an Operations Supervisor, an Operator/Instructor. The interview process is designed to evaluate a candidate's strengths in customer service, the ability to simultaneously perform tasks, conflict resolution, and the ability to perform well under temporal and interpersonal pressure.

#### **Federal Exclusion List Checks**

ICATS runs a federal exclusion list check before hiring and employee. The Office of Inspector General (OIG) is required to exclude all individuals and entities convicted of the following criminal offenses from participating in federal healthcare programs: Medicare or Medicaid fraud, or any other offenses related to the delivery of item or services under Medicare, Medicaid, SCHIP (State Children's Health Insurance Program), or another state health care program.

#### **Criminal Background Check**

To be eligible for hire, a candidate must submit to a Criminal Background Check administered by the North Carolina State Police with the Federal Bureau of Investigation. The results must meet all statutory and ICATS standards for the Bus Operator position.

#### **Physical Capacities Testing**

To be eligible for hire, the individual must be able to pass ICATS fit for duty assessment.

#### **Drug Testing**

To be eligible for hire, a candidate must produce a negative result for a pre-employment drug test.

### **Training**

There are formal training programs for Bus Operators, Maintenance employees and Operations employees. These include training classes, manuals, ICATS Standard Operating Procedures, and on-the-job training.

The safety component of training is designed to make employees aware of the hazards associated with their jobs and the appropriate methods for controlling these hazards. The training is intended to motivate employees to work safely. Trainings fall into four main categories: (1) Initial, (2) Periodic, and (3) Remedial and (4) Refresher.

#### **Initial Bus Operator Training**

New Bus Operators receive an intensive two week training course that covers every aspect of their new job. Some components of the training are delivered in the classroom. The majority of learning occurs on the buses during off-route and on-route training. The training includes, but is not limited to, the following areas:

- Orientation to ICATS
- Smith System of Driving
- Basic Bus Maneuvers
- System Overview
- System Procedures
- Communication skills
- Tablet and 2 way communication Radio
- Customer Service
- Accessible Service
- Emergency Management
- Personal Safety
- Health/Injury Prevention
- Stress Management
- ICATS CDL Préparation
- On-route Training
- Vehicle Orientation of all Vehicles
- Wheelchair Securement
- Blood borne Pathogens
- Lift Certification
- First Aid and CPR

## **SMS Training**

On-route training provides real service experience with an Operator Instructor on the new operator 's regularly scheduled work. The time the new employee operates the revenue route is increased daily. Each day the student receives a full review and debriefing from his or her instructor. Instructors communicate among one another regarding where additional training for new operators is required. Student rotation among the Operator Instructor group provides each student with experience across a variety of routes, vehicles, times of day, instructional styles, and driving conditions.

After the initial training, new Bus Operators receive additional support and training, including:

- Check-rides at the following intervals: one week, two months, four months, six months, nine months, and twelve months
- Four-Week Follow-up: Procedure and Policy Review
- Six Month Evaluation and termination of Probationary Status
- One-Year Follow-up: Debriefing with Operations Training Supervisor and safety review with Human Resources, Operations Management and CSO

## **Annual Training for All Bus Operators**

Every year, each Bus Operator receives one full day of refresher and topical training during the autumn months. The training addresses, but is not limited to, the following topics:

- Fatigue Awareness
- Dealing With Difficult People
- Resolving Conflict
- Harassment
- Effectively Dealing With People of Differing Ages
- Fall Bad Weather: Driving and Defensive Driving Course (DDC)
- Proper Securement of Mobility Devices
- Defensive Driving Course
- Bloodborne Pathogens



- Safety/Security Update
- Injury Prevention
- Accessible Service Sensitivity
- PTASP and SMS
- Drug and Alcohol
- First Aid and Defibrillator
- Title VI

Partial-day trainings are also scheduled on safe winter driving and whenever warranted by the addition of new equipment or a change in configuration.

### **Initial Operation Supervisor Training**

Transit Operations Supervisors begin their career path, almost exclusively. A Temporary Supervisor performs many functions of the full supervisory position and receives training in, but not limited to, the following areas:

- Drug & Alcohol (Policy and procedures for all types of FTA-mandated testing)
- Accident Investigation (based on the TSI model)
- Security Procedures
- On-the-job Injury Claims
- Data Entry and Record keeping
- Cultural Diversity
- Coaching/Criticism/Discipline
- Dispatch Operations
- Field Operations

In addition to their initial training, all Transit Operations Supervisors receive five full days of refresher and topical training annually.

### **Injury and Illness Prevention Training**

Injury and Illness Prevention Training is directed toward achieving a safe working environment for all employees and reducing the chance of occupational-related injuries and illnesses. The majority of training, targets employees working in the Maintenance and Facilities Maintenance Departments because these employees have the greatest exposure to occupational hazards. The program is based on applicable Federal, State, and local safety codes and regulations. Some areas addressed in training include:

- Handling Hazardous Materials (Right to Know)
- Slips, Trips, and Falls
- Personal Protection Equipment
- Material Safety Data Sheets (MSDS) and Labels
- First Aid
- Bloodborne Pathogens
- Hazardous Materials Storage
- Strains and Sprains
- Fall Protection
- Ergonomics
- Hazard Communication Program

### **Emergency Response Planning and Coordination**

Details are contained in the Iredell County Emergency Action Plan.

## System Modification Design Review and Approval

### General Process

The ICATS bus system is regularly modified in response to operational experience, the addition of new types of service, and changes in service design and levels. ICATS's philosophy is to use appropriate new technologies to benefit the environment and the community it serves. The challenge is to review any proposed modification adequately before it is approved. Any proposed modification should be evaluated to ensure it is compatible with existing systems and does not introduce new hazards to the system or reduce the effectiveness of existing hazard controls.

Equipment modifications may be proposed by any employee of any department that uses the equipment. Changes may also occur from an analysis of reliability performance, historical data, and available improvements in equipment design and components.

### Modification Design Review

A review of any modification in equipment design shall be made by the director and managers of the department responsible for the equipment. The impact on the safety of all designs and specifications should be identified and evaluated before the change is approved. Some of the areas to be considered include but are not limited to:

- Hazardous Materials (handling and use)
- Motor Vehicle Safety
- Human Factor
- Occupational Health and Safety
- Materials Compatibility
- Fire Protection
- Lighting
- Braking systems
- Mirrors
- Warning Devices

Modifications must not be made before it is determined how they might affect the safety of the system, or any other systems. Other departments may evaluate a proposed change to determine its compatibility with other systems (e.g., hoists, fueling systems, communications systems). The evaluation may also include a review of applicable regulations, such as the Federal Motor Vehicle Safety Standards and Regulations and the U.S. Department of Labor's Occupational Safety and Health Act.

Testing may also be performed to evaluate the safety of a proposed modification. The testing of small changes may be minimal. For substantial modifications, extensive field testing, mock-ups, and structural evaluations may be employed.

### Modification Design Approval

#### Routes

Route modifications are designed by Transit Planner. Planning may use a current Bus Operator to test routing and bus stop placement. This experience-based, real-world process is designed to protect the safety of the transit bus, transit passengers, other vehicles, and pedestrians.

The Transit Planner informs the Operations Department and Safety Committee of any proposed route modifications. The Transit Planner can request that the Committee evaluate a specific proposal, or the Committee can choose to evaluate any proposed modifications.

Transit operations management may request a route modification it believes will improve operations. It may also choose to evaluate a modification that has been proposed by another department. Input from individual Bus Operators is

encouraged through the Hazard Report Form, direct communication, and periodic surveying of Operators conducted by Transit Planner.

Finally, the Transit Planner maintains a cooperative working relationship with the appropriate planning and road departments of all municipal levels of government within which ICATS operates.

## Section 8. Additional Information

This PTASP was developed from information in other ICATS documents, manuals, policies and procedures. Those documents are listed below:

- ICATS Employee Handbook
- ICATS Safety and Security Plan (SSP)
- ICATS Vehicle Maintenance Plan
- ICATS Facility Maintenance Plan
- ICATS Training Manual
- ICATS Drug and Alcohol Policy
- ICATS Title VI Plan
- ICATS Transit Asset Management Plan
- Iredell County Employee Manual
- Iredell County Emergency Management Plan

## Definitions of Terms Used in the Safety Plan

ICATS incorporates all of FTA's definitions that are in 49 CFR § 673.5 of the Public Transportation Agency Safety Plan regulation.

**Accident** - an Event that involves any of the following: A loss of life; a report of a serious injury to a person; a collision of public transportation vehicles; a runaway train; an evacuation for life safety reasons; or any derailment of a rail transit vehicle, at any location, at any time, whatever the cause.

**Accountable Executive** - a single, identifiable person who has ultimate responsibility for carrying out the Public Transportation Agency Safety Plan of a public transportation agency; responsibility for carrying out the agency's Transit Asset Management Plan; and control or direction over the human and capital resources needed to develop and maintain both the agency's Public Transportation Agency Safety Plan, in accordance with 49 U.S.C. 5329(d), and the agency's Transit Asset Management Plan, in accordance with 49 U.S.C. 5326.

**Equivalent Authority** - an entity that carries out duties similar to that of a Board of Directors for a recipient or sub recipient of FTA funds under 49 U.S.C. Chapter 53, including sufficient authority to review and approve a recipient or sub recipient's Public Transportation Agency Safety Plan.

**Event** - any Accident, Incident, or Occurrence.

**Hazard** - any real or potential condition that can cause injury, illness, or death; damage to or loss of the facilities, equipment, rolling stock, or infrastructure of a public transportation system; or damage to the environment.

**Incident** - an event that involves any of the following: a personal injury that is not a serious injury; one or more injuries requiring medical transport; or damage to facilities, equipment, rolling stock, or infrastructure that disrupts the operations of a transit agency.

**Investigation** - the process of determining the causal and contributing factors of an accident, incident, or hazard, for the purpose of preventing recurrence and mitigating risk.

**National Public Transportation Safety Plan** - a plan to improve the safety of all public transportation systems that receive Federal financial assistance under 49 U.S.C. Chapter 53.

**Occurrence** - an Event without any personal injury in which any damage to facilities, equipment, rolling stock, or infrastructure does not disrupt the operations of a transit agency.

**Operator of a public transportation system** - a provider of public transportation as defined under 49 U.S.C. 5302.

**Performance measure** - an expression based on a quantifiable indicator of performance or condition that is used to establish targets and to assess progress toward meeting the established targets.

**Performance target** - a quantifiable level of performance or condition, expressed as a value for the measure, to be achieved within a time period required by the FTA.

**Public Transportation Agency Safety Plan (PTASP)** - the documented comprehensive Agency Safety Plan for a transit agency that is required by 49 U.S.C. 5329 and Part 673.

**Risk** - the composite of predicted severity and likelihood of the potential effect of a hazard.

**Risk mitigation** - a method or methods to eliminate or reduce the effects of hazards.

**Safety Assurance** - processes within a transit agency's Safety Management System that function to ensure the implementation and effectiveness of safety risk mitigation, and to ensure that the transit agency meets or exceeds its safety objectives through the collection, analysis, and assessment of information.

**Safety Management Policy** - a transit agency's documented commitment to safety, which defines the transit agency's safety objectives and the accountabilities and responsibilities of its employees in regard to safety.

**Safety Management System** - the formal, top-down, organization-wide approach to managing safety risk and assuring the effectiveness of a transit agency's safety risk mitigation. SMS includes systematic procedures, practices, and policies for managing risks and hazards.

**Safety performance target** - a performance target related to safety management activities.

**Safety Promotion** - a combination of training and communication of safety information to support SMS as applied to the transit agency's public transportation system.

**Safety risk assessment** - the formal activity whereby a transit agency determines Safety Risk Management priorities by establishing the significance or value of its safety risks.

**Safety Risk Management** - a process within a transit agency's Agency Safety Plan for identifying hazards and analyzing, assessing, and mitigating safety risk.

**Serious injury** - any injury which: (1) Requires hospitalization for more than 48 hours, commencing within 7 days from the date when the injury was received; (2) Results in a fracture of any bone (except simple fractures of fingers, toes, or noses); (3) Causes severe hemorrhages, nerve, muscle, or tendon damage; (4) Involves any internal organ; or (5) Involves second or third-degree burns, or any burns affecting more than 5 percent of the body surface.

**Transit agency**- an operator of a public transportation system.

**Transit Asset Management Plan (TAM)** - the strategic and systematic practice of procuring, operating, inspecting, maintaining, rehabilitating, and replacing transit capital assets to manage their performance, risks, and costs over their life cycles, for the purpose of providing safe, cost effective, and reliable public transportation, as required by 49 U.S.C. 5326 and 49 CFR Part 625.

### ICATS Hazard Reporting Form

Reporting Employee		Report #	
Date of Hazard		Date of Report	
Time of Hazard		Time Report Submitted	
Location of Hazard		Route/Manifest	
Supervisor Notified			

#### Type of Hazard ( Check all that Apply)

<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">Vehicle</td><td style="width: 50%;"></td></tr> <tr><td>Passenger</td><td></td></tr> <tr><td>Facility</td><td></td></tr> <tr><td>Employee</td><td></td></tr> </table>	Vehicle		Passenger		Facility		Employee		<table style="width: 100%; border-collapse: collapse;"> <tr><td style="width: 50%;">Weather Related</td><td style="width: 50%;"></td></tr> <tr><td>Road Condition</td><td></td></tr> <tr><td>Security</td><td></td></tr> <tr><td>Near Miss</td><td></td></tr> </table>	Weather Related		Road Condition		Security		Near Miss	
Vehicle																	
Passenger																	
Facility																	
Employee																	
Weather Related																	
Road Condition																	
Security																	
Near Miss																	

#### Description of Hazard

#### Initial Action Taken to Mitigate Hazard

#### Initial Assessment of Hazard

	<b>Level 1</b> - Immediate: A deficiency, threat, or hazard requiring immediate attention to mitigate risk either temporarily until further action can be taken or complete mitigation.
	<b>Level 2</b> - Short Term: Action is needed within seven days to mitigate an identified deficiency, threat, or hazard. The deficiency, threat or hazard does not pose immediate danger, but if no action is taken could elevate to an immediate level risk.
	<b>Level 3</b> - Long Term: A deficiency, threat or hazard has been identified but does not pose a threat currently, but could at a later time. Continued mounting and awareness are required.

#### Likelihood of re-occurrence of this hazard (1-10)

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Received by: \_\_\_\_\_ Date/Time \_\_\_\_\_

**ICATS CRITICAL ASSET ANALYSIS REPORT**

<b>Critical Assets</b>	<b>Level of Criticality (Rate as High, Medium, Low)</b>	<b>Level of Vulnerability (Rate as High, Medium, Low)</b>
<b>Vehicles</b>		
Buses/vans		
Administrative vehicles		
Radios		
Fare boxes		
Other		
<b>Maintenance Area</b>		
In-house		
Entrances/exits		
Restrooms		
Equipment		
Other		
Contractor		
<b>Storage Lots</b>		
Vehicles		
Entrances/exits		
Fuel areas		
Other		
<b>Office Facilities and Equipment</b>		
Office furniture		
Computers		
Phone systems		
Radio system		
Entrances/exits		
Restrooms		
Storage areas		
Revenue collection facilities		
Employee parking lots		
Other		
<b>Transit Support</b>		
Transit Center		
Bus Stops		
Bus Shelters		
<b>People</b>		
Drivers		
Other staff		
Passengers		

**ICATS CRITICAL ASSET VULNERABILITY ACTION REPORT**

<b>Transit Assets</b>	<b>Elements of Vulnerability</b>	<b>Assessment of Adequacy of Current Levels of Protection</b>	<b>Action Required? Yes / No</b>
Vehicles			
Transit vehicles			
Administrative vehicles			
Radios			
Fare boxes			
Other			
Maintenance Area			
In-house			
Entrances/exits			
Restrooms			
Equipment			
Other			
Contractor			
Storage Lots			
Vehicles			
Entrances/exits			
Fuel areas			
Other			
Office Facilities and Equipment			
Office furniture			
Computers			
Phone Systems			
Radio system			
Entrances/exits			
Restrooms			
Storage areas			
Revenue collection area			
Employee parking lots			
Other			
Transit Support			
Transit Center			
Bus Stops			
Bus Shelters			
Personnel			
Drivers			
Other staff			
Passengers			



Policy Name: General Safety Policy

**Policy Description:**

Safety is the number one priority of the system. In support of that goal the primary importance of the SSP are the reductions of accidents and injuries to transit customers and employees. Safety is a shared responsibility between system management and employees.

It is the policy of the system to provide a place of employment that is free from recognized hazards that could result in death or serious injury to employees, customers or the public. ICATS management will abide by 29CFR, Section 1910.132 when providing employees with personal protective equipment. ICATS employees understand that it is their responsibility to use the personal protective equipment in the ways set forth during the hiring process and during the required annual training.

It is the responsibility of each employee to report all incidents or unsafe conditions to their supervisor. Supervisors must immediately take necessary corrective action to prevent unsafe conditions. It is also the policy of the system to require that safety training and the use of safe protective equipment and procedures are adhered to at all times. Individual employees are expected to perform their duties in a safe and responsible manner, as safe work behavior is a condition of employment. An employee shall report to work at the designated time in the proper uniform with the required items: driver's license, corrective hearing aids or eyewear if required, closed toe shoes, work uniform, protective personal gear & rain/cold weather gear if needed.

Prohibited behaviors are behaviors that are in violation of the SSP. Such behaviors include behaviors that threaten the safety of employees, customers and the general public. Other unacceptable behaviors include those that result in damage to system, employee or public property.

An employee who intentionally violates safety policy and procedures will be subject to appropriate disciplinary action, as determined by the findings of an investigations. Such discipline may include warnings, demotion, suspension or immediate dismissal. In additions, such action may cause the employee to be held legally liable under state or federal law.

This policy was adopted by the Iredell County Area Transportation System.

Approved: 10-1-2003

Last Revised: 10-27-2016

Reviewed: 9-1-2020

Signature of System Transportation Director: Bradley Johnson

Policy Name: Drug and Alcohol Policy

**Policy Description:**

The Iredell County/ Iredell County Area Transportation System provides public transit and paratransit services for the residents of Iredell County. Part of our mission is to ensure that this service is delivered safely, efficiently, and effectively by establishing a drug and alcohol-free work environment, and to ensure that the workplace remains free from the effects of drugs and alcohol in order to promote the health and safety of employees and the general public. See full NCDOT approved policy and procedures, under the guidelines of the Federal Transit Authority.

This policy was adopted by the Iredell County Area Transportation System.

Revisions:

7-1-03

1-30-08

10-27-2015

12/06/2016

Reviewed:

09-01-2020

Signature of System Transportation Director: Bradley Johnson



**IREDELL COUNTY**  
**MONTHLY BUILDING INSPECTION FORM**

**Building:** \_\_\_\_\_ **Inspector:** \_\_\_\_\_ **Date:** \_\_\_\_\_

OK	Not ok	Description	Comments/Action(s)
		NO Electric cords are attached to building surface or run through door/ceiling/wall.	
		NO Electric cords frayed, cut, or damaged.	
		NO Light-duty 2-prong extension cord used.	
		Ground pin is on every cord.	
		NO Empty opening (knockout) in electric box.	
		NO Exposed live electrical parts.	
		NO Ungrounded equipment.	
		NO Storage within 3' of electric panels.	
		All Circuit breakers/disconnects are labeled.	
		NO Fire extinguishers blocked/obscured.	
		Fire extinguishers have been checked monthly.	
		NO Exit doors blocked/locked.	
		Exit signs/arrows are in place and visible.	
		Emergency evacuation lights are tested.	
		NO Storage >5' w/o stepstool or ladder.	
		NO Storage within 18" of sprinkler heads.	
		NO Storage within 3' of heater/heat source.	
		NO Storage aisles <28" wide.	
		NO Storage stacks lean/unstable.	
		Compressed gas is capped/chained	
		NO Excessive flammables outside of cabinets.	
		NO Incompatible chemicals stored together.	
		Chemicals are labeled with name/hazards.	
		Material Safety Data Sheets are available.	
		Emergency shower/eyewash tested weekly.	
		Housekeeping up to standards.	
		Wet/slippery floors are marked and/or corrected	
		NO Trip hazards in floor, stairs, sidewalks etc	
		First-aid kit and PPE is available.	
		NO Burned out or missing light bulbs.	
		Oily/greasy rags are in covered metal can.	
		Machinery guards in place.	
		Guardrails/stair-rails in place as required	
		PPE provided and properly used.	
		<b>Other:</b>	
		<b>Other:</b>	



## AGENDA ITEM REQUEST – XI.1

**Meeting Date:** December 01, 2020

**Presenter:** Beth Jones, County Manager

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**Subject:     Board of Equalization & Review - 6 appointments**  
**Board of Health (member of the public) - 1 appointment**  
**Recreation Advisory Board - 4 appointments**  
**Zoning Board of Adjustment - 2 appointments**

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### Board of Equalization & Review

The following members have agreed to serve:

Carl Lombardo – Chairman – First Term  
Hal Jolly – Vice-Chairman – Fourth Term  
Mike Brotherton – Member – Fifth Term  
Allen Simmons – Member – Fourth Term  
Jennifer Christian – Member – Second Term  
Dan Howard – Alternate – Fifth Term

### Board of Health

Sylvia Chapman has volunteered to serve again.

### Recreation Advisory Board

Seth Hathcock, Christopher Campbell, and Scott Bell have volunteered to serve again.

In addition, historically there has been an appointed representative from Iredell-Statesville Schools to serve as a liaison on the Recreation Advisory Board. Rob Jackson recently retired from ISS and subsequently resigned from the advisory board. Bobby Deal has assumed Jackson's responsibilities and has volunteered to serve on the Recreation Advisory Board for the first time. Please note there will be one vacancy on this board.

### Zoning Board of Adjustment

Bob Dellinger and David Aman have volunteered to serve again.



## **AGENDA ITEM REQUEST – VX.1**

**Meeting Date:** December 01, 2020

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**Subject:     Economic Development G.S. 143-318.11 (a) (4)**  
**Personnel G.S. 143-318.11 (a) (6)**  
**Property Acquisition G.S. 143-318.11 (a) (5)**

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