

MINUTES OF MEETING HELD APRIL 14, 2003

The Common Council of the City of Somerset, Kentucky met in regular session on Monday, April 14, 2003 at 7:00 p.m. with the following present: Mayor JP Wiles, Council Members: Jerry Wheeldon, Mark Beasley, Jerry Girdler, Charlie New, Donna Hunley, John Minton, Earl Owens, Pat Bourne, Jerry Burnett, Peggy Dugger, Joann Norfleet, and Clarence Floyd. City Attorney Joe Travis and City Clerk Pro-tem Sharon Stevenson.

Police Chief Larry Godby presented the following seven officers with commendations for being the first to respond, and for their actions and professionalism in handling the plane crash occurring in Pulaski County on February 23, 2003; Donald Stevens, Jason Griffith, Larry Patterson, Randy Goff, Brad Stevens, Matthew Gates, and Shannon Smith. Mr. Floyd moved to have the commendations made part of the official minutes. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Mr. Wheeldon moved to approve the minutes of the last regular meeting held on March 24, 2003 and the reports be approved as delivered. Mr. Owens seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Mr. Beasley moved all departmental bills for the month of March be approved. Mr. Girdler seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Second reading was given the following Ordinance:

ORDINANCE NO. 03- 02	
AN ORDINANCE IMPOSING A LICENSE, TAX OR FEE, UPON CERTAIN BUSINESSES, OCCUPATIONS, TRADES AND PROFESSIONS CARRIED ON CONDUCTED OR HELD WITHIN THE LIMITS OF THE CITY OF SOMERSET, KENTUCKY, REQUIRING ALL PERSONS, FIRMS OR CORPORATIONS PURSUING SAME TO FIRST OBTAIN A LICENSE THEREFORE AND REGULATING AND IMPOSING PENALTIES FOR ENGAGING IN ANY SUCH BUSINESS, OCCUPATION TRADE OR PROFESSION WITHOUT A LICENSE.	
BE IT ORDAINED BY THE CITY COUNCIL IN AND FOR THE CITY OF SOMERSET, KENTUCKY:	
Section 1 That the annual license fees or taxes to be paid to the City of Somerset, Kentucky, be and there are hereby imposed upon and required of all persons, firms and corporations who shall exercise the privileges or engage in the business, trades, occupations and professions hereinafter designated, in said city for and during each license year from May first to April thirtieth in the next succeeding year, said fees for taxes to be paid into the City of Somerset General Fund for payment of general governmental expenses, and which are as follows, to wit:	
HEALTH CARE PROFESSIONALS	\$200.00 per year
Anesthesiologist	
Anesthetist	
Chiropractist	
Chiropractor	
Dental	
Dental Oral Surgeon	
Dental Surgeon	
Dermatologist	
Gynecologist	
Neurosurgeon	
Ophthalmologist	
Optician	
Optometrist	
Orthodontist	
Orthopedic Surgeon	
Osteopath	
Pathologist	
Podiatrist	
Pododentist	
Physical Therapist	
Physicians	
Podiatrist	
Psychologist	
Radiologist	
Specialist In Medicine	
Surgeons	
Urologist	
Veterinarian	
HEALTH CARE FACILITIES	\$250.00 per year
Ambulance Service	
Clinics or Laboratories	
Convalescent Hospital	
Dental Laboratory	
Health Spa	
Home Health Agencies	
Nursing Home	
Old Age Homes	
Outpatient Surgical Clinics	
Rest Home	
HOSPITALS	\$1,500.00 per year
CONTRACTORS (LOCAL)	\$150.00 per year
Carpenter	
Contractors/Builders	
Drywall	
Electrical	
Excavator	
Glass	
Guttering	
Insulators	
Masonry	
Painter	
Paper Hanger	
Plasterers	
Plumbing	
Roofers	
Sheet metal	
Siding of homes or buildings, eeling and or installing	
Signs	
Storm Windows, Storm Doors	
Tin or other building trades	
2	

CONTRACTORS (NON-LOCAL)	\$200.00 per year	PROFESSIONAL	\$200.00 per year
Carpenter Contractors/Builders Drywall Electrician Excavator Graft Grading Insulators Masonry Painter Paper Hanger Plaster Plumbing Roofing Sheet metal Siding of homes or buildings, siding and or installing Signs Storm Windows, Storm Doors Tie in other building trades		Appraiser Architect Asphalt Paving Contractor Certified Public Accountant Civil Engineer Consulting Engineer Funeral Directors Geologist Lawyer, Attorney, Counselor Lobby or Financial Company Medicine Vendors Mortgage Company Real Estate Appraiser Surveyor Tobacco Warehouse Undertakers	
GENERAL REPAIR	\$75.00 per year	RETAIL (SALES OF \$0.00 to \$50,000)	\$150.00 per year
Automobile Garage Awning repair/install Body Shop Carpenter Driveway Repair & Sealing Drywall Electrician Furniture Repair General Mechanics General Repair Gun Shop Heating & Air Conditioning Machine Shops Masonry Plaster Plumbing Radio/TV servicing Recapping Tires Repair Shops: radio, shoe, Roofing Sand Blasting Sanding and finishing floors Typewriter, office machines Upholstery Services Watch Repair		Auction Merchants Bookstore Compressed Gases Florist Secondhand Furniture Store Wants Redemption Center	
		RETAIL (SALES OF \$50,000 to \$250,000)	\$300.00 per year
		Florist Gasoline Dealer Rock Quarry	
		RETAIL (SALES OVER \$250,000)	\$700.00 per year
		Florist Wrecking Yard	
		VENDOR/AGENTS	\$75.00 per year
		Accountants Advertising Distributor Advertising Publications	

Answering Service Antique Dealer Auctioneer Auto or Appliance Finance or Discount Companies Automobile Car Wash Automobile's Operating Same for Public Service, transporting passengers for hire Belt (Rev) Bakery Bakery Products Bike Posters Business Service Books or magazines Butcher Shop Cabinet Maker Candy Products Carpenter Carpet Sales/Installation Catering Cemeteries Check Cashing Chevrolet Service Cigarette Dealer Clinics or Laboratories Coal Dealers or Agents where coal is delivered or received Coffee, Tea or Kiosk, Ice Cream Coin, silver, gold, and other Collection Agency Computer Service Consignment Shop Crematory Plant, and or delivery of dairy Credit Bureau Delivery Dry Cleaning Eating Stand Electrologist Employment Agency Farm Machinery on Consignment Feed Grinding Fireworks Fish Retail Fixed Seat Operators at Airport Fowl, live Poultry and eggs Fruit and Vegetable Dealer Fur Storage Harness Maker and or making leather products Health Spa Herbalist Hutches Income Tax Consultant Insurance Adjuster	5	Insurance Agents Interior Decorator Jeweler Laundry Laundry self service Laundry, shirts only Lawn Service Livestock Market Locksmith Lunch Counters Machine Wash, Dryclean Machine Micro Filming Moving Service Musical or Windup Machine Musical Instruments Newspaper Delivery (not in Somerset) Newsstand Nursery Outside City Employment Agency Parking Lot Paving Agent Pet Groomer Per Groomer Photo Bag Photographic (rental) Photographer Studio Plate Glass and File Prepares materials Printing Services Printing Job Printing job works done Private Detective Products, recycling, shipping, pricing Public Cold Storage Real Estate Agent Recreational Parks, Sports, Etc. (to be approved by planning/ zoning) Refrigerator and air conditioning (selling or installing commercial refrigeration) Restaurants Scales Scraping and metal processor Second Hand Dealers Security Guard Seed Cleaning Septic tank or cesspool cleaner Sign Painter Sign Portable Sole Footwear Soft Drinks Stock Broker	6
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Storage Units Travel Agent Tree Trimmers Vehicle Rentals Vehicles Vending Machines Vendor Wrecker Services Yard Sale, Garage Sale (limited to 3 consecutive days only)	GAS STATION	\$80.00 per year	Jewelry complete manufacturing Manufacturers of truck beds, racks Milling Monument Painting Pre-fabricated homes or building	NEW CAR SALES	\$550.00 per year
Automobile Service Station Gasoline Filling Station	GAS STATION/MINI MART	\$250.00 per year	Automobile Dealer or Agent, selling new and used automobiles	USED CAR SALES	\$150.00 per year
ITINERANT MERCHANT		\$400.00 per year	Automobile and truck dealer, dealing in second hand cars, trucks located in or outside city limits and doing business in Somerset	SCHOOLS/TRAINING	\$75.00 per year
Mail order business	ENTERTAINMENT	\$300.00 per year	Barber College/School Beauty College/School Business School/College Dance Instructor Day Care Center/Kindergarten School Special Training Classes	BEAUTY/BARBER (3 chairs or less)	\$50.00 per year
Astronomer Billards or Pool Room Bowling Alleys Boxing Carnival Cinema Circus Dance Hall Fortune Teller Golf Course Gymnasium Ice Skating Rink Miniature Golf Painting Staging Rink Theater Water Slide Wrestling	MANUFACTURERS	\$400.00 per year	Barber and/or Beauty Parlor Beauty and/or Beauty Parlor	BEAUTY/BARBER (4 chairs or more)	\$100.00 per year
			HOTELS/MOTELS	Hotels Motels Rooming House Tourist Courts	\$200.00 per year
			MOBILE HOME PARK	Trailer to conduct or carry on a business of operating a trailer park in the city of Somerset	\$200.00 per year

PUBLISHING/BROADCASTING/TELEVISION		\$300.00 per year
Cable Vision		
City Directory		
Newspaper Publisher		
Radio Television Broadcasting		
RESTAURANT (0-30 SEATING)		\$125.00 per year
RESTAURANT (31-75 SEATING)		\$250.00 per year
RESTAURANT (76 OR MORE SEATING)		\$375.00 per year

Section 2. Before the Clerk of the City of Somerset, Kentucky, shall issue a license to any person seeking to engage in the practice of any profession, in Somerset, Kentucky, requiring a certificate from government authorities of the State of Kentucky, having jurisdiction or authority over that particular profession, shall require those applying for a license to practice said profession, to present a proper certificate showing their right to practice said profession in the State. However, if any person so applying for a license to practice any of said professions, has in the past years obtained from the City of Somerset, Kentucky, a license to practice said profession, then the Clerk is authorized to issue a new license according to the provisions of this ordinance.

Section 3. Before engaging in any business, occupation, profession, or trade mentioned in the preceding section of this ordinance, or pursuing or carrying on the same within the limits of the City of Somerset, Kentucky, all persons, firms, or corporations, desiring to do so shall first obtain a license so to do, and pay the fee mentioned in Section 1 of this ordinance, except as herein after mentioned. No license shall be granted for a longer period than one year and all licenses shall expire April 30 of each year succeeding the date said license was issued. The amount fixed as a license tax in Section 1 is the amount for the year except where a different time is expressed and no license shall be granted for a shorter period than one year except where a rate is fixed for a shorter period or less than four months of the license year remains unexpired, a person, firm or corporation engaging in any business named above after January 1 shall be pro-rated for the remaining period on the license for his particular business, and shall not be granted at a less rate for such shorter period than the rate fixed and charged for such license for the whole year; provided no license tax shall be issued for any proportionate part of a year where the license tax for the whole year is five (\$5.00) dollars or less except as provided in this section.

Section 4. All licenses may be obtained by paying to the City Tax Collector the license fee or tax, and upon the receipt of the same, the City Tax Collector shall issue the license.

Provided that a license to conduct a billiard, pool room or dance hall may be granted

by the City Council only on the application to be made and a hearing to be held at some regular or called meeting of said City Council. Before any person, firm, or corporation shall apply to said City Council for license to conduct a billiard or pool table or room, or dance hall, such person, firm or corporation shall first give public notice of such application by advertising in some newspaper of general circulation published in said city or by written or printed notice of the time when such application will be made, giving the nature and location of the proposed business; such printed notice shall be posted on or near the front door of City Hall and County Courthouse in a conspicuous place, and one posted on or near the building which is to be occupied by said application such application shall be in writing, and shall state the full names of all the persons interested in said business and when the business is to commence, and shall be accompanied by a copy of the aforesaid advertisement and affidavit that said advertisement has been made for ten (10) days prior to presentation of application.

Every license issued under this ordinance authorizing the conduct of any of the businesses set out in this section shall be issued and accepted upon the condition that the same shall be subject to revocation or annulment by the City Council at its pleasure, which power is hereby reserved by said council, and upon the following conditions, to wit:

If the licensee or his partner or any person under his authority, or in his employment shall sell, barter, give or otherwise dispose of to anyone any spirituous, vinous, or malt liquors at the licensee's place of business, or on his premises, or elsewhere in said city, or shall permit or suffer any gambling in the house or on the premises adjacent thereto, over which said license has control; or shall violate any of the laws of the State of Kentucky, or ordinance of the City of Somerset, Kentucky, now in force, or which hereinafter may be enacted, the license of any such licensee shall be subject to be revoked and annulled by the City Council of said city.

And if any of the businesses as set out in this section shall suffer or permit any disorderly conduct in said house or violate any of the laws of the State of Kentucky, or ordinance of the City of Somerset, Kentucky, the license of any such business shall be subject to be revoked by the City Council of said City, and in the event of any such revocation or annulment of any such license herein provided for, no part of the money paid thereof shall be refunded or repaid to the offending licensee.

The City Council for any violation of any of the foregoing stipulations shall have the power and authority to, and shall proceed to forfeit such license, which forfeiture shall be declared by resolution of said City Council and may be voted or determined by said Council at any regular or called meeting thereof, after the offender has received at least five days previous written or printed notice of the intended proceedings, and the time and place of the hearing. The offender shall have the right to introduce witnesses and to be heard by himself and counsel, as may the city also, and the witnesses thus introduced by either party may be duly placed under oath and proceedings may be continued until completed. The action of the City Council in any such proceedings shall be final and conclusive.

Section 5. The license tax herein provided for shall be required of each member of a firm where two or more persons are engaged in the practice of the learned profession. It shall also be required where an individual, firm or corporation may have separate locations for conducting business and each separate location shall require the license tax according to the business conducted therein.

Section 6. The amount of the per year taxes as shown and specified in the preceding sections shall be due and payable not later than May 1 of each year, but if said taxes are not paid in full within thirty days after said due date or in other words, on or before May 30th of each year, said amount so due will become automatically delinquent without further notice and the following penalties shall be added to the said delinquent amounts collected as follows:

Tax \$5.00 to \$45.00 inclusive a penalty in the sum of	10.00
Tax \$45.01 to \$90.00 inclusive a penalty in the sum of	20.00
Tax \$90.01 to \$135.00 inclusive a penalty in the sum of	30.00
Tax \$135.01 to \$180.00 inclusive a penalty in the sum of	40.00
Tax \$180.01 to \$225.00 inclusive a penalty in the sum of	50.00
Tax \$225.01 to \$270.00 inclusive a penalty in the sum of	60.00
Tax \$270.01 to \$450.00 inclusive a penalty in the sum of	70.00
Tax \$450.00 and up a penalty of	80.00

The publication and advertisement of this ordinance in a newspaper of the City of Somerset, Kentucky, shall be notice of the full contents of this ordinance to all persons.

Section 7. It shall be unlawful for any person, firm or corporation to operate a truck, bus, taxicab or other vehicles within the City of Somerset, Kentucky, that comes within the provision of the ordinance without carrying the city license plate in a conspicuous place upon or within said truck, bus, taxicab, or other vehicle.

Section 8. In addition to the penalties provided in this ordinance for a violation thereof, the tax may be collected from the person, firms, corporations or association from whom the same is due by a civil action in any court of competent jurisdiction or in this Commonwealth, and such recovery shall in no wise relieve said persons from the payment of a fine for engaging in any business, occupation, trade or profession herein mentioned within a license so to do.

Section 9. The Special License or Privilege tax levied and assessed herein on trades, professions and businesses, conducted and carried on in the City of Somerset, Kentucky, shall be due and payable to the City of Somerset, Kentucky. In the entire sum levied against each trade business or profession carried on in said city, and the Clerk of the City shall collect same accordingly and not in installments.

Section 10. It shall be unlawful for any person, firm, corporation or association to engage in, pursue or carry on any business, trade, occupation or profession mentioned in

the preceding section of the ordinance without first obtaining a license and paying the tax herein provided for, and any person, firm or corporation or association violating any of the provisions of this ordinance, where different fine is not provided, shall be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each offense, and each day the violation is continued shall constitute a separate offense.

Section 11. If any section or part thereof of this ordinance shall be held to be invalid or unconstitutional the same shall not be held to invalidate or impair the authority, force or effect of any section or a part of section not so held unless it clearly appears that such other section or part thereof is wholly or necessarily dependant upon the section or part thereof held invalid or unconstitutional.

Section 12. It shall be the duty of the Police Officers to inspect all places of business, all persons and entities engaged in business in the City of Somerset, Kentucky, and to prosecute any person, entity, firm or corporation violating any section of this ordinance, and to see that all licenses required under this ordinance are properly issued and displayed on the premises.

Section 13. The amount due under this ordinance on any license shall be collectable at law as all other accounts are collectable, and in addition thereto, any person, entity, firm or corporation failing or refusing to procure said license shall, upon conviction, be fined not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each offense, and each day during which a violation occurs or exists constitutes a separate offense. Any person violating any of the provisions of this ordinance as an agent or employee of another shall be subject to this penalty.

Section 14. The examples listed under various categories of businesses, etc. herein are not intended to be all inclusive, but merely a listing of certain businesses, etc. which are examples covered under the various categories or classifications of businesses, etc.

Section 15. This ordinance is to be and become effective and in full force on and after April 30, 2003.

Section 16. All ordinances in conflict herewith or contrary hereto are hereby repealed.

FIRST READING: March 24, 2003

SECOND READING: April 14, 2003

APPROVED:

[Signature]
MAYOR, JP WILES

ATTEST:

[Signature]
CITY CLERK

Mr. Wheeldon moved to approve the above ordinance on its second reading. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Second reading was given the following Ordinance:

<p style="text-align: center;">ORDINANCE NO. 03-03</p> <p>AN ORDINANCE AMENDING THE POLICIES AND PROCEDURES ORDINANCE 01-25; RESIDENCY ORDINANCE, 99-09; TARDINESS AND EMPLOYEE TIMECARDS ORDINANCE, 01-01; DRUG AND ALCOHOL ABUSE TESTING ORDINANCE, 98-07; AND TRAVEL AND EXPENSE REIMBURSEMENT ORDINANCE, 98-33, FOR THE CITY OF SOMERSET AND ITS EMPLOYEES.</p> <p>BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:</p> <p style="text-align: center;">CITY OF SOMERSET Drug and Alcohol Policy</p> <p>POLICY STATEMENT/OVERVIEW</p> <p>A. The objective and purpose of the City of Somerset's Drug and Alcohol Policy is to ensure a safe, drug free, and alcohol free working environment for the employees and customers we serve. It is our intention to prohibit any drug use and alcohol use in the workplace.</p> <p>B. The drug and alcohol policy shall be in accordance with the provisions, requirements and regulations of the Federal Transit Administration (FTA) Drug and Alcohol Rule (49 CFR, Part 653, Prevention of Prohibited Drug Use in Transit Operations, and 49 CFR Part 654, Prevention of Alcohol Misuse in Transit Operations, 49 CFR Part 40, Procedures for Transportation Workplace Drug and Alcohol Testing Programs), and the Federal Highway Administration (FHWA) Controlled Substances and Alcohol Use and Testing (49 CFR, Part 382, 390). 1</p> <p>C. This policy becomes effective on July 1, 2003, for employees in safety-sensitive positions, and shall apply to all other employees effective July 1, 2003 (see the following section titled Employee Categories for definition of employee and exceptions).</p> <p>D. A copy of the policy shall be provided to all employees.</p> <p><small>1 When originally adopted effective January 1, 1999, this drug and alcohol testing policy applied only to employees in safety-sensitive positions. Effective July 1, 1999, this policy is expanded to include all employees of the city in a separate pool for testing purposes; however, the provisions of the policy will apply equally to both groups unless indicated otherwise.</small></p>	<p>EMPLOYEE CATEGORIES SUBJECT TO TESTING</p> <p>This policy shall apply to two specific categories:</p> <p>A. All employees who perform safety-sensitive functions must be subject to the testing provisions set forth in the FTA regulations (653.7 and 654.7), and shall be in a stand-alone category for testing purposes. (Attachment I is a list of safety-sensitive job functions and corresponding position titles that identifies which employees are specifically covered.) FTA has determined that safety-sensitive functions are performed by those who operate vehicles that require drivers to hold Commercial Drivers Licenses (CDL's). Also included shall be those persons employed by the City deemed to be performing safety sensitive functions.</p> <p>Gas Department employees and Utility Billing/Collections employees will be tested quarterly and separately from other groups.</p> <p>Those employees holding CDL's will be tested separately from other safety sensitive groups.</p> <p>B. The employees not considered to be in the safety-sensitive positions included in section A, shall be in a separate category for testing purposes. The City of Somerset will test all pre employment. All job position transfers will be tested.</p> <p>Employee shall be defined as each, every, any and all full-time and part-time non elected officers and employees of the City in nonsafety-sensitive and safety-sensitive positions.</p> <p>Those employees holding a CDL license shall be tested separate from other groups.</p> <p>Those employees with the Gas and Utility Billing/Collections departments shall be tested separate from other groups.</p> <p>PARTICIPATION AS A CONDITION OF EMPLOYMENT</p> <p>Participation in the city's prohibited substance testing is a condition of employment with the city.</p> <p>REQUIRED HOURS OF COMPLIANCE</p> <p>A. Alcohol. An employee must not consume alcohol while at work, four</p> <p style="text-align: center;">2</p>
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<p>hours prior to reporting for work, up to eight hours following an accident, or until the employee undergoes a post-accident test, whichever occurs first.</p> <p>B. Drugs. Use and ingestion of prohibited drugs are prohibited at all times.</p> <p>C. Pre employment testing will be given a 24 hr notice before testing to have test completed.</p> <p>PROHIBITED BEHAVIOR</p> <p>A. Employees are prohibited from engaging in unlawful manufacturing, distributing, dispensing, possessing, or using controlled substances in the workplace consistent with the Drug-Free Workplace Act of 1988.</p> <p>B. Possession of drugs or alcohol on transit vehicles, in any transit facilities, or work premises is prohibited. Unless in the official capacity as a police officer or property officer who may have confiscated illicit drugs and alcohol and are storing said items for evidence in court proceedings. Also, any drugs emergency medical services may have stored or in their possession for dispensing to patients in their official capacity as paramedics.</p> <p>C. Prohibited employee conduct includes using alcohol while at work, using alcohol within four hours prior to reporting for work, working with an alcohol concentration 0.01 or greater, or using alcohol within eight hours following an accident which requires the employee to take an alcohol test.</p> <p>CIRCUMSTANCES FOR TESTING</p> <p>A. Employees in safety-sensitive positions:</p> <p>1. The Federal Transit Administration and the Federal Highway Administration requires that drug and alcohol tests be given to safety-sensitive employees in specific circumstances:</p> <p>a. Pre-employment (drugs only);</p> <p>b. Reasonable suspicion;</p> <p>c. Post-accident;</p> <p>d. Random;</p> <p>e. Return to duty from extended leave of absence for medical or other requested leave.</p> <p>f. Follow-up.</p> <p>B. The circumstances for testing listed in (A) above shall also apply to all</p> <p style="text-align: center;">3</p>	<p>employees in non safety sensitive positions.</p> <p>Pre-employment Testing</p> <p>A. All applicants for employment in established positions, both full and part time, must complete a pre-employment drug test.</p> <p>B. The city shall inform the applicant in writing of the testing requirements (653.27, 654.71).</p> <p>C. All appointments to established positions within the city shall be contingent upon successfully completing a drug test as a condition of continued employment.</p> <p>D. FTA and FHWA regulations permit, but do not require, the release of the results to the person being tested. However, prior to making a final decision to verify a positive drug test result, the Medical Review Officer (MRO) must give the applicant an opportunity to discuss the results (40.33).</p> <p>E. If a pre-employment drug test is canceled by the applicant, said applicant will not be considered for employment with the City of Somerset. If an applicant is tested positive for pre employment they will not be considered for hire. An applicant that is reported to have a diluted specimen by the MRO shall be required to repeat the test within 24 hrs. If the specimen is reported diluted at that time the applicant shall not be considered for hire. The MRO must report a clear negative test result before hiring.</p> <p>F. Passing a drug test is a condition of employment and shall be stated in newspaper notices and other forms of vacancy announcements. Applicants must sign a form acknowledging that they know they will be tested. (See Attachment II)</p> <p>Reasonable Suspicion Testing</p> <p>A. Employees must submit to a test when the city has reasonable suspicion that an employee has used a prohibited drug or has used alcohol as defined in FTA or FHWA regulations.</p> <p>B. The city's request to undergo a reasonable suspicion test must be based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odor of the employee.</p> <p style="text-align: center;">4</p>
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<p>C. Employees may be at work in a condition that raises concern regarding their safety or productivity. A supervisor must then make a decision as to whether reasonable suspicion exists to conclude that substance abuse may be causing the behavior.</p> <p>D. Reasonable suspicion requires some indication of probable linkage between behavior or events and substance abuse.</p> <p>E. If a supervisor, trained to identify the signs and symptoms of drug and alcohol use reasonably concludes that objective facts may indicate drug use or alcohol use, this is sufficient justification for testing.</p> <p>Post-Accident Testing</p> <p>A. Testing for prohibited drugs and alcohol is required in the case of vehicular accidents.</p> <p>B. Post-accident testing is mandatory for accidents where there is loss of life and for other nonfatal accidents including property damage and incidents.</p> <p>C. An accident (653.7, 654.7, and 390.5) is defined as an occurrence associated with the operation of a vehicle in which:</p> <p>1. An individual dies.</p> <p>2. An individual suffers a bodily injury and immediately receives medical treatment away from the scene of an accident.</p> <p>3. A city owned vehicle is involved.</p> <p>4. The city owned vehicle involved is driven by an employee in which one or more vehicles incur disabling damage as a result of the occurrence and is transported away from the scene by a tow truck or other vehicle.</p> <p>D. Disabling damage means damage that precludes departure of any vehicle from the scene of occurrence in its usual manner in daylight after simple repairs. Disabling damage includes damage to vehicles that could have been operated but would have been further damaged if so operated.</p> <p>Fatal Accident</p> <p>Whenever there is a loss of human life, each surviving employee involved in the accident must be tested. Employees whose performance could have contributed to the accident (as determined by the city using the best information available at the time of the accident) must be tested.</p> <p style="text-align: center;">5</p>	<p>Non-Fatal Accident</p> <p>A. Following nonfatal accidents involving a bus, electric bus, trolley bus, van, or automobile, the city shall test each employee involved in the accident at the time of the accident. For nonfatal accidents involving city vehicle, the driver shall be tested.</p> <p>B. For nonfatal accidents, the city shall test any other employee whose performance could have contributed to the accident, as determined by the city using the best information available at the time of the accident.</p> <p>C. Post accident drug and alcohol tests must be performed as soon as possible. Drug tests must be performed within 32 hours following the accident. Alcohol tests must be performed within 8 hours.</p> <p>D. If an alcohol test is not administered within two hours following the accident, the city must still attempt to administer the test, and also prepare and maintain on file a record stating the reason(s) the test was not promptly administered. If an alcohol test is still not administered within eight hours following the accident, the city shall cease attempts to administer an alcohol test and shall maintain the same record.</p> <p>E. The requirement to test for drugs and alcohol following an accident should in no way delay necessary medical attention for injured people or prohibit an employee from leaving the scene of the accident to obtain assistance in responding to the accident or to obtain necessary emergency medical care. However, the employee must remain readily available, which means the city knows the location of the employee.</p> <p>F. Steps to follow in a post-accident situation are summarized as follows:</p> <p>1. Treat any injury first;</p> <p>2. Cooperate with law enforcement officers;</p> <p>3. Explain the need for testing;</p> <p>4. Conduct the test promptly;</p> <p>5. Collect the accident documentation promptly.</p> <p>Random Testing</p> <p>A. Random testing of drugs and alcohol shall be required for all employees.</p> <p>B. The city will have access to a scientifically valid random number</p> <p style="text-align: center;">6</p>
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selection method to select employees for testing. Valid methods include the use of a random-number table or a computer-based random-number generator that is matched with employee identification numbers.

1. 50 percent of the total number of safety-sensitive employees subject to drug testing and 10 percent subject to alcohol testing must be tested each year. A slightly higher percentage will be tested to provide for canceled tests.

2. 10 percent of all eligible employees in nonsafety sensitive positions shall be tested annually for drugs and at least 10 percent of all eligible employees in nonsafety-sensitive positions shall be tested annually for alcohol.

3. 50 percent of the total number of Gas department employees and Utility Billing department employees will be tested annually for drugs and at least 10 percent shall be tested annually for alcohol.

C. Test dates will be spread reasonably throughout the year so that a predictable pattern is not established. Testing will be performed on different days of the week and at different times throughout the annual cycle.

D. The process must be unannounced as well as random. Once the city notifies the employee that they have been selected for testing, the employee must report immediately to the collection site.

E. All employees in the respective random pools will have an equal chance of being selected for testing and shall remain in the respective pool, even after being tested. It is possible for some employees to be tested several times a year.

F. Employee Notification of Random Testing Procedure:

1. Supervisor shall receive notification from the Human Resource Office identifying the employee for testing.

2. Supervisor notifies the employee and requests the employee to report immediately to collection site. The city shall provide transportation to collection site.

3. Employee shall be afforded the maximum privacy possible and discreetly notified to report to the collection site.

4. Employee shall be afforded transportation from the testing site.

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G. Nonsafety-sensitive employee standard notification procedures are the same as for FTA safety sensitive employees as described above.

Return to Work Testing

A. The city's policy is termination for verified positive drug or alcohol tests for all employees including FTA/FHWA safety-sensitive employees.

B. An employee will be tested upon returning to duty after extended leave of absence for medical or other requested leave.

Behavior That Constitutes a Refusal to Submit To a Test

Kinds of behavior that constitute a refusal:

A. The specimen was adulterated or substituted;

B. Refuses to be tested under any provision of this drug/alcohol program;

C. Refuses to consent to the test notification;

D. Fails to provide adequate breath for testing without a valid medical explanation after he/she has received notice of the requirement;

E. Fails to provide adequate urine for controlled substance testing without a valid medical explanation after he/she has received notice of the requirement;

F. Engages in conduct that clearly obstructs the collection process, including inappropriate/indecent behavior, failure to complete and sign required documents;

G. Unequivocally indicating an attempt to substitute or adulterate the sample (e.g., substitute urine in plain view, blue dye in specimen presented, etc.);

H. A urine specimen that falls outside the normal temperature range (90-100 F);

I. Failure to show up for any test when requested to do so by the employer, does not arrive at the designated collection site within a two hour

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period, this time is derived from the time he/she has received notice of the requirement, and is presented with written consent and the documented time at the collection site:

J. Fails to cooperate (e.g., leave the test site before the collection process is completed, refuse to empty pockets) with any part of the testing process;

K. Refuses to drink fluids needed to produce sufficient specimen; Declines to report for a medical evaluation when directed to do so or does not comply with physicians directions during the examination.

L. In the case of a directly observed or monitored collection in a drug test, fails to permit the observation or monitoring of your provisions of a specimen.

M. Leaving the scene of an accident without a valid reason before tests have been conducted.

If reported by the Medical Review Officer a "DILUTED SPECIMEN" which was determined by the Laboratory to have a low specific gravity level and a low creatinine concentration after a urine specimen collection, the designated employer representative will be required to direct the employee to take another test immediately. Such recollection must not be collected under direct observation.

Adulterated specimen: A specimen that contains a substance that is not expected to be present in human urine, or contains a substance expected to be present but is at a concentration so high that is not consistent with human urine.

Diluted specimen: A specimen with creatinine and specific gravity values that are lower than expected for human urine.

Substituted specimen: A specimen with creatinine and specific gravity values that are so diminished that they are not consistent with human urine.

TESTING PROCEDURES

A. Drug Testing:

1. Under the FTA and FHWA drug testing regulations for safety-sensitive employees, the city is required to conduct laboratory testing of urine specimens for the following drugs or their metabolites (553.31):

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- a. Marijuana;
- b. Cocaine;
- c. Opiates (e.g. heroin, morphine, codeine);
- d. Phencyclidine (PCP);
- e. Amphetamines (e.g., racemic amphetamine, dextroamphetamine, and methamphetamine).

2. Identification of either a drug or its metabolite in the urine indicates use of the drug in the recent past.

3. Specimen Collection:

a. All urine specimens must be collected at an appropriate collection site. A collection site is defined (40.3) as a place designated by the city and the Statewide Drug and Alcohol Committee as a place where individuals present themselves for the purpose of providing a specimen of their urine to be analyzed for the presence of drugs. Regardless of the collection site location, it will meet the Department of Transportation guidelines established in "Procedures for Transportation Workplace Drug and Alcohol Testing Program" (49 CFR part 40).

b. The site will have a privacy enclosure for urination, a toilet, a suitable clean writing surface, and a water source for hand washing, which if practicable, will be outside the privacy enclosure.

4. Collection Site Personnel:

a. The collection site personnel are responsible for the integrity of the specimen collection and transfer process, and for ensuring the dignity and privacy of the donor.

b. Regardless of the background and training of collection site staff, the city shall provide them with clear and unambiguous written instructions on collecting specimens.

5. Collection Process:

a. For specific requirements, refer in 49 CFR part 40.25.

1. Inspect the collection room before and after each specimen collection. Remove any unauthorized persons and materials that could adulterate the specimen.

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2. Verify identity of employee with photo I.D.

3. Request that the employee check belongings and remove any unnecessary outer garments.

4. Have employee wash and rinse hands with water and dry them.

5. Unwrap collection cup in front of employee.

6. If employee is unable to provide at least 45 ml. the collection site technician shall instruct the employee to drink not more than, 40 ounces of fluids during a period of up to three hours.

7. Within 4 minutes of receiving the specimen, the temperature must be recorded, and must be between 90 and 100 F.

8. The city is to be notified should employee refuse to cooperate with the collection process.

9. The collection site person will pour 15 ml of urine into a second bottle, to be used as the split sample, with the 30 ml remaining in the collection container, to be used as the primary specimen.

10. Both bottles must be sealed and labeled in presence of the donor.

11. Custody and control form must be completed.

12. Both primary specimen and the split specimen shall be sealed in a single shipping container.

13. Specimen should be placed in secure storage until dispatched to the lab.

h. The urine specimen must be split and poured into two specimen bottles. Employees have the option of having an analysis of the split sample performed at a separate DHHS laboratory should the primary specimen test result be verified positive. The employee has 72 hours after being informed by the MRO of a verified positive test to request a test of the split sample. The payment of the split sample testing shall be the responsibility of the employee.

c. All drug testing including the FTA and FHWA regulations must

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be completed in a laboratory certified by the Department of Health and Human Services (DHHS).

d. In the following circumstances, collection personnel must observe the second collection immediately after the first collection:

1. Employee presented a urine sample that falls outside the normal temperature range;

2. Oral body temperature varies by more than 1 C/1.8 F from the temperature of the specimen;

3. Site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample.

e. The city may authorize an observed collection when the most recent urine specimen provided by the employee was determined by the lab to have a specific gravity of less than 1.003 and a creatinine concentration below 0.20/L, or the employee has previously been determined to have used a controlled substance without medical authorization and the particular test is being conducted under the FTA or FHWA regulation as a return to work or follow-up test. The supervisor of the collection site person shall review and concur in advance with any decision by a collection site person to obtain a specimen under direct observation. The direct observation must be by a collection site person of the same gender as the individual being tested.

f. The DOT regulation requires an immunoassay test as the initial test. If any prohibited drug registers above the cutoff level on the immunoassay screen, an aliquot of the same urine specimen must be confirmed by using a technique called gas chromatography/mass spectrometry (GC/MS).

g. The FTA and FHWA regulations require that all drug testing laboratory results must be reviewed by a qualified Medical Review Officer (MRO). The purpose of this review is to verify and validate test results. An MRO is defined in the regulation as a licensed physician responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result together with his or her medical history and any other relevant biomedical information.

h. The city shall strictly adhere to all standards of confidentiality and assure all employees that testing records and results will be released only to

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<p>those authorized by the FTA or FHWA rules to receive information.</p> <p>5. Specimen Rejections or Cancellations:</p> <p>a. The DOT has issued the following guidance identifying certain errors and omissions as "fatal flaws" that should result in a specimen being rejected by the laboratory:</p> <ol style="list-style-type: none">1. Specimen identification number on specimen bottle does not match the number on the custody and control form;2. Specimen identification number is omitted;3. Collector's signature is omitted from certification statement;4. Chain of custody block is incomplete (minimum of two signatures, shipping entry, date);5. Employee identification number is omitted on custody and control form unless "refusal of donor to provide" is stated in remarks section;6. Primary specimen volume is less than 30 ml; if upon arrival at the laboratory, specimen volume is slightly below the 30 ml minimum (within 10%), the specimen may be accepted if the laboratory can ensure that sufficient volume will be available for storage and any necessary reanalyses for quality control or reconfirmation of results. (Note: This provision does not change the DOT requirement for the donor to provide 45 ml of urine at the collection site for a split specimen collection);7. Specimen bottle seal is broken or shows evidence of tampering;8. Specimen shows obvious adulteration (e.g., color, foreign objects, and unusual odor) <p>b. In addition, the MRO should cancel the test results then the following procedural errors have occurred but were not noted by the laboratory:</p> <ol style="list-style-type: none">1. Donor's signature is omitted from the certification statement unless "donor refused to sign" is stated in the remarks	<p>section;</p> <p>2. Certifying scientist's signature is omitted on positive results from the laboratory.</p> <p>B. Alcohol Testing:</p> <ol style="list-style-type: none">1. FTA regulation (49 CFR, Part 654) and FHWA regulation (49 CFR, Part 382) requires the city to conduct breath alcohol testing on safety-sensitive employees. The breath specimen must be collected through the use of an evidential breath testing device (EBT) that is approved by the National Highway Traffic Safety Administration (NHTSA). The test must be performed by a breath alcohol technician (BAT).2. Reference is made to Evidential Breath Testing Device (EBT) (40.53).3. Reference is made to Breath Alcohol Technician (40.51). The city shall identify the individual(s) that will serve as agency BATS. The supervisor of an employee to be tested for alcohol misuse must not serve as the BAT for that employee.4. Alcohol Testing Site (reference 40.57):<ol style="list-style-type: none">a. Alcohol tests should be conducted at a site that provides privacy to the individual being tested. The testing site must be secured with no unauthorized access at any time the EBT is unsecured or when testing is occurring. The BAT must conduct only one test at a time and must not leave the testing site while the preparations for testing or the test itself are in progress.b. In unusual circumstances (e.g. accident) an alcohol test can be conducted at a place other than an alcohol testing site. The BAT shall conduct the test in a manner that provides the employee with privacy to the greatest extent practicable.5. Screening Alcohol Test:<ol style="list-style-type: none">a. BAT will instruct the employee to blow forcefully into the mouthpiece for at least six seconds or until an adequate amount of breath has been obtained. Following the screening test, BAT must show the individual the result displayed on the EBT or the printed result. If the result of the test is less than 0.01, no further testing is required and the test will be reported to the
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<p>employer as a negative test. The employee may return to his safety-sensitive position.</p> <p>b. If the result of the screening test is an alcohol concentration of 0.01 or greater, a confirmation test must be performed at least 15 minutes, but not more than 20 minutes, after completion of the initial test.</p> <p>6. Incomplete Tests:</p> <ol style="list-style-type: none">a. If a screening or confirmatory test cannot be completed, the BAT must, if practicable, begin a new test using a new alcohol testing form with a new sequential test number.b. Refusal by an employee to complete and sign the alcohol testing form, to provide breathe, to provide an adequate amount of breath, or otherwise to cooperate with the collection process must be noted on the form and the test will be terminated.c. If an employee attempts and fails to provide an adequate amount of breath, the BAT must note this on the form and immediately inform the employer. The employer shall direct the employee to obtain, from a licensed physician who is acceptable to the employer, an evaluation concerning the employee's medical ability to provide an adequate amount of breath. The evaluation should be made as soon as practical after the attempted breath test. If the physician indicates that there was a valid medical reason for the inadequate amount of breath, the employee's failure to provide amount of breath will not be considered a refusal. If no valid medical reason is determined, the inadequate amount of breath must be considered a refusal to take the test.7. Test Accuracy. To protect the integrity of the test and to ensure accurate results, the procedures for conducting an alcohol breath test are rigorous. Alcohol tests are considered invalid when the following occurs:<ol style="list-style-type: none">a. The external calibration check of the EBT produces a result outside the allowed tolerance levels.b. A device other than an NHTSA approved EBT is used.c. The BAT does not wait 15 minutes between the screenings and confirmatory tests.d. A valid air blank test that registers 0.00 is not performed	<p>before each confirmation test.</p> <ol style="list-style-type: none">c. The alcohol test form with the attached EBT printout is not completed correctly. Employee and BAT signatures, or relevant BAT remarks, should be included.f. The EBT fails to print the confirmation results, the sequential test number on the EBT is not the same as the number on the printout, or the alcohol concentration displayed on the EBT is different from what is printed out. <p>C. The testing procedures for drug and alcohol required by the FTA and FHWA for safety-sensitive employees and set forth in Sections (A) and (B) shall also apply to all non-safety-sensitive employees.</p> <p>CONSEQUENCES OF THE USE OF DRUGS AND THE MISUSE OF ALCOHOL</p> <p>A. Refusal to take a test:</p> <ol style="list-style-type: none">1. Any applicant who refuses to submit to a drug test during the employment process shall be removed from the employment process.2. Any employee who refuses to submit to a drug and/or alcohol test shall be considered to have received an automatic positive test and shall immediately be removed from the workplace; the city's disciplinary policy shall be dismissal. <p>B. Verified positive drug test result:</p> <ol style="list-style-type: none">1. Any applicant who receives a verified positive drug test result shall immediately be removed from the employment process.2. Any employee who receives a verified positive drug and/or alcohol test result shall immediately be removed from the workplace; the city's disciplinary action policy shall be dismissal. <p>C. In the event a test result shows an alcohol concentration of 0.01 or greater, any employee shall immediately be removed from the workplace; the city's disciplinary action policy shall be dismissal.</p> <p>CONTACT PERSON(S)</p>
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<p>A. The Gas Department Manager and the Human Resource Personnel shall be the persons that represent the city as a contact for Drug and Alcohol Program employee inquiries.</p> <p>B. Questions about the drug and alcohol program may be addressed to the above individual(s) at the official business address and telephone number of the city.</p> <p>C. The name, office location and telephone number for each contact person shall be posted on each bulletin board.</p> <p>D. Posting will also reflect any new contact persons for the city's Drug and Alcohol Program.</p> <p>EFFECTS OF ALCOHOL</p> <p>A. Physically, alcohol enters the bloodstream almost immediately, circulates to the brain and all the organs, and depresses the central nervous system, slowing thought processes, reflexes, and other physical skills.</p> <p>B. Mentally, its effects vary. In small doses, the user may feel relaxed, talkative, happy, excited. In larger doses, the person often feels confused, moody, angry, and unhappy. Even larger doses result in unconsciousness, coma, even death.</p> <p>C. Dangers include physical harm such as addiction, damage to the brain, liver and other organs, harm to babies whose mother's abuse alcohol during pregnancy, overdose and death. Drinking and driving is the greatest cause of fatal crashes. Alcohol is a major factor in many divorces and in family, school and job problems. Alcohol abuse is often a factor in crimes and violence.</p> <p>POLICY COMMUNICATION</p> <p>A. Employees shall be made aware of the city's Drug and Alcohol Policy and the effect it will have on them. A notification letter (See Attachment III) and a copy of the policy shall be given to each employee. Each employee shall sign and date a confirmation of receipt. (See Attachment IV.) Additionally, the policy shall be communicated by the following:</p> <ol style="list-style-type: none">1. Orientation sessions;<ol style="list-style-type: none">a. With the acceptance by council of this policy, each department head shall meet with his employees for the purpose to discuss and	<p>outline the drug and alcohol policy. Each employee shall sign a letter of acknowledgment in the presence of the department head after said meeting. This letter shall be kept on file in the Human Resource Office.</p> <ol style="list-style-type: none">2. Personnel Policy and Procedures book;3. Informational material displays posted in each worksite;4. Ongoing dialogue. <p>B. Ongoing awareness program:</p> <ol style="list-style-type: none">1. Ongoing awareness shall be reinforced during training, periodic safety meetings and continuing dialogue between management and employees as well as through displays, bulletin board announcements, and informational pamphlets to serve as reminders and reinforce the key points of the entire policy.2. Implementation of the FTA mandated drug and alcohol program is not subject to bargaining, unless the city chooses not to accept FTA funding. The policy stated herein is subject to technical revisions and/or modification by the Federal government and or changes/revisions by the agency.
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ATTACHMENT I

DRUG AND ALCOHOL POLICY LISTING FOR SAFETY-SENSITIVE JOB FUNCTIONS/TITLES FOR EMPLOYEES AND VOLUNTEERS

1. All employees who are required to possess a commercial driver's license to perform the essential functions of the job are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program.

2. All employees in emergency response departments are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program. These departments include but are not limited to Ambulance, Fire, and Police.

3. All employees in the Gas and Utility Billing/Collections departments are considered to be in safety-sensitive positions and are required to participate in the drug and alcohol testing program.

4. All employees who drive city vehicles and are considered in safety-sensitive positions and are required to participate in the drug and alcohol testing program.

5. Any employee the City of Somerset deems to be performing safety-sensitive functions shall be considered to be in a safety sensitive position and is required to participate in the drug and alcohol testing program.

6. The employees are subject to change at any time by the Department Commissioner and Department Director.

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ATTACHMENT II

PRE-EMPLOYMENT TESTING NOTICE TO APPLICANTS FOR NON-SAFETY AND SAFETY SENSITIVE POSITIONS

YOUR APPLICATION WILL BE CONSIDERED INCOMPLETE IF THIS NOTICE IS NOT SIGNED AND DATED!

I am hereby acknowledging that I will be given pre-employment drug tests. I am aware that employees will not be hired without a clear negative test from the MRO.

Signed: _____

Name _____ Date _____

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FIRST READING: March 24, 2003

SECOND READING: April 14, 2003

APPROVED:

[Signature]

MAYOR

ATTEST:

[Signature]

CITY CLERK

Mr. Beasley moved to approve the above ordinance on its second reading. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Second reading was given the following Ordinance:

ORDINANCE NO. 03-04

AN ORDINANCE TO THE CITY OF SOMERSET, KENTUCKY, AMENDING ORDINANCES NO. 80-3, 91-19, 97-44 & 99-19 AND AMENDMENTS THERETO, REVISING THE CITY'S SCHEDULE OF RATES INCIDENT TO THE COLLECTION AND DISPOSAL OF GARBAGE.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

(I) That Section V, Paragraph (1) and Paragraph (2) be amended to read as follows:

SERVICE CHARGE AND NON-COLLECTION

(1) **Residence:** The rate or charges to each household for collection and disposal of garbage that can be hauled in packer shall be ~~\$4.50~~ **\$3.81** per month. The City Clerk shall bill and collect from householders within the city limits these garbage fees. The responsibility for payment of the fees shall be the property owner. If fees are not paid, service shall be discontinued and all utilities operating on a city franchise within the Somerset city limits shall also be discontinued until such delinquent fees are paid.

(2) **Commercial:** Any commercial establishment operating on a special license to haul garbage will lose said special license by revocation in the event delinquent bills are not paid within thirty days. The collection of garbage from commercial establishments shall be on a volumetric basis, and the rate shall be ~~\$2.50~~ **\$3.64** per cubic yard with a minimum charge of ~~\$12.50~~ **\$13.00** per month. The rate charged for a container such as a 32 gallon garbage can shall be based on the volumetric capacity of the container. For example, a 32 gallon garbage can has a capacity of .16 cubic yards making the charge for such a container the sum of ~~.66~~ **.58** cents. The volume of odd-shaped bundles of trash shall be estimated by the duly appointed representative of the City and his estimate of the volume shall be final.

II. That Section V be amended to add the following:

(8) The fees for collection on containers and dumpsters shall be as follows:

(a) DUMPSTERS

4 YARD	EMPTIED	1 TIME PER MONTH	\$28.08
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(a) DUMPSTERS, continued

4 YARD	EMPTIED	2 TIMES	\$37.44
		4 TIMES	\$66.92
		8 TIMES	\$133.12
6 YARD	EMPTIED	1 TIME PER MONTH	\$36.13
		2 TIMES	\$51.48
		4 TIMES	\$91.20
		8 TIMES	\$174.72
8 YARD	EMPTIED	1 TIME PERMONTH	\$44.18
		2 TIMES	\$51.48
		4 TIMES	\$116.48
		8 TIMES	\$232.96
		12 TIMES	\$349.44
		20 TIMES	\$582.40
		24 TIMES	\$698.88

(b) ROLL-OFF CONTAINERS

20 YARD PER EMPTY	\$250.00
30 YARD PER EMPTY	\$338.00

(c) CLOSED CONTAINERS SHALL BE CHARGED \$150.00 PLUS \$26.75 PER TON

(d) PRICING FOR SPECIAL WASTE AND INDUSTRIAL WASTE MATERIALS WILL BE DETERMINED BY SANITATION DEPARTMENT MANAGER DEPENDING ON SPECIAL HANDLING AND LANDFILL COST.

(3) All Ordinances or charges in conflict herewith are hereby repealed.

(4) This Ordinance shall take effect from and upon its passage and approval as required by law.

FIRST READING: March 24, 2003

SECOND READING: April 17, 2003

APPROVED: [Signature]
MAYOR

ATTEST: [Signature]
CITY CLERK

Mr. Floyd moved to approve the above ordinance on its second reading. Mrs. Norfleet seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Mr. Floyd moved to approve recommendation to hire Kris Lowry as an administrative consultant for the Scattered Housing Home Site Project. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Mr. Burnett moved to refund the following amount paid on 2002 taxes: Verda Neal, 207 Hamilton Ave, Somerset, KY, in the amount of \$55.71 for a homestead exemption. Mr. Owens seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

City of Somerset

400 East M. Vernon Street
P.O. Box 808
SOMERSET, KENTUCKY 42502
(606) 678-4300
(606) 678-2481 (FAX)

JP Wiles
Mayor

David Gossney
City Clerk

March 27, 2003

Somerset City Council
City Hall
400 E. M. Vernon Street
Somerset, Kentucky 42501

Dear Councilmembers:

I am writing in behalf of Verda Neal, 207 Hamilton Ave, Somerset, KY, who is requesting a refund on their previously paid 2002 City taxes. Mr. T.W. Todd, Property Valuation Administrator, has issued a credit slip for a Homestead exemption in the amount of \$26,800. The amount of refund due is \$55.71. Thank you.

Sincerely,
[Signature]
David Gossney
City Clerk

To: DAVID GOSSEY, School Tax Collector

Credit: [Signature]

Address: 207 Hamilton Ave

\$ 55.71 Real Estate Personal

VALUATION

Who has been assessed for Somerset City School Taxes for the year 2002

The reason for this credit is: Homestead


Date: 3/27/03 By: [Signature]
Dan Wootton, TVA

Equal Opportunity Employer M/F/D (606) 678-4176 (TDD)

Mr. Bourne moved to refund the following amount paid on 2002 taxes: New Life Industries Inc, Somerset, KY, in the amount of \$615.71 for an amended return sent in by taxpayer-per KRC exemption. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

City of Somerset

400 East M. Vernon Street
P.O. Box 950
SOMERSET, KENTUCKY 42502
(606) 678-6386
(606) 796-2451 (Fax)



JP Willis
Mayor


David Godfrey
City Clerk

March 27, 2003

Somerset City Council
City Hall
400 E. Mt. Vernon Street
Somerset, Kentucky 42501

Dear Councilmembers:

I am writing in behalf of New Life Industries Inc., Somerset, KY, who is requesting a refund on their previously paid 2002 City taxes. Mr. T. W. Todd, Property Valuation Administrator, has issued a credit slip for an amended return and in by taxpayer per KRC exemption in the amount of \$210,822. The amount of refund due is \$612.71. Thank you.

Sincerely,

David Godfrey
City Clerk

4139860

To: DAVID GODFREY, School Tax Collector

Credit: New Life Industries

Address: P.O. Box 950 Somerset, KY 42502

Real Estate: 210822 Principal

VALUATION

who has been assessed for Somerset City School Taxes for the year 1970-2

The request for this credit was Amended return

and no longer payable

Date: JAN 13 By: T.W. Todd

Equal Opportunity Employer MFO 9003678 3176 (TOD)

First reading was given the following Ordinance:

ORDINANCE NO. 03- 05

AN ORDINANCE ANNEXING A BOUNDARY OF REAL ESTATE TO THE CITY OF SOMERSET, KENTUCKY.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET, KENTUCKY:

That the City of Somerset, Kentucky, does hereby annex to the City of Somerset, Kentucky, the following boundary of unincorporated territory which is adjacent to property now contained in the City Limits.

All that certain tract or parcel of land situate, lying and being in Pulaski County, Kentucky, more particularly described as follows:

BEGINNING at a point in the common property line between the property of the Grantor and Lear-Siegler, Inc., said point being marked with a concrete marker and being located North 86 deg. 11' West, 181.3 feet from a point in the center line of the existing main track of Grantor, running between Chattanooga and Cincinnati, which said point in the centerline is intersected by said common property line projected eastwardly; and from said beginning point run thence North 86 deg. 11' West, along said common property line, a distance of 1,968.4 feet, more or less, to a point in the easterly boundary of the right of way of Kentucky Highway No. 1247, said point being marked by a concrete marker; thence in a southeasterly direction along said easterly boundary of said right of way for said Kentucky Highway No. 1247 the following courses and distances: South 7 deg. 25' East 61 feet; thence South 16 deg. 47' East 65.2 feet; thence South 26 deg. 37' East, 100 feet to a concrete right of way marker; thence South 33 deg. 28' East, 100 feet to a concrete right of way marker; thence South 36 deg. 55' East 47.2 feet to a concrete right of way marker; thence South 36 deg. 54' East, 200.5 feet to a concrete right of way marker; thence South 41 deg. 36' East, 504 feet to a concrete right of way marker; thence South 45 deg. 55' East, 113.7 feet to a concrete right of way marker; thence South 19 deg. 50' East, 223.8 feet to a concrete right of way marker; thence South 2 deg. 15' West 219.4 feet to a concrete right of way marker; thence South 8 deg. 05' West, 194.8 feet to a concrete right of way marker; thence South 15 deg. 40' West 42.9 feet to a concrete right of way marker; thence South 18 deg. 35' West 33.6 feet to a concrete right of way marker; thence North 79 deg. 50' East, along the southerly boundary of property of Grantor, 1,190.2 feet, more or less, to a point marked by concrete marker with steel pin set in fence corner, thence South 10 deg. 06' East, crossing said Kentucky Highway No. 1247, a distance of 1,170 feet; thence North

65 deg. 24' East, 51.6 feet; thence North 10 deg. 06' West crossing said Kentucky Highway No. 1247, 1,196.2 feet more or less, to a point marked by a concrete marker; thence North 37 deg. West 63 feet to a point marked by a concrete marker; thence North 3 deg. 49' East, 1,211.6 feet, more or less, to the point or place of beginning, containing 49.7609 acres, more or less, and being located substantially as shown delineated in red on print of Drawing No. 6-661, dated May, 1970;

TOGETHER with the privileges and appurtenances to the same belonging;

This conveyance is made SUBJECT, however, to such right as Kentucky State Highway Department or other public authority may have in and to the portion of the aforescribed premises containing 0.2009 acres of land for right of way for public road or highway purposes, located as shown outlined in green on said print

LESS AND EXCEPT so much of the foregoing as was conveyed to the Commonwealth of Kentucky by Instrument dated September 3, 1991 of record in Road Book 18, Page 110 in the Office of the Clerk of Pulaski County, Kentucky.

Being the same property conveyed to Somerset Pulaski County Development Holdings, LLC, from Tecumseh Products Company, by Quitclaim Deed dated February 28, 2003, as recorded in Deed Book 712, Page 483, Pulaski County Court Clerk's Office, Kentucky.

The above described property is to be zoned _____

FIRST READING: _____

SECOND READING: _____

APPROVED: _____

MAYOR

ATTEST: _____

CITY CLERK

First reading: April 14, 2003

Mr. Bourne moved to approve the above ordinance on its first reading. Mr. New seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.


Mr. Floyd moved to approve the request by KET2 to transmit its programs on our government channel 3. KET2 has a broad spectrum of programming for all ages, and a wide variety of how-to programs. KET2 will use the channel exclusively until the government needs to use it. Mr. Wheeldon seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Council Member Clarence Floyd announced that Clear Channel Somerset will be holding a "United We Stand" rally at Fountain Square 6pm Monday, April 21. Mr. Floyd moved to request that traffic near the square be blocked off for the event. Mr. Beasley seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

Mr. Burnett moved to recognize Assistant Chief Skip Norfleet on recently being voted in as president of the Lake Cumberland Firefighters Association. This is a regional association of the Kentucky Firefighters Association. His responsibility will be to direct our region in areas of training, education, and other issues which effects fire departments within our region. Lieutenant Rudy Garrett was also recognized for successfully attaining his certification as a Critical Care Paramedic. This certification enhances a paramedics training in areas such as advanced airway management, ventilator management, and advanced IV monitoring. It is the second class ever held in Kentucky and Lt. Garrett becomes one of only forty Critical Care Paramedics in the state. Mr. Owens seconded the motion. Upon roll call the following Council Members voted "Aye": Mr. Wheeldon, Mr. Beasley, Mr. Girdler, Mr. New, Mrs. Hunley, Mr. Minton, Mr. Owens, Mr. Bourne, Mr. Burnett, Mrs. Dugger, Mrs. Norfleet, and Mr. Floyd.

There being no further business the meeting adjourned.

ATTEST:  CITY CLERK

APPROVED  MAYOR