The Owensboro Metropolitan Planning Commission met in regular session at 5:30 p.m. on Thursday, June 12, 2014, at City Hall, Commission Chambers, Owensboro, Kentucky, and the proceedings were as follows:

MEMBERS PRESENT:  Ward Pedley, Chairman
Fred Reeves, Vice Chairman
David Appleby, Secretary
Gary Noffsinger, Director
Terra Knight, Attorney
John Kazlauskas
Larry Boswell
Beverly McEnroe
Irvin Rogers
Larry Moore

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CHAIRMAN:  Call the Owensboro Metropolitan Planning Commission June 12, 2014 meeting to order. We will begin our meeting with a prayer and pledge of allegiance to the flag. Mr. Howard will lead us. Will you stand please.

(INVOCATION AND PLEDGE OF ALLEGIANCE.)

CHAIRMAN:  Like to welcome everyone. Anyone wishing to speak on any item may do so. We welcome your comments and questions. We ask you to come to one of the podiums and state your name and be sworn in.

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With that the first item on the agenda is to consider the minutes of the May 8, 2014 meeting. Commissioners, you have a copy of the minutes in your packets. Are there any additions or corrections?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. KAZLAUSKAS: Make a motion the minutes be approved.

CHAIRMAN: We have a motion for approval.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item.

MR. NOFFSINGER: Under General Business, Zoning Changes, Mr. Chairman, Items 3, 3A and 3B, the applicant has requested postponement. You would need to act on the postponement for those items.

There was an error in the notification that was prepared by the applicant. The letters went out. There were some errors. Our legal counsel has advised that the item be postponed until our July 10th meeting.
so that renotification to the adjoining property owners can be made. The applicant has agreed to that and has requested the postponement. I believe there are probably folks out in the audience that came tonight wishing to speak, but Staff would recommend that if we're going to postpone this item that we not hear any testimony. It be postponed and come back to the July 10th meeting, same time and place.

CHAIRMAN: We postpone this item in unison or individually?

MS. KNIGHT: Well, the others are related. If we can postpone them individually, I think that's fine. It wouldn't do any good to address 3A and 3B without first addressing the zoning change in Item 3. Yes, it would be more appropriate to postpone them by an individual vote.

CHAIRMAN: We need to address them individually?

MS. KNIGHT: Yes.

CHAIRMAN: I need a motion to postpone on Item 3.

MR. APPLEBY: Move to postpone.

MR. BOSWELL: Second.

CHAIRMAN: We have a motion and a second. All in favor of the motion raise your right hand.
(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Now, I need a motion on 3A.

MR. APPLEBY: Move to postpone.

CHAIRMAN: We have a motion to postpone.

MR. KAZLAUSKAS: Second.

CHAIRMAN: We have a second. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Now have we have 3B. Need a motion to postpone.

MR. BOSWELL: Motion to postpone.

CHAIRMAN: We have a motion to postpone 3B.

MS. McENROE: Second.

CHAIRMAN: We have a second. All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item, please.

Zoning Changes:

ITEM 4

Portion of 5850-6000 Blks Hayden Bridge Road, 8.000+/- acres
Consider zoning change: From EX-1 Coal Mining to A-R Rural
Applicant: Thomas R. & Debra T. Osborne

MS. KNIGHT: State your name for the record.
MS. EVANS: Melissa Evans.

(MELISSA EVANS SWORN BY ATTORNEY.)

MS. EVANS: I would like to state first of all that all rezonings heard here tonight will become final 21 days after the meeting date unless an appeal is filed. If an appeal is filed, the minutes and the transcript will be forwarded to the appropriate legislative body for final action. The appeal forms are located on our website, in our office and on the back table.

PLANNING STAFF RECOMMENDATIONS

The Planning Staff recommends approval subject to the condition and findings of fact that follow:

CONDITION:

Approval of a minor subdivision plat dividing and consolidating the property.

FINDINGS OF FACT:

1. Staff recommends approval because the proposal is in compliance with the community's adopted Comprehensive Plan;

2. The subject property is located in a Rural Maintenance Plan Area, where rural large-lot residential uses are appropriate in limited locations;

3. The subject property will have access to Horrell Road with no new roads proposed;
4. Strip-mining activity never took place on the property; and,

5. The Owensboro Metropolitan Zoning Ordinance Article 12a.31 requires that property shall revert to its original zoning classification after mining.

MS. EVANS: We would like to enter the Staff Report into the record as Exhibit A.

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Commissioners, do you have any comments or questions on this application?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. ROGERS: Motion for approval based on Planning Staff Recommendation with the one condition and Findings of Facts 1 through 5.

CHAIRMAN: We have a motion for approval by Mr. Rogers.

MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. Comments or questions on the motion?

(NO RESPONSE)
CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Combined Development Plans/Major Subdivisions

ITEM 5

Brownwood Oaks, Section 2, 10.532 acres
Consider approval of combined final development plan/major subdivision preliminary plat.
Applicant: Wells & Wells Builders

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff and it's found to be in order. The use is consistent with the adopted comprehensive plan, the adopted zoning ordinance and subdivision regulations and it's ready for your consideration.

CHAIRMAN: Anyone here representing the applicant?

APPLICANT REP: Yes.

CHAIRMAN: Commissioners, do you have any comments or questions on the application?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. REEVES: Motion for approval.

CHAIRMAN: We have a motion for approval by
Mr. Reeves.

MR. BOSWELL: Second.

CHAIRMAN: Second by Mr. Boswell. Comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item, please.

Major Subdivision Preliminary Plats

ITEM 6

Wynthrop Hall, 9.107 acres (Postponed at the May 8, 2014 Meeting)
Consider approval of major subdivision preliminary plat.
Applicant: Paul Martin Builders, Inc.; Goetz Real Estate, LLC

MR. NOFFSINGER: Mr. Chairman, this plan has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. The use is consistent with the adopted comprehensive plan, the adopted subdivision regulations and the zoning ordinance, and it's ready for your consideration.

CHAIRMAN: Anyone here representing the applicant?

MR. MARTIN: Yes.
CHAIRMAN: Commissioners, do you have any comments or questions on this application?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. MOORE: Move to approve.

CHAIRMAN: We have a motion for approval by Mr. Moore.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. Comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item.

Minor Subdivision Plats

ITEM 7

10653, 10661 Old Leitchfield Road, 21.735 acres
Consider approval of minor subdivision plat.
Applicant: Cody & Norma J. Evans

MR. NOFFSINGER: Mr. Chairman, this plat has been reviewed by the Planning Staff and Engineering Staff. It's found to be in order. Its use is consistent with the underlying zoning; however, it
comes to you as an exception to the subdivision regulations in that the lots do not conform to the 3 to 1 depth to width ratio. However, there are two existing lots there that appear to not be conforming to those ratios. The end result is two lots. Really it's a reconfiguration of what's there and takes into account an existing home that's located on the property. With that it's ready for your consideration.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Commissioners, have any comments or questions on the application?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. ROGERS: Motion for approval.

CHAIRMAN: We have a motion for approval by Mr. Rogers.

MS. McENROE: Second.

CHAIRMAN: We have a second by Ms. McEnroe.

Comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise
your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

ITEM 8

5400 Highway 81, 3.377 acres
Consider approval of minor subdivision plat.
Applicant: Lawrence A. Krampe, et al.

MR. NOFFSINGER: Mr. Chairman, this plat has
been reviewed by the Planning Staff and Engineering
Staff. It's found to be in order. It does come to
you as an exception to the subdivision regulations and
Brian Howard is here to describe what those exceptions
are.

MS. KNIGHT: State your name for the record,
please.

MR. HOWARD: Brian Howard.

(BRIAN HOWARD SWORN BY ATTORNEY.)

MR. HOWARD: There is an existing home on the
parcel that they are creating the tract around. Their
goal is to create that for, I believe, financing
purposes. It's well off the road. In order for it to
meet the 3 to 1 requirement, it would have required a
significant amount of road frontage. So they've
created a plat showing this parcel around an existing
home. They noted on the plat that this parcel and the
remainder of the parent parcel will not be further
subdivided unless it meets the requirements of the subdivision regulations.

So with that, with the fact that they're creating around an existing home, we would recommend that you consider it for approval.

CHAIRMAN: Anyone here representing the applicant?

(NO RESPONSE)

CHAIRMAN: Commissioners, you have any comments or questions on the application?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a motion.

MR. BOSWELL: Motion for approval.

CHAIRMAN: We have a motion for approval by Mr. Boswell.

MR. REEVES: Second.

CHAIRMAN: Second by Mr. Reeves. Comments or questions on the motion?

(NO RESPONSE)

CHAIRMAN: All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item, please.
ITEM 9

Subcommittee on Bylaws and Personnel Policy
Presentation on Amended OMPC Personnel Policy.

CHAIRMEN: John Kazlauskas was the chairman on
this and there's been a lot of work put into it. I
think he's ready to do a presentation.

MR. KAZLAUSKAS: Thank you, Mr. Chairman.

First of all, I would like to say thank you to
the committee members that worked on this committee
over the winter. We had several meetings starting I
believe in January. Mr. Boswell, Mr. Fred Reeves, the
Chairman, Mr. Ward, Gary Noffsinger, and we had
several of the staff members help us along the way.

Over the winter I think the committee did a
significant amount of work and addressed some issues
that really needed to be addressed, that hadn't been
addressed in years.

Hopefully everybody has had the opportunity to
review the personnel policy. There were many changes
that the committee felt needed to be made, but
primarily there were three major changes that the
committee felt that were really pertinent.

The first was the Code of Employee Conduct,
which turned out to be a brand new chapter which was
lacking over the past several years. That code of

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conduct of merit, the code of conduct from the City of Owensboro, and we used the City of Owensboro's code of conduct as a guide. The city personnel director and staff, Ms. Daniel Woodward, has done an excellent job over the years. The staff and the committee reviewed that and felt that that employee code of conduct would work very well with OMPC employees.

The second part of that that correlates with the code of conduct would be the disciplinary procedures. Of course, the disciplinary procedures fall very heavily on those supervisors and the managers, but once that code of conduct came into being those supervisors and managers assumed additional responsibilities when they oversee the day-to-day operations of their employees.

Then the third and most important thing that the committee recommended was that since its inception OMPC director and all employees have been at-will employees. As far as I know, the only government agency within Daviess County that follow that criteria of at-will employee. So we suggested that we follow the disciplinary procedure, code of conduct and that the at-will employee section be taken out and that the employees would have the opportunity to serve and be employed just like any other employee within Owensboro.
and Daviess County. We felt this was needed. Employees need protection. I for one was kind of surprised when I came on board that this hadn't been addressed previously.

So that's why it's important that we have the code of conduct, that we have the disciplinary procedure in place, once we made the decision that the employees are not at-will employees any more.

There are several other changes, too numerous to mention, through the policy. It's quite a long policy, but those were the major changes.

If any of commissioners have any questions, I'll be glad to try to answer them. If I can't answer them, one of the committee members may be able to I'm sure.

CHAIRMAN: Commissioners, anyone have any questions of Mr. Kazlauskas?

(NO RESPONSE)

CHAIRMAN: Any comments on the bylaws?

MR. NOFFSINGER: I do.

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: Mr. Chairman, if I might add, if these personnel policies are adopted here tonight, these policies will be given to each of the employees. They will be expected to read those policies and also
sign off that they have read and agree to and understand these policies.

At the August Planning Commission meeting, it's my intent to bring each of the employees of the OMPC to the full commission and have them considered as regular full-time employees consistent with what you're getting ready to consider for adoption. So if they would all be here, they would receive a recommendation and you would vote as to whether or not to retain them as regular employees.

CHAIRMAN: Anyone else have any comments?

(NO RESPONSE)

CHAIRMAN: I would like to thank everyone on the committee. Mr. John Kazlauskas has done a great job, and Mr. Fred Reeves and Larry Boswell.

I would like to thank Mr. Noffsinger for his input. He attended all the meetings and was very, very, very helpful.

I would also like to thank Brian Howard for taking the minutes. He did a great job on that. Almost word for word.

I just want to thank everyone. It's good to have this.

I think the next thing would be to approve the personnel policies.
MR. APPLEBY: Fred, did you have a comment?

MR. REEVES: I wanted to also thank Terra for the ordinate amount of work she put in. We're more than getting our money's worth out of our counsel, if you don't realize that. She's being highly underpaid right now.

MS. KNIGHT: Thank you, Fred.

CHAIRMAN: I want to thank you too.

I think the next thing would be to approve the personnel policy. I think we will be in order for a motion to approve the personnel policy.

MR. ROGERS: Mr. Chairman, I make a motion to approve the personnel policy.

CHAIRMAN: We have a motion for approval.

MR. APPLEBY: Second.

CHAIRMAN: We have a second by Mr. Appleby.

All in favor of the motion raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous. The personnel policy is approved.

ITEM 10
Consider approval of April 2014 financial statements

MR. NOFFSINGER: Mr. Chairman, each member has been mailed a copy of the financial statements. I do apologize, they did go out a little bit late. I hope
you had time to review them, but they are ready for
your consideration.

CHAIRMAN: Any comments or questions on the
financial statement?

(NO RESPONSE)

CHAIRMAN: If not the chair is ready for a
motion.

MR. KAZLAUSKAS: Make a motion that the
financial statement be approved.

CHAIRMAN: We have a motion by Mr. Kazlauskas.

MR. APPLEBY: Second.

CHAIRMAN: Second by Mr. Appleby. All in
favor of the motion raise your right.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: Motion carries unanimous.

Next item.

ITEM 11

Comments by the Chairman

CHAIRMAN: It looks like I just have two short
things.

One is I put in the packet the search
committee for a director, the minutes of our first
meeting. We have also had a second meeting. I didn't
put that in because we haven't had a third meeting to
approve the second. So I did not include that. Our
next meeting will be next Friday, June 20th. The committee will start reviewing the applications and the resumes. After that then we will be coming back, the committee is wanting to come back in July. We will probably narrow it down to maybe two or three. Then bring it before the full commission maybe for a work session in July. Then in August we will be voting on our new director.

Terra, if you want to bring us up on the application or should you not bring it up at this point.

MS. KNIGHT: I will just say we received several and, like you say, the committee will meet on the 20th to review those, the ones we have received and go from there. The deadline to submit applications was June 10th so that's closed down.

CHAIRMAN: That's all I have on the search committee.

The next is the work session for the mayor's committee. We had two work sessions. We will be going before the city commission July 1st. It's a regular city commission meeting to give our presentations of our ideas and findings and our recommendation on the mayor's committee, the 18 items. I thought we had two real good meetings. I encourage
all of you to be there. July 1 we will be going to the mayor and the commission for a presentation.

MR. APPLEBY: What time is that meeting, Ward?

CHAIRMAN: It's regular 5 or 5:30, the City Commission.

MR. NOFFSINGER: 5:00.

CHAIRMAN: 5:00.

I think Brian Howard is working on the presentation for us, a power point presentation, and Mr. Reeves is working with him.

MR. REEVES: I showed up. I didn't do much work.

CHAIRMAN: I think we will be well prepared to do the presentation. We say 15, 20 minutes will be sufficient for us to do our presentation.

One other thing, I brought it up too. At our last meeting I made the suggestion that we get the minutes of our two work sessions out to the mayor and the commissioners so they can review them prior to us. I believe Mr. Kazlauskas made the statement that he probably thought that might not be a good thing to do. Also, talking to Mr. Reeves and he agrees, that we probably should not do that. So that is open for any discussion.

Any of the commissioners have any thoughts or
ideas to make a decision on whether or not to do that.
I'm open up for discussion on that issue. You were
all there. You all had input. Do you want it or do
you not want it? Now is the time to decide if we want
to get the minutes of the two work sessions to the
mayor and the city commissioners before we do our
presentation. Any comments or discussion on that?

MR. APPLEBY: I think I agree with John. I
think I would rather just wait until we got our
presentation prepared, we've had a chance to go over
it, and present it at the meeting.

CHAIRMAN: That's what I want to hear. Anyone
else? Are you in agreement with that?

MR. BOSWELL: I'm in agreement. I think
that's how we should proceed.

CHAIRMAN: Okay. So we won't present our
minutes before we do our presentation. Okay.

MR. KAZLAUSKAS: Mr. Chairman, are we going to
have the opportunity, we don't have to be together to
do it, but those that are interested, would they have
the opportunity to review the presentation before it's
made at city hall on the 1st, those commission members
that might want to review what's going to be said?

CHAIRMAN: Commissioners, do you have any
thoughts? Would you like to review the presentation
before we present it?

MR. APPLEBY: I would.

MR. REEVES: I would like to comment on that.

I think Mr. Howard has to have that information to Beth by the 25th. So maybe when he sends it to Beth he could send it to the OMPC commissioners. That would give everybody a week to look at it.

CHAIRMAN: So get it out to the commissioners. Not have a meeting, but just get it out.

MR. KAZLAUSKAS: Yes. Just where everybody knows what -- I agree. I suggest that any commissioners that is available and can make it, I think we all really need to be there. Where each commissioner actually knows what's going to be presented. You know, there might be an opportunity if a commissioner wants to reenforce something in the presentation, maybe the commissioner might want to get up and speak. Who knows.

CHAIRMAN: I've asked Mr. Howard and Mr. Reeves to meet with me and go over this. We'll get it out to everyone before the July 1 meeting. Is that what you're asking for?

That's all I have on that.

ITEM 12
Comments by the Planning Commissioners

CHAIRMAN: Anyone have any comments?

MR. BOSWELL: I have one. I want to reenforce what was said earlier. I thought that Commissioner Kazlauskas did an outstanding job on the personnel policy review. Had some very good questions, some thought provoking questions. I think that he did an outstanding job. I enjoyed being in that committee. We all learned something. We did.

CHAIRMAN: Anyone else?

(NO RESPONSE)

ITEM 13

Comments by the Director

CHAIRMAN: Mr. Noffsinger.

MR. NOFFSINGER: The only thing I have is that on August 20th there will be a training session. It most likely will be at the Home Builder's Association.

MR. HOWARD: No.

MR. NOFFSINGER: Excuse me, there will a training seminar. I will let Brian Howard describe that.

MR. HOWARD: Gary and I coordinate with them on the location. I think for this year's training they're trying to look at a downtown location. So they may be looking at the Hampton or the Convention
Center to have a more urban field for their meeting location.

MR. NOFFSINGER: Somewhere please plan to keep your calendar open for August 20th. That will be the Kentucky League of Cities Planning House Bill 55 Training Seminar. I would think that those of you that are new to the Board of Adjustment and the Planning Commission you should attend. Because we had several attend last year and what they talk about are planning issues and planning legislation, court cases pertinent only to the State of Kentucky. If you haven't been through a session like that, you should go.

I know Ward and Fred and John, you all attended last year. Dave attended. You probably don't need to repeat that this year, but those of you that haven't been please plan to attend.

Also, any elected official that is interested I think it would be very educational for them to attend. Certainly the Planning Commission would do, as we have done in the past, we would pay your way. I would like to open it up to any candidate that is running for election, that they consider attending this training seminar because there's a lot of talk about planning and zoning and we have a lot of folks
out there that believe they have the right answers and
know what can and can't be done, but until you
actually study and go through and really seek to learn
about planning and zoning, what the state requires or
doesn't require, then you can really be surprised.

Anyone that has any interest, please let us
know and we will see that you get signed up.

MR. REEVES: Is David Pike doing that?

MR. NOFFSINGER: David Pike is.

MR. REEVES: I would just tell everybody here
that it was excellent. I learned probably as much
there as anywhere I've been trained. Highly recommend
you do it.

MR. BOSWELL: I do have a few questions around
that. Do we have a time on that at this point?

MR. NOFFSINGER: Generally they start about 8
in the morning and go to about 4 in afternoon. Lunch
is provided.

MR. BOSWELL: The other question is: If it's
a house bill, are you able to look it up on the KLC
website?

MR. NOFFSINGER: House Bill 55 is the required
8-hours that commissioners are supposed to get every
two years. So they call it the KLC, Kentucky Legal
Cities House Bill 55 Training, but it will not be on
specifically House Bill 55. It's going to be about planning, case law, recent court cases. Just the fundamentals of planning and zoning in the State of Kentucky.

MR. BOSWELL: Thank you.

CHAIRMAN: Anyone else?

(NO RESPONSE)

CHAIRMAN: If not we're ready for a motion to adjourn.

MR. BOSWELL: Motion to adjourn.

CHAIRMAN: Motion to adjourn.

MR. APPLEBY: Second.

CHAIRMAN: We have a second. All in favor raise your right hand.

(ALL BOARD MEMBERS PRESENT RESPONDED AYE.)

CHAIRMAN: We are adjourned.

(Meeting ends at 6:00 p.m.)

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STATE OF KENTUCKY )
)SS: REPORTER'S CERTIFICATE
COUNTY OF DAVIESS )

   I, LYNETTE KOLLER FUCHS, Notary Public in and
   for the State of Kentucky at Large, do hereby certify
   that the foregoing Owensboro Metropolitan Planning
   Commission meeting was held at the time and place as
   stated in the caption to the foregoing proceedings;
   that each person commenting on issues under discussion
   were duly sworn before testifying; that the Board
   members present were as stated in the caption; that
   said proceedings were taken by me in stenotype and
   electronically recorded and was thereafter, by me,
   accurately and correctly transcribed into the
   foregoing 26 typewritten pages; and that no signature
   was requested to the foregoing transcript.

   WITNESS my hand and notary seal on this the
   20th day of June, 2014.

   ______________________________
   LYNETTE KOLLER FUCHS
   NOTARY ID 433397
   OHIO VALLEY REPORTING SERVICES
   2200 E. PARRISH AVE, SUITE 106E
   OWENSBORO, KENTUCKY  42303

   COMMISSION EXPIRES:  DECEMBER 16, 2014
   COUNTY OF RESIDENCE:  DAVIESS COUNTY, KENTUCKY

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