

SPENCER COUNTY FISCAL COURT

Fiscal Court Meeting Room
28 East Main Street

Thursday, March 5, 2020

~~7:00 PM~~

6:30 PM

Opening Prayer

- A. Pledge of Allegiance to the U.S. Flag
- B. Call to Order
- C. Roll Call by the County Clerk
- D. Communication from Citizens
- E. Termination of the employment of Spencer County Animal Control Officer David Wood
- F. Adjournment

SPENCER COUNTY FISCAL COURT
SPECIAL CALLED MEETING
THURSDAY, MARCH 5, 2020, 6:00 PM
FISCAL COURT MEETING ROOM
28 EAST MAIN STREET
MINUTES

Opening prayer

A. Pledge of allegiance to the U.S. flag

B Call to order

The meeting was called to order at 6:00 by Esq. M. Moody

C. Roll call

Roll call by Spencer County Clerk, Lynn Hesselbrock- Judge Riley and Esq. Travis absent.

D. Communications from Citizens

1. Mr. Tommy Lewis came before the Court saying he was the owner of the dog. He said that Mr. Wood told him that when he arrived at the scene, they had to scrape the dog off the road. Mr. Wood said that there was a puddle of blood all the way around the dog and that the dog was mangled up. Mr. Wood had said that the dog had a broken leg, broken ribs and said that there wasn't any help for it. He said that the lady who had called Animal Control also had called him. She had taken pictures of the dog and Mr. Lewis said that the dog didn't look mangled up to him. The dog was alive, and the dog wasn't peeled up off the road. Mr. Lewis told Mr. Wood that he had shot his wife's dog, his son's dog. His wife was 26 weeks pregnant and had been crying every night for the dog. His little boy had been crying every night looking for the dog. He said that Mr. Wood didn't know what he had caused his family. He had caused him a lot of pain, because he (Mr. Wood) liked killing dogs. He said that the dog was a part of their family and that they were crushed. In his family, they loved their animals. He showed a picture of the dog to Mr. Wood and asked if the dog looked to be bleeding badly, mangled up, if the legs were ripped up or skinned up, and Mr. Lewis said they were not. He told Mr. Wood that he had killed his dog for no reason and caused him a lot of pain. He said that they had sat over there and tried to hide it from him and that the Judge was in the middle of it. The Judge had said that Mr. Woods was a good guy and wouldn't do nothing to a dog like that and that the dog had to be in bad shape. Mr. Lewis said that the dog was not in bad shape and that there were people who were willing to get help for the dog and that they knew this when they came in the office to do their job. He said if they couldn't do their job, they shouldn't be in office. He said that Mr. Wood might think it was fun to him, but that it wasn't fun to him (Mr. Lewis). He said that when he had his little boy, he promised to take care of him and protect him from anything. He said that this would not go away tomorrow or quit for him, it would go on for a long time. This was a scar for him and his family. He said Mr. Wood had lied to him, and Mr. Wood said that he had never lied to him. Mr. Lewis showed him a picture of his dog, and Mr. Wood said that he wasn't there but he took a report from the officer. Mr. Lewis asked who had shot the dog and Mr. Wood replied that he had shot the dog, and asked Mr. Lewis if he had wanted him to go back and look at the blood first. Mr. Lewis said that Mr. Wood had shot the dog and that there wasn't blood all over the dog.

2. Lawrence Trageser came before the Court.

He said that 4 people had yielded their time to him. Those people were Karen Spencer, Anita Meadors, Missy Gore and Nancy Lewis. He said that he had shown them the pictures and that the dog was alive, alert, so much so that when James Houchens tried to pick the dog up, the dog bit James Houchens. He went on to say that Jennifer Judd had called dispatch, she had found the dog and went to the residence. He said that the house sat close to the road. Judd knocked on the door but no one answered. It was after she was made aware of the situation that she put two and two together and figured out that it was the Lewis' home. He said that he went back to the audio form the Judge's office in which David Wood

said that he did not have time to go to the people's houses and search. Mr. Trageser said that he called that due diligence. He said that Melvin Gore said that you might not hit the house where the dog lived, but you might somebody who knew the owner or where the dog belonged. Mr. Wood didn't do any of that. Mr. Trageser asked for someone to explain to him how James Houchens put the dog in his vehicle and told Ms. Judd that he was taking the dog to Blue Pearl, a 24/7 medical facility. It was expensive. Mr. Trageser told the Court that during the last administration, John Riley had asked the Animal Control Officer who was Melvin Gore, why didn't he shoot a dog that had ringworm. He said that he didn't want to quarantine the dog and go through the expense and trouble. James Houchens told Ms. Judd that he was taking the dog to Blue Pearl and had left. But between the time he left and the time he was going to Blue Pearl, he called David Wood and David Wood said no, and directed him to bring the dog to his home and that he would make the determination. James was young and inexperienced and didn't know or want to get fired, so he did as he was told. He said that David Wood said that they were not going to put the cost on the County. Mr. Trageser said that he knew that because he was listening to the phone conversation. He said that he had called KSP twice and they could check the CAD reports. He said that they could ask Major Tim Montgomery who had responded and was sitting with Mr. Trageser the whole time. Major Montgomery watched Mr. Trageser take the bag out of the dumpster, cut the bag open, find the shotgun shell, find the dog. He examined the dog, took pictures and posted it. He said that the dog was not skinned up, but looked exactly like the pictures he had shown them. He said that they were country boys and that they may take on human being and that they would scream bloody murder when they were hurt, and another one may not. He said that dogs were the same, and the end game was this; there was no way that David Wood knew the extent of the injury of that dog when he shot him with a shot gun. He didn't even have a 22 to shoot him, but blew his head off. He then told David Wood to dump the dog in a dumpster. Mr. Trageser asked why he didn't dump the dog in the dumpster at the Animal Shelter. He went to the Court house. He asked how he knew the type of bag, the color of the towel, the weight of the dog, that his head was blown off, what dumpster, within an hour after it had happened. He said that he might even have video footage of the dog being dumped. He said that he had David Wood on audio saying that they were going to come back the next morning and retrieve the dog and scan him for a chip. Then he changed his story to they were going to get the dog and cremate him. Mr. Trageser said that David Wood said the dog was placed in the dumpster because they were preserving him and that they didn't want any animals to take him away, but when he got there, the top of the dumpster was open and that there were many cats in the City. He said he was an ignorant landscaper but that he wasn't stupid. He said that he was smarter than the County Judge, David Wood, and that he could smell s__t and that's what was being dealt with. He said that it was a cover-up and asked why the Judge wasn't present and where Jim Travis was. He said that those were the two men that had hired David Wood. Mr. Trageser said that he had told the Court not to hire Mr. Wood, that he didn't have any training and that he was a supervisor in a sign shop facility in Frankfort for the DOT. Mr. Trageser said he was going to get the CAD report, the timestamps of the pictures, the phone records and his personnel file from Frankfort. He asked the Court to do their due diligence the next time they hire someone.


3. Mr. John Coats came before the Court. He said that he was representing Mr. Wood and would be speaking on his behalf. He said he would not be as bombastic as some other people might be, he was just going to get to some points on behalf of Mr. Wood. On the night in question, the dog was brought to Mr. Wood's residence, he assessed the injuries to the animal, it appeared that his back half was immobile, that his spine appeared to be snapped, it was not falling in line. He discussed taking the dog to Blue Pearl, which is about an hour away from where he was. There was not a closer facility to seek medical treatment for the animal. Having made the determination that under the circumstances the animal would unnecessarily suffer, Mr. Wood euthanized the dog via gunshot. Under Kentucky statute, as an Animal Control Officer, Mr. Wood is allowed to do so in the case of an animal that has injuries or

physical condition which causes the animal to suffer. The bottom line was, Mr. Wood took no pleasure in having to euthanize the animal. Nobody wants to hurt any animal, a young dog, possibly a pet. Mr. Wood had no information as to the whereabouts of the owners of the dog. There was no identification on the animal. Mr. Wood was simply left in a situation where he had no other choice but to exercise his duty as an Animal Control Officer to put the dog out of its' misery. He understood that Mr. Trageser stood up there and talked about all the evidence that he had, all the audio, camera footage, this that, and the other. This was not a Court of law, and a lot of it was hearsay. Mr. Wood did everything that he was required to do in his position and he made a tough choice, and sometimes tough choices had to be made, especially when you were a public servant.

4. Mychell Lawson came before the Court. She said that she was with Kentucky Animal Action and she was not there to pick on anyone. She said that they had an event earlier in the year where they met with their legislators in Frankfort. When she heard about the situation that had occurred, she wanted to come out and see what is going on and maybe make some suggestions. She said it was her understanding that no laws were broken and she did not know if anyone had malintent. She said that she wanted to reach out and see that some policies and procedures in writing in place for a situation such as this so that there was a protocol to follow. She said that she put herself in the shoes of the dog's owner, that her dogs were her family. She felt that they did not get the opportunity to make the choice and now their family member did not have the chance to have a proper burial or cremation. And they have to live with knowing that their dog was disposed of like trash, and that was very rough to think about. She said she did not know if there was malintent, but that there wasn't a protocol in place for a situation like this, and there should be. She said that needed to be something in place across the entire state of Kentucky, as Kentucky was ranked 47th for animal welfare and protection due to some legislative changes.

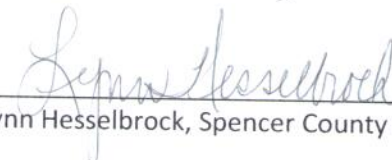
Esq. M. Moody read from the Spencer County Administrative Code, chapter 8, personnel administration, section 2, "interpretation and employee relationship" these policies are intended to provide some guidance on many personnel problems and incidents which may arise. These policies are not an employment contract, unless a statute indicates otherwise. Employment with the County is at-will. This means that employees may terminate their employment at any time for any reason without breaching an employment contract, just as the County can do the same. County employees acquire no property rights in or to their employment with the County. Because these policies are not an employment contract, the County may modify or interpret them at any time.

- Motion made by Esq. Beaverson, to suspend the termination of David Wood, Animal Control Director, until the Court meets in Executive Session per KRS 61.810 (1) (f) for the reason to avoid damage to the reputation of the individual whose actions may lead to termination. Motion seconded by Esq. J. Moody. "ayes" were Esq. Brewer, Esq. M. Moody, Esq. Beaverson and Esq. J. Moody. Judge Riley and Esq. Travis were absent, motion carries.
- Motion made by Esq. Beaverson, seconded by Esq. Brewer, with all members of the Court present voting "aye", except Judge Riley and Esq. Travis who were absent, it is hereby ordered to adjourn this meeting at 6:29 pm.



Esq. M. Moody

3/23/20
Date



Attest: Lynn Hesselbrock, Spencer County Clerk

3-19-2020
Date

