

**HOWARD COUNTY COUNCIL PUBLIC HEARING AND COUNCIL MEETING**  
**FEBRUARY 26, 2019**

The Howard County Council met in a Public Hearing on Tuesday, February 26, 2019, at 4:00 p.m. in Hearing Room 338 of the Howard County Administration Center. Those in attendance included President James Papacek, Vice President Dwight Singer, and Council Members Bryan Alexander, Leslie Fatum, John Roberts and Jeffrey Stout. Also in attendance were County Attorney Alan Wilson and Auditor Martha Lake. Councilman Stanley Ortman was absent.

**MINUTES OF THE PUBLIC MEETING ON A CONFIRMATORY RESOLUTION OF THE**  
**HOWARD COUNTY COUNCIL FOR DESIGNATION OF AN ECONOMIC REVITALIZATION**  
**AREA**

**IN THE MATTER OF RESOLUTION NO. 2019-HCCR-05:**

President James Papacek submitted Resolution No. 2019-HCCR-05, a resolution of the Howard County Council for the Designation of an Economic Revitalization Area.

Commissioner Paul Wyman addressed the Council in regard to the resolution, previously presented to the Board of Commissioners and Mr. Wyman asked that the Council support this resolution. Mr. Wyman stated that Merrill Brothers is a great company who has decided to keep the revitalization project in Howard County. This will offer an opportunity for new jobs and eventually add tax revenue to Howard County. Mr. Wyman thanked Charlie Sparks, Alliance Director, and the Council for their support.

Karson Merrill from Merrill Brothers thanked the Council for their support and stated their desire is to grow the Company and expand in Howard County.

A motion was made by Councilman Stout to approve Resolution No. 2019-HCCR-05 as submitted. The motion was seconded by Councilman Singer and, the motion carried.

There being no further comment, the Public Hearing was adjourned at 4:03 p.m. by Mr. James Papacek.

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**MINUTES OF THE HOWARD COUNTY COUNCIL MEETING**  
**MONDAY, FEBRUARY 26, 2019**

The February regularly scheduled Council Meeting was called to order by Sheriff Jerry Asher at 4:04 p.m. and conducted by President James Papacek.

President Papacek read a poem at the opening of the meeting and led the Pledge of Allegiance. Councilman Singer offered a word of prayer beginning with a request for a few moments of silence to show respect for Beryl J. Grimme, a long-time county employee serving as both Howard County Commissioner and County Surveyor during his tenure.

**IN THE MATTER OF APPROVAL OF MINUTES:**

The minutes of the January 22, 2019 meeting, having been previously submitted and reviewed, were approved on a motion made by Councilwoman Fatum and seconded by Councilman Stout. The motion carried.

**IN THE MATTER OF ORDINANCE NO. 2019-HCCO-05 – ADDITIONAL APPROPRIATIONS FOR 2019:**

Auditor Martha Lake read Ordinance No. 2019-HCCO-05-Additional Appropriations one time, and the ordinance was acted upon as follows:

	<b>Additional Appropriations</b>	<b>Requested</b>	<b>Approved</b>
<b><u>1000</u></b>	<b><u>HOWARD COUNTY GENERAL FUND</u></b>		
0005	Howard County Sheriff's Department		
11727	Major/Chief Deputy	\$71,000.00	\$71,000.00
	Total Sheriff's Dept.:	<u>\$71,000.00</u>	<u>\$71,000.00</u>
0009	Howard County Prosecutor's Office:		
11311	First Deputy to Drug Task Force	\$3991.00	
11803	Criminal Enforcement Clerk	\$2232.00	
	Total Prosecutor's Office:	<u>\$6223.10</u>	Tabled to 3-26-19
0201	Howard County Superior Court I:		
11318	Court Reporter	\$3,450.00	
11414	Asst. Court Reporter (3)	\$10,291.00	
	Total Superior Court I:	<u>\$13,741.00</u>	Motion died
0203	Howard County Superior Court III:		
11806	Clerk/Criminal	\$10.00	\$10.00
	Total Superior Court III:	<u>\$10.00</u>	<u>\$10.00</u>
	Total General Fund:	<u>\$71,010.00</u>	<u>\$71,010.00</u>
<b><u>1169</u></b>	<b><u>HOWARD COUNTY LOCAL ROAD &amp; STREET FUND</u></b>		
23751	Bituminous	\$220,000.00	\$220,000.00
	Total LR&S Fund:	<u>\$220,000.00</u>	<u>\$220,000.00</u>
<b><u>1175</u></b>	<b><u>HOWARD COUNTY MISDEMEANANT GRANT FUND</u></b>		
47210	Equipment (Correction Chairs)	\$17,552.00	\$17,552.00
	Total Misdemeanant Fund:	<u>\$17,552.00</u>	<u>\$17,552.00</u>
<b><u>1176</u></b>	<b><u>HOWARD COUNTY HIGHWAY FUND</u></b>		
23751	Bituminous	\$550,000.00	\$550,000.00
24100	Stone	\$50,000.00	\$50,000.00
	Total Highway Fund:	<u>\$600,000.00</u>	<u>\$600,000.00</u>

<b><u>2523</u></b>	<b><u>COMM. CORRECTIONS WORK RELEASE – PROJ. INC.</u></b>		
26401	Food	\$6,000.00	\$6,000.00
	Total Comm. Corrections WR – Project Income:	<u>\$6,000.00</u>	<u>\$6,000.00</u>

<b>Additional Appropriations</b>		<b>Requested</b>	<b>Approved</b>
<b><u>4930</u></b>	<b><u>HOWARD COUNTY LAW ENFORCEMENT FUND</u></b>		
11311	First Deputy to Drug Task Force	\$4,000.00	
11803	Criminal Enforcement Clerk	\$3,348.00	
15210	FICA	\$600.00	
15220	PERF	\$1,050.00	
	Total Law Enforcement Fund:	<u>\$8,998.00</u>	Tabled to 3-26-19
Total All Funds:		<u>\$943,524.10</u>	<u>\$914,562.00</u>

**SHERIFF:**

President Papacek opened the conversation stating the Sheriff’s account line 1000.11727.000.0005 was tabled at the 2-18-19 Council Meeting. President Papacek stated that this additional appropriation has already gone through PAC and the PAC recommended approving this request.

Councilman Alexander asked if the Sheriff would have two Majors in his employ. Sheriff Asher stated he would have two Captains; however, he had never employed two Majors. Councilman Alexander then asked for clarification stating that he could see there were three Captains in Sheriff Asher’s employ. Sheriff Asher conceded that including Robyn Byers at the Jail, he would in fact, have three Captains.

Councilman Alexander made a motion to approve the additional appropriations for Sheriff’s Major/Chief Deputy position account line 1000.11727.0005.000 in the amount of \$71,000.00. Councilman Roberts seconded the motion and, the motion carried.

Sheriff Asher thanked the Council for approval of the additional appropriations for his department. Although only required every six months, Sheriff Asher submitted to the Council and will continue to submit on a quarterly basis the Jail Commissary report receipts and expenditures.

**SUPRIOR COURT I:**

Judge Menges addressed the council with changes in his court in regard to case management in Odyssey. This new system allows for text messaging defendants five days prior to their hearing dates. Judge Menges stated that he believes this could drastically reduce the warrants filed for “failure to appear in his court”, thereby reducing the inmate population at the Jail.

Judge Menges stated that last fall, he sent a letter to the Council with his intentions to issue a mandate in regard to ordering salary increases for his staff. An informal meeting was held in December with designated members of the Council and the County Attorney to discuss the requested salary increases for Superior Court I staff.

Judge Menges stated that at the time the attrition program started, he had all of the drug cases going through his court which did not allow for a reduction in his staff. Since then, there has been a reallocation

of drug cases which have been redistributed among the courts. Judge Menges did state that the nature of substance abuse disorder is driving the crime where individuals are non-compliant resulting in an inordinate number of petitions to revoke and sanction hearings and other accountability steps required. Judge Menges stated that his employees are working harder, longer hours but getting paid less.

President Papacek did confirm the meeting in December where he and Judge Menges arrived at a figure for salary changes for his three assistant court reporters. The salaries were compared to that of Superior Court II, Superior Court IV and Circuit Court; however, President Papacek stated he was not promising that the Council would approve those figures for additional appropriations. President Papacek also stated that there continues to be a salary difference with Superior Court III. President Papacek did say that the difference in salaries was a direct result of the attrition program. Through the attrition program, a reduction in staff would result in 15% of the salary being redistributed to remaining employees with those remaining employees taking on the additional work.

President Papacek stated that in the past, the Council denied the additional appropriation salary increases due to Superior Court I Judge Menges declining to participate in the county's attrition program.

Councilman Roberts stated that he has always been a big fan of Judge Menges and his services to Howard County, long before he became a Judge. He appreciates him and his staff for their hard work. He stated that the attrition ordinance program is an effective tool whereas employees receive an increase in income. Whether a reduction is by retirement or moving to another position, it is a benefit to the remaining staff and the tax payers. This program is at the disposal of all department heads and he would like to see it used more often, when it can be. The Council is still responsible budget and manage the County funds wisely. Councilman Roberts stated he could not support the additional salary when other offices have not received an increase other than the 3% given across the board during 2019 Budget Meetings.

Judge Menges addressed Councilman Roberts stating that Superior Court I has implemented policies and procedures utilizing technology and productivity measures which makes their Court more efficient than other courts. He has never asked for additional staff; however, there are other expectations upon the Court such as e-filing which puts more on their Court while utilizing the same staff. He stated that Superior Court III is closed during lunch and his office remains open. Superior Court I has continued to work long after 4:00 p.m. to accommodate the caseload. Judge Menges stated that the possibility exists that Superior Court IV may be coming back to the Council for additional staff as they are continually having to work harder due to the increase in filings as well; however, Superior Court IV staff is paid more than Superior Court I staff.

Councilwoman Fatum made a motion for the Council to vote on Judge Menges request for additional appropriations as submitted. The motion was not seconded, and, the motion died.

### **HOWARD SUPERIOR COURT III:**

Auditor Lake addressed the \$10.00 request for additional appropriations as a correction in 2019 initial budget numbers...

Councilman Stout made a motion to approve the request for additional appropriations to correct account line 1000.11806.0203.000 for the amount of \$10.00. Councilman Roberts seconded the motion and, the motion carried.

**HIGHWAY:**

Howard County Engineer/Superintendent Ted Cain addressed the Council stating that the \$600,000.00 being requested would put him pretty much at what he asked for during budget time. The SBOA grossly overestimated the tax dollars that would be received in the MVH fund.

During the new budget for 2020, the gas tax will have to be reported separately thereby creating a new fund. He will need to report and show that at least 50% of the MVH funds are utilized on paving the roads. He has made things as simple as possible in requesting his additional appropriations from easily managed account lines.

Councilman Roberts gave kudos to Mr. Cain and his department, as he had a constituent come to him excited about the great condition of Howard County roads, stating, "They are in better condition than State Road 22".

Councilman Singer made a motion to approve the additional appropriations for the Local Road & Street Fund, Number 1169, account line 23751.0000.000 in the amount of \$220,000.00; and the County Highway Fund Number 1176, in account line 23751.0000.000, in the amount of \$550,000.00, and account line 24100.0000.000 in the amount of \$50,000.00. Mr. Alexander seconded the motion and, the motion carried.

**MISDEMEANANT GRANT:**

Jail Captain, Robyn Byers brought the Council the requested increase in funds for seventeen chairs for the Intake Jail remodel. Captain Byers stated that the approval of the misdemeanor funds would provide for the seventeen industrial chairs being utilized 24 hours per day, seven days per week. The department's chairs are in disrepair and they would like to replace them during this time of upgrade to the facility.

Councilman Roberts made a motion to approve the additional appropriation for the Howard County Misdemeanant Grant Fund Number 1175, account line.47210.000.000 in the sum of \$17,552.00. The motion was seconded by Councilwoman Fatum and, the motion carried.

**COMMUNITY CORRECTIONS WORK RELEASE:**

Community Corrections Work Release Director Brian Day thanked the Sheriff's Department and the Jail for all of their support for the Work Release operation and for providing meals to individuals in the work release program. When the Work Release program was initiated, the department underestimated the individuals on Work Release that would not be working during the day and the meals that would be needed. The Sheriff has accommodated those needs with meals for those individuals from his budget. Community Corrections is asking for the additional appropriations in order to reimburse the Sheriff's department.

Mr. Brian Day stated that currently there are 155 individuals on the In-Home Detention Program. They are providing evidence based services to those individuals. The program is proving to be a success.

Councilman Roberts asked Mr. Day to introduce himself. Mr. Brian Day is the Director for In-Home Detention and works for Community Supervision. He works under the umbrella for Dustin DeLong on grants and budgets. Mr. Day asked Jeremy Lovell a Director for Work Release to speak to the Council in regard to the Work Release and In-Home Detention Program.

Councilman Roberts inquired about the individuals in the program and whether or not they are in educational programs for example, Ivy-Tech. The In-Home and Work Release Programs by statute is required to allow individuals to attend educational programs, medical appointments, two religious events per week, and work related events.

Mr. Lovell stated that there are currently 60 people in the Work Release Program; full capacity would allow for 80 individuals. Approximately 50% of the individuals are desiring a change and working towards success in the program. For the most part, the program has been successful. Jeremy performs the Alcohol and Drug assessments and has been a probation officer for approximately 19 years. These programs provide stability for the individuals in these programs.

Councilwoman Fatum made a motion to approve the additional appropriations for the Community Work Release Fund Number 2523, account 26401.0000.000 in the amount of \$6,000.00. Councilman Singer seconded the motion and, the motion carried.

**IN THE MATTER OR ORDINANCE NO. 2019-HCCR-04 – TRANSFERS:**

Auditor Martha Lake read Ordinance No. 2019-HCCR-04-Transfers one time, and the ordinance was acted upon as follows:

<b>Transfer From</b>	<b>To</b>	<b>Amount</b>	<b>Allowed</b>
<b><u>1000 COUNTY GENERAL FUND</u></b>			
0001 Howard County Clerk’s Office			
11400 2 <sup>nd</sup> Deputy	11300 1 <sup>st</sup> Deputy	\$2,038.00	\$2,038.00
11400 2 <sup>nd</sup> Deputy	11433 2 <sup>nd</sup> Deputy	\$35,914.00	\$35,914.00

**CIRCUIT COURT CLERK:**

Howard County Clerk Debbie Stewart addressed the council stating that the transfers from account 11400 to accounts 11300 and 11433, were funds approved post budget and this will allow for the salary correction in 2019.

Councilman Stout made a motion to approve Ordinance 2019-HCCR-04 – Transfers for the Howard County Clerk’s Office as submitted. The motion was seconded by Councilman Roberts and, the motion carried.

**IN THE MATTER OF ORDINANCE NO. 2019-HCCO-09-AMENDING SALARY ORD. FOR 2019:**

Auditor Martha Lake read Ordinance No. 2019-HCCO-09-Amending Salary Ordinance one time, and the ordinance was acted upon as follows:

<b>Salary Amendments</b>	<b>Requested</b>	<b>Approved</b>
<b><u>1000 HOWARD COUNTY GENERAL FUND</u></b>		
0001 Howard County Clerk’s Office		
11400 2 <sup>nd</sup> Deputy	\$(37,952.00)	\$(37,952.00)
11300 1 <sup>st</sup> Deputy	\$2,038.00	\$2,038.00

11433	2 <sup>nd</sup> Deputy (Effective Jan. 1, 2019)	\$35,914.00	\$35,914.00
0005	Howard County Sheriff's Department		
11727	Major/Chief Deputy (Effective Jan. 1, 2019) <b>Salary Amendments</b>	<b>\$71,000.00</b>	<b>\$71,000.00</b>
		<b>Requested</b>	<b>Approved</b>
0009	Howard County Prosecutor's Office		
11311	First Deputy to Prosecutor	\$3991.10	Tabled to 3-26-19
11803	Criminal Enforcement Clerk (Effective Jan. 1, 2019)	\$2232.00	Tabled to 3-26-19
0201	Howard County Superior Court I		
11318	Court Reporter	\$3,450.00	Denied
11414	Asist. Court Reporter (3) (Effective Jan. 1, 2019)	\$10,291.00	Denied
0203	Howard County Superior Court III		
11806	Clerk/Criminal (Effective Jan. 1, 2019)	\$10.00	\$10.00
4930	Howard County Enforcement Fund		
11311	First Deputy to Drug Task Force	\$4,000.00	Tabled to 3-26-19
11803	Criminal Enforcement Clerk	\$3,348.00	Tabled to 3-26-19
15210	FICA	\$600.00	Tabled to 3-26-19
15220	PERF (Effective Jan. 1, 2019)	\$1,050.00	Tabled to 3-26-19

Councilman Singer made a motion to approve the Salary Ordinance 2019-HCCO-09 as read. Councilman Roberts seconded the motion and, the motion carried.

**IN THE MATTER OF NEW BUSINESS:**

**COUNTY ASSESSOR:**

County Assessor Mindy Heady asked the Council to accept the 2019 nominations for re-appointment to the PTABOA board as presented. Mindy Heady will bring the documents to the next meeting for signatures.

<b>Name</b>	<b>Board</b>	<b>Nomination</b>	<b>Action</b>
Mark Hornstein	PTABOA	Reappointment	Accepted
Susan Woolley	PTABOA	Reappointment	Accepted
Linda Koontz	PTABOA	Reappointment	Accepted

Councilwoman Fatum made a motion to approve the reappointment of the PTABOA Board members as submitted. The motion was seconded by Councilman Alexander and, the motion carried.

**AUDITOR:**

**Encumbrances:** Auditor Martha Lake read from and submitted the 2018/2019 Encumbrances to the Council. The county was under the proposed figures in the general fund for expenditure in 2018.

**Annual Report:** Auditor Lake stated that the annual report has been completed for 2018 and submitted the report to the Council. The department heads and elected officials have done an outstanding job in taking care of the tax-payers with the reduction of costs and expenditures in 2018.

**Budgets:** Auditor Lake submitted the 2019 Adopted Budget Report to the Council.

**Salary Ordinance:** Auditor Lake submitted the Salary Ordinance and stated that all department head are welcome to a copy. Auditor Lake stated that the attrition program has been successful.

Auditor Lake discussed the audit with the SBOA where the Salary Ordinance was discussed. The interpretation by the SBOA was that the salary ordinance reflected the actual salary that each individual was required to be paid. Auditor Lake stated that the Salary Ordinance was designed with those figures being the maximum salary an individual would be paid. For clarification on both the salary ordinance adopted for 2017 for 2018 and salary ordinance adopted for 2018 for 2019, Auditor Lake asked that a statement be included in the minutes to reflect that the salary ordinances provide for the maximum and not the actual salaries to be paid to employees. Councilman Alexander made a motion to enter the following statements in the meeting minutes as submitted by Auditor Martha Lake to clarify the salary ordinances 2017/2018-HCCO-41 and 2018/2019-HCCO-41. Councilman Roberts seconded the motion and, the motion carried.

**Salary Ordinance 2017-HCCO-41 for 2018 Salary Ordinance shall read as follows:**

The 2018 salaries paid to the Howard County Employees shall not exceed the numbers listed on the 2018 Council Approved Salary Ordinance --- per the position stated and the account line item specified.

**Salary Ordinance 2018-HCCO-41 for 2019 Salary Ordinance shall read as follows:**

The 2019 salaries paid to the Howard County Employees shall not exceed the numbers listed on the 2019 Council Approved Salary Ordinance --- per the position stated and the account line item specified.

*There being no further business to come before the Council  
at this time, the meeting was adjourned at 5:08 p.m. by consensus.*

HOWARD COUNTY COUNCIL

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JAMES T. PAPACEK, PRESIDENT

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STANLEY E. ORTMAN, VICE PRESIDENT

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LESLIE W. FATUM, MEMBER

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DWIGHT V. SINGER, MEMBER

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JEFFREY A. STOUT, MEMBER

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JOHN J. ROBERTS, MEMBER

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BRYAN ALEXANDER, MEMBER

ATTEST:

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MARTHA J. LAKE, AUDITOR  
HOWARD COUNTY COUNCIL MEETING FEBRUARY 26, 2019