AMENDED AGENDA
MORGANTOWN CITY COUNCIL
REGULAR MEETING
December 18, 2018
7:00 p.m.

1. CALL TO ORDER:

2. ROLL CALL:

3. PLEDGE TO THE FLAG:

4. APPROVAL OF MINUTES: December 4, 2018 Special Meeting minutes, and December 4, 2018 Regular Meeting minutes.

5. CORRESPONDENCE:

6. PUBLIC HEARINGS:

7. UNFINISHED BUSINESS:

   A. BOARDS & COMMISSIONS:

8. PUBLIC PORTION WHICH SHALL BE SUBJECT TO RULES ESTABLISHED BY COUNCIL AND ADOPTED BY RESOLUTION:

9. SPECIAL COMMITTEE REPORTS:

10. CONSENT AGENDA:

11. NEW BUSINESS:

   A. Consideration of APPROVAL of A RESOLUTION AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH MONONGALIA COUNTY COMMISSION FOR THE SHARED TRANSPORT OF PRISONERS TO THE REGIONAL JAIL

12. CITY MANAGER’S REPORT:

   INFORMATION:

   1. GENERAL FUND SCHEDULE OF REVENUES AND EXPENDITURES - OCT 2018

13. REPORT FROM CITY CLERK:

14. REPORT FROM CITY ATTORNEY:

15. REPORT FROM COUNCIL MEMBERS:

16. ADJOURNMENT:

*If you need an accommodation contact us at (304) 284-7439*
Minutes
SPECIAL MEETING December 4, 2018:

The Special Meeting of the Common Council of the City of Morgantown was held in the Council Chambers on Tuesday, December 4, 2018 at 5:06 p.m.

PRESENT: Mayor Bill Kawecki, City Clerk Christine Wade, Council Members: Rachel Fett, Deputy Mayor Jenny Selin, Ron Dulaney, Mark Brazaitis, and Barry Wendell. Ryan Wallace was absent.

The meeting was called to order by the Mayor.

EXECUTIVE SESSION: Pursuant to WV State Code Section 6-9A-4(b) (2) (A) motion by Brazaitis, second by Fett, to go into Executive Session to discuss personnel matters in considering new appointments and re-appointment for Boards and Commissions. Motion carried by acclamation. Mayor, and City Council Members present. Time: 5:07 p.m.

INTERVIEWS FOR MUSEUM AND TRANSIT COMMISSIONS:

5:00 p.m. – Barbara Parsons – Morgantown Utility Board
5:20 p.m. – Carol Pyles – Planning Commission
5:40 p.m. – Mike Shuman – Planning Commission

ADJOURNMENT:

There being no further business, motion by Dulaney, second by Brazaitis, to adjourn the Special Meeting at 6:55 p.m.

City Clerk

Mayor
REGULAR MEETING December 4, 2018: The regular meeting of the Common Council of the City of Morgantown was held in the Council Chambers of City Hall on Tuesday, December 4, 2018, at 7:05 pm.

PRESENT: City Manager Paul Brake, Assistant City Manager Emily Muzzarelli, City Clerk Christine Wade, Mayor William Kawecki, City Attorney Ryan Simonton, and Council Members: Rachel Fetty, Deputy Mayor Jenny Selin, Ron Dulaney, and Barry Wendell. Ryan Wallace was absent.

The meeting was called to order by Mayor Kawecki.

APPROVAL OF MINUTES: Minutes for November 20, 2018, Special Meeting; November 20, 2018, Regular Meeting; November 27, 2018, Special Meeting; and November 27, 2018, Committee of the Whole Meeting, have been approved by concensus.

CORRESPONDENCE: Mayor Kawecki read a Proclamation for International Human Rights Day. He presented the Proclamation to Ms. Jan Derry, Chair of the City of Morgantown Human Rights Commission. Ms. Barry read a quote from Eleanor Roosevelt. The Human Rights Commission would like to thank this year’s winners publicly for preserving and protecting Human Rights in the City of Morgantown. This year’s winners are Barbara Fleischauer and the Greater Morgantown League of Women Voters. December 18, 2018, these ladies will be recognized at the City Council meeting.

Councilor Wendell: shared that he received correspondence with Nancy Lohman of Morgan Drive regarding MUB. Correspondence was sent to Christine Wade. To view this correspondence, contact the City Clerk’s office.

Councilor Brazaitis: shared that Councilor Wallace texted to advise that he is on work assignment.

Councilor Fetty: shared that she received correspondence from Tim Gumney, Tory Henry and Susan Hine. This correspondence was forwarded to the City manager for consideration and all are currently being addressed.

PUBLIC HEARING: AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE, SECTION 1345.07 AS IT RELATES TO FENESTRATION PERFORMANCE STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT

Mayor Kawecki declared the Public hearing open.

There being no appearances, mayor Kawecki declared the Public Hearing closed.

UNFINISHED BUSINESS:

AN ORDINANCE AMENDING THE FENESTRATION PERFORMANCE STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT: The below entitled Ordinance was presented for second reading.

AN ORDINANCE AMENDING THE CITY’S PLANNING AND ZONING CODE, SECTION 1345.07 AS IT RELATES TO FENESTRATION PERFORMANCE STANDARDS IN THE B-1, NEIGHBORHOOD BUSINESS DISTRICT
City Manager explained, Council suspended the rules to have Chris Fletcher, Director of Planning, to explain and answer questions. After discussion, motion by Brazaitis, second by Dulaney, to adopt the above entitled Ordinance. Motion carried 6-0.

BOARDS & COMMISSIONS:

Motion by Dulaney, second by Fetty, to appoint Margaret Stout to the Fairmont Morgantown Housing Authority.

Motion by Fetty, second by Dulaney, to appoint Jessica McDonald to the Land Reuse & Preservation Agency Board. Motion carried 6-0.

Motion by Wendell, second by Selin, to appoint Brent Bailey to the Land Reuse & Preservation Agency Board. Motion carried 6-0.

Motion by Brazaitis, second by Fetty, to appoint Laura Rye to the Land Reuse & Preservation Agency Board. Motion carried 6-0.

Motion by Selin, second by Brazaitis, to appoint David Satterfield to the Land Reuse & Preservation Agency Board. Motion carried 6-0.

Motion by Brazaitis, second by Selin, to appoint Tim Stranko to the Land Reuse & Preservation Agency Board. Motion carried 6-0.

Motion by Dulaney, second by Wendell, to appoint Michael Mills to the Land Reuse & Preservation Agency Board. Motion carried 6-0.

Motion by Dulaney, second by Brazaitis, to appoint Patrick Kirby to the Land Reuse & Preservation Agency Board. Motion carried 6-0.

PUBLIC PORTION:
Mayor Kawecki declared the Public Portion open.

Tim Ball, Morgantown Utility Board, General Manager, 278 Greenbag Road spoke regarding the November 27, 2018, Committee of the Whole meeting, and provided an update on the Westover matter.

Michael Clifford, 145 South High Street spoke regarding the cherry tree issue, the MUB board, and the interview with Councilor Fetty. Mr. Clifford provided correspondence. To view this correspondence, contact the City Clerk’s office.

Victor Cordwell, 525 Globe Avenue, spoke regarding electing Council members as they pertain to each ward.

There being no further speakers, Mayor Kawecki declared the Public Portion closed.

SPECIAL COMMITTEE REPORTS: None

CONSENT AGENDA: None
NEW BUSINESS:

Consideration of APPROVAL of THE WARD AND BOUNDARY COMMISSION REPORT

City Manager and City Attorney explained, after discussion, motion by Selin, second by Brazaitis, to approve the above entitled report. Council requested to have a workshop with the Ward and Boundary Commission to discuss further. Motion carried 6-0.

CITY MANAGER’S REPORT:

Information:

1. Update on Morgantown Municipal Airport (Mgw) Capital Improvements Project – T-Hangars
   City Manager explained, Assistant City Manager, Emily Muzzarelli updated Council on the Morgantown Municipal Airport Capital Improvements Project.

New Business:

1. Authorization of Zuercher Agreement for The Morgantown Police Department
   City Manager explained, Council suspended the rules to have Police Chief Ed Preston explain the Zuercher product. Motion by Brazaitis, second by Dulaney, to approve the agreement of Zuercher for the Morgantown Police Department. Motion carried 6-0.

2. Set 2019 City Council Meeting Dates
   City Manager explained, motion by Dulaney, second by Wendell, to approve the meeting dates for 2019 City Council by consensus.

3. Morgantown Police Chief
   City Manager explained, City Council suspended the rules to have Police Chief Ed Preston to speak in general regarding an incident that occurred on December 2, 2018 and explain that there is an ongoing investigation regarding an altercation that happened in the city parking garage.

4. Recruitment of CEO for Morgantown Area Partnership
   City Manager explained. No call to action, no vote. For informational purposes only. Next year prepare to hire the CEO.

REPORT FROM CITY CLERK: No Report

REPORT FROM CITY ATTORNEY: No Report

REPORT FROM COUNCIL MEMBERS:

Councilor Fetty: Thanked Chief Preston. She appreciates the reminder that social media should not affect our meetings or agendas. She accepted Mr. Ball’s kind comments. She also shared her feelings regarding social media and its effects on her personally such as how it affects objectivity and how we perceive situations. She shared that she tries not to express frustrations and wanted to address public comment. She stated that the greatest privilege for her is to serve on the Council because she can work with the city employees, the Council, and the staff to see what they do, see reports, and be that person in the public who gets the best window on how hard people work. She stated that she feels protective and frustrated when she hears criticisms of departments because the one thing she hopes folks get when watching these meetings is that everyone here is working hard.
What she hopes will be said at the end of this term is that they did a really great job. She stated that Morgantown is a great town with many great people working here and that there isn’t anyone who does not deserve kudos for trying to do their best. She commented on the City Manager that he works at his best. He is responsive and responsible, and he will continue to do so. She shared that until election day in April that she would encourage folks to “dance with the gal you came with”, i.e. support those who support you. She added that the Council members answer phone calls, and that when they contact the City Manager he always responds. As well, she stated that she is grateful to work with the residents of Morgantown and thanked all for cooperating to make this a great town. Lastly, she is looking forward to seeing how our I and Reuse comes together.

Councilor Wallace: Absent

Deputy Mayor Selin: Addressed comments and stated that some had become personal. She stated that many of the comments have been personal in lieu of policy, and that we really want to move the community forward. She stated the more that we could stick to issues the better. She added for instance when working with MUB they look to coordinate and cooperate better, not dismantle or take apart. Regarding the City Manager, he has demonstrated expertise. A few weeks ago, two employees stated that the city is being run better now and they attributed it to their City Manager. She felt it was great to hear because the employees work with the City Manager daily and they can say this. She commented that the City Manager is a person that people can work with. She shared comments regarding social media and asks the citizens to help with positive actions and positive comments and to bring forth a positive solution to items. She commented that this Council has made a commitment to work for the public and to operate in a positive manner. She shared that she had a great time at the History Museum on November 24th with Al Anderson listening to him speak and sing. There was a wonderful mixture of ages and good food. This theme of finding the hidden gems in history is a good thing. Lastly, she has received comments regarding the speed on Stewartstown Road and asked for speed enforcement.

Councilor Dulaney: Shared that the Woodburn School Redevelopment Commission is looking for a new name for the site. Since 2013, it is commonly called the old Woodburn school. He shared as a reminder that Friends of Decker’s Creek, Empty Pockets theatre, and Boys and Girls Club to name a few, are located there. Also, there is a walking track and playground equipment on the grounds. Names are being taken through Facebook at Woodburn School Redevelopment Commission through a post asking for ideas. He encouraged everyone to give that some thought. Additionally, he mentioned that he attended a meeting in which he was invited by a group of Walnut Street business owners to discuss how to improve the quality of the street experience between High Street and Spruce Street. He shared that the conversation was constructive and that all parties are considering that meeting their first meeting. Health Right representatives asked if Chief Preston could attend the next meeting. Councilor Dulaney recommended also that the City Manager attend. He shared that applications for the Façade Improvement Program are due and that there is a Committee meeting at the Main Street Morgantown office on Wednesday, December 5, 2018, at 8:30am. Notifications will be sent out within 30 days as he knows that folks want to begin projects before the weather gets too bad. Lastly, he shared a quote by Eleanor Roosevelt, “Great minds discuss ideas; average minds discuss events; small minds discuss people”.

Councilor Brazaitis: Shared that he traveled during the holiday and that the airport is making improvements. He recommended utilizing the airport as the savings on parking is significant and that
they are providing a much friendlier service. He shared that the Met Theatre is offering movies on the big screen. As well, he stated to keep comments relating to MUB coming his way as he is listening to them with interest. He shared the common feeling regarding the commitment to public service, and the faith in the City Manager, City Attorney, City Clerk, and municipal employees that they are all committed to doing their best. He stated that one area in which we are certainly realizing this is that of the Airport.

Councilor Wendell: Noted the power of the internet and mentioned someone had posted on Facebook about their brother being beaten by three people in a homophobic attack in our city garage. Allegedly, the police officer who responded didn't act appropriately. He asked the person attacked to send him his version of events, and he forwarded it to the City Manager. He was tagged by maybe ten different friends about this event and maybe another two hundred commented on it, many expressing anti-police sentiments. He stated that the police here are good people and asked that the posts withhold judgement until the facts are out. He shared that we will see what happens with this developing story, but apparently things were not exactly as portrayed, as Chief Preston said. He has learned from this not to get involved in these cases. He didn't recognize Chief Preston tonight because he was not in uniform. He mentioned he saw the CEO of Mon General Hospital, David Goldberg, where he introduced himself, he stated that they had already met at City Hall during a City Council Meeting. David Goldberg stated that he did not recognize him because he was dressed differently. He wore a flannel shirt and jeans, which is his typical casual wear. Chanukah started Sunday night. Tonight, is the third of eight nights. He shared that Jews such as himself celebrate the defeat of a late Greek-era Syrian army by a ragtag bunch of Jewish zealots, and the rededication of the temple in Jerusalem. The Chanukah miracle is the dubious later claim that one day's worth of holy oil lasted eight days, until a fresh batch could be made, candles having not yet been invented. He stated that December is a time of miracles, generally. For Christians, it's the birth of Jesus in a snowstorm in the desert city of Bethlehem. For some, the miracle is the solstice, the return of the sun in the darkest time of the year, or maybe the miracle is just the end of the semester at WVU. For him, the miracle is life and friendship, hope and healing in hard times. He thinks about the past more than he should, but he always looks to the future. Maybe someday they will tell the story of a baby Jesús, born to a Honduran mother waiting in Tijuana to have her asylum claim heard in the United States, or a story of the brave people who made our country live up to its promise of freedom. He wished everyone a meaningful season of miracles this December, and hope for more miracles in 2019.

Mayor Kawecki: Shared a few complaints from his neighborhood. Parking between Cobun and Wilson can accommodate 26-28 cars, and there are seven who are using a visitor permit on a repetitive basis. Permits are being abused and our desire to inhibit that is not being enforced. He asked for help with this issue. As well, behind Dominos there are campers with tents and bags, and they are disturbing to the neighborhood. He shared that his position has its ups and downs, but there are many great things happening. The Global Warming presentation was well attended at WVU with people who have good intentions. Also, at a Legislative Session he sat beside Mark Southern and he told me that we will be looking toward the idea that we will be increasing enplanements at the airport. He shared that this tells us that service is being provided and whatever they are doing is taking ahold and it will provide funds. On the discouraging side someone complained about getting flights to Pittsburgh on time when they needed them, along with the cherry tree issue, now Michael Hughes who brought the boat idea to the City of Morgantown has given up and it will likely not be an attraction at our Riverfront. He shared that it is these things that we will keep trying to do, will keep going after with the best of intentions, and hoping to get the momentum behind the things that we are
proposing. These things are for the benefit for the city, not for our pocket. He stated that it is encouraging but also discouraging when they fall apart, but know that we can do wonderful things and they will not be done without mistakes. He recommended that we take a deep breath and be patient and continue.

**EXECUTIVE SESSION:** Pursuant to West Virginia Code Section 6-9a-4(B) (12) to discuss Calvary Baptist Church Vs. City of Morgantown. City Manager, City Attorney, and City Council. Time: 9:24 p.m.

**ADJOURNMENT:** There being no further business, motion by Dulaney, second by Wendell, to adjourn the meeting. Time: 9:49 p.m.

__________________________________________  _______________________
City Clerk                                           Mayor

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* ALL COUNCIL MEETINGS ARE AVAILABLE ON DVD IN THE CITY CLERKS OFFICE*
New Business
RESOLUTION

The City of Morgantown hereby resolves that the City Manager is authorized to negotiate and execute an agreement among The City of Morgantown, the Monongalia County Commission, and any of the municipalities within Monongalia County providing for the shared transport of prisoners to the Regional Jail, which agreement shall specify the cost to each participating party and shall not obligate funds of The City of Morgantown in excess of the amount budgeted for such purpose, in the form of agreement attached hereto together with any ancillary or supplemental documents necessary to effectuate or promote the purposes of the agreement.
MONONGALIA COUNTY COMMISSION
243 HIGH STREET, ROOM 202
COURTHOUSE
MORGANTOWN, WEST VIRGINIA 26505

MEMORANDUM

TO: Town of Granville
    City of Morgantown
    Town of Star City
    City of Westover
    West Virginia State Police
    West Virginia University

FROM: Rennetta McClure
      County Administrator

SUBJECT: Cooperative Agreement for Operation of
         Processing Center and Transport Services

DATE: November 14, 2018

As you are aware, the Monongalia County Sheriff’s Office has been operating a processing center and transport service to the North Central Regional Jail since August of 2001.

Attached is an Amended Memorandum of Understanding with the changes that were discussed by the County Commission many months ago to include procedures for arrestees that may become ill or need medical attention while at the facility.

The Commissioners appreciate your willingness to participate in the agreement and look forward to continuing the cooperative working relationship we have with each law enforcement agency.

Please have the agreement approved by your governing body and return the signature page to the Commission Office, 243 High Street, Room 202, Morgantown, WV, 26505, at your earliest convenience.

Should you have any questions, please let me know.

Enclosure
Agreement for Utilization of the  
Monongalia County Sheriff’s Office  
Process/Transport Center  

Adopted: September 26, 2012  
Addendum: December 3, 2014  
Amended: November 7, 2018

AMENDED MEMORANDUM OF UNDERSTANDING by and between the Monongalia County Commission and the Sheriff of Monongalia County and the following law enforcement agencies: Town of Granville, City of Morgantown, Town of Star City, City of Westover, West Virginia University Police and the West Virginia State Police.

The Monongalia County Commission closed its jail facility on August 1, 2001. On or about that date a program was developed to assist local law enforcement agencies in managing processing and transport services to the North Central Regional Jail in Doddridge County.

The Monongalia County Processing/Transport Center, administrated through the Monongalia County Sheriff’s Office, is under no circumstances to be considered a jail or holding facility and does not assume custody.

The Monongalia County Commission and the Sheriff of Monongalia County will, in cooperation with the above listed municipalities, West Virginia University and the West Virginia State Police as stated herein, continue to offer the service of transportation of arrestees to the North Central Regional Jail under the provisions of this Amended Memorandum of Understanding when practicable.

The Monongalia County Sheriff’s Office shall develop policies regarding handling of arrestees, personal belongings and other operation issues associated with the standards of acceptance for the North Central Regional Jail.

The Monongalia County Sheriff’s Office under no circumstances will be responsible for transporting, monitoring or guarding persons arrested by any agency other than the Monongalia County Sheriff’s Office when taken to the hospital, doctor or any other appointment.

Arrestees who complain of an injury and/or illness or become injured or ill while at the Monongalia County Process/Transport Center are in all cases the responsibility of the arresting agency.
If an arrestee is or becomes injured and/or ill while at the Process/Transport Center and is en route to any medical facility, it will be the responsibility of the arresting agency to respond to that location to take charge of the arrestee immediately upon notification. If the arrestee is still at the Process/Transport Center, the arresting agency will immediately respond to that location to take control of their arrestee.

Any police agency having arrestees committed to the Regional Jail System by any court other than Monongalia County Magistrate Court, Monongalia County Circuit Court or Monongalia County Family Court will be required to incur all costs associated with the arrestee’s full term of incarceration (e.g., Municipal Courts).

Arresting agencies are required to pay the first day per diem charge(s) of the Regional Jail and will continue to be invoiced by the Monongalia County Sheriff’s Office as has been the practice since entering into the original agreement. The West Virginia State Police is exempt from the first day per diem charge.

Failure to accept the terms of this agreement will be grounds to be disqualified from this service.

The signing of this agreement does not guarantee the service as it may be suspended by the Sheriff and/or County Commission at any time, and any agency is free to house and transport persons arrested by them to the North Central Regional Jail at any time.

It should be noted that this is a complementary service, not a requirement by the Monongalia County Sheriff’s Office, or the Monongalia County Commission.

Accepted By:  
_________________________  
Town of Granville

_________________________  
City of Morgantown

_________________________  
Town of Star City

_________________________  
City of Westover

_________________________  
West Virginia University

_________________________  
West Virginia State Police

With:  
Monongalia County Commission  

_________________________  
Thomas C. Bloom, President

_________________________  
Edward A. Hawkins, Commissioner

_________________________  
Sean P. Sikora, Commissioner
City Manager's Report
## City of Morgantown
### General Fund Schedule of Revenues and Expenditures
#### For the Month Ended October 31, 2018

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<td>699 Contingencies</td>
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Target Year-to-Date Percentage: 33.33%