STATE OF MAINE
COUNTY OF YORK
CITY OF SACO

I. CALL TO ORDER – On Monday, November 19, 2018 at 6:30 p.m. a Council Meeting was held in the City Hall Auditorium.

II. RECOGNITION OF MEMBERS PRESENT – Mayor Marston Lovell recognized the members of the Council and determined that the Councilors present constituted a quorum. Councilors present: Marshall Archer, Roger Gay, William Doyle, Lynn Copeland, Alan Minthorn, Micah Smart, and Nathan Johnston. Acting City Administrator Patrick Fox and City Clerk Michele Hughes were also present this evening.

III. PLEDGE OF ALLEGIANCE

IV. GENERAL

Mayor Lovell’s announcements:

➢ Festival of Trees – Open to the public from November 23rd through November 30th.

V. PUBLIC COMMENT

➢ Stefa Norman, 90 Jenkins Road – I feel like the building that has been slated for Rosa Linda’s spot is a big misstep of the planning committee to have brought forward. It opens a Pandora’s box. If they have gotten a variance for a huge gigantuous sign, what is to stop all the other businesses? I don’t think it is the right gateway for the Main Street. I feel with the variances regulations already in place it should have not gotten beyond planning. From the height of signage, I don’t think it sets really what it is not the right choice for that property. I would love to see the company come in elsewhere in Saco. I think it is a fabulous company and there are many other places, but not as a gateway to Main Street. I think Main Street is on a roll and I hope this doesn’t set a precedent and puts that industry onto Main Street. As far as the surveys that have been done, people are looking for restaurants and entertainment. Mayor Lovell noted that tonight was a first reading and that there would be a public hearing on December 3, 2018.

VI. CONSENT AGENDA

Councilor Minthorn moved, Councilor Johnston seconded to approve consent agenda items #A, B, C, D, and E as follows:

A. Appointment of Jay St. John to Economic Development Commission – Be it Ordered that the City Council confirm the Mayor’s appointments to the Economic Development Commission of Jay St. John for a new 5-year term to expire on November 19, 2023. Further move to approve the Order.

B. Appointment to Planning Board – Be it Ordered that the City Council confirm the appointment of Jeffrey Brochu to the Planning Board. Further move to approve the order.

C. Combined Massage Therapist and Establishment License – Sarah Bowen - Be it Ordered that the City Council grant Sarah Bowen a Combined Massage Therapist and Establishment License in accordance with the Codes of the City of Saco, Chapter 138. Further move to approve the Order.

D. Application for a License to Operate Beano/Bingo for Biddeford & Saco Elks #1597 - Be it Ordered that the City Council grant the application for a License to operate beano/bingo from January 1, 2019 to December 31, 2019 as submitted by the Biddeford & Saco Elks #1597. Further move to approve the order.

E. Application for a License to Operate a Game of Chance for Biddeford & Saco Elks #1597 - Be it Ordered that the City Council grant the application for a License to operate cribbage from January 1, 2019 to May 31, 2019 as submitted by the Biddeford & Saco Elks #1597. Further move to approve the Order.

The motion passed with seven (7) yeas.

VII. AGENDA

A. BLASTING ORDINANCE – (PUBLIC HEARING)

During the Lombard Lane Subdivision development in 2016 ledge was encountered during construction and a blasting company was brought in and neighbors became unhappy and concerned about damage to their foundations. As you
are aware, there are currently no regulations in Saco concerning blasting.

The Planning Board workshopped this item on 6/12/2018 and 8/7/2018 and conducted a public hearing on August 21, 2018. The Planning Board wanted to include a newspaper advertisement of the blasting event at least ten days prior to the blasting occurrence. The Planning Board voted unanimously to forward a positive recommendation to the City Council for the adoption of a Blasting Ordinance (motion by Girouard, seconded by Scontras).

There was a first reading on this item at the September 10th Council meeting. At the meeting, the Council wanted to adopt language that specified blasting distance notifications of 500 ft, 700 ft, and 900 ft by size of blast. Staff has made the changes discussed at that meeting as well as a few other editorial changes related to numbering and repetitions.

Councilor Doyle moved, Councilor Gay seconded to open the Public Hearing. The motion passed with seven (7) yeas.

There were no public comments.

Councilor Doyle moved, Councilor Smart seconded to close the Public Hearing and further move to set the final reading of the document titled, ‘Zoning Ordinance Amendments: Adoption of Zoning Ordinance to include a Blasting Ordinance as Chapter 71’ for December 3, 2018. The motion passed with seven (7) yeas.

Councilor Copeland noted there was a scrivener’s error in section 71-4 section H-3. It say’s “the table above”, and there is no table above. These words should be removed.

Proposed Addition to City Code – Chapter 71, Blasting
Draft Under Review, 5/22/18

Chapter 71: Blasting

GENERAL REFERENCES
Earth Removal — See §230-702.
Land Use and Zoning — See Ch. 230.

Purpose; statutory authority; enforcement.

§ 71-1 Purpose; statutory authority; enforcement.
§ 71-2 Definitions.
§ 71-3 Blasting permit required; effect on other regulations.
§ 71-4 Permit requirements.
§ 71-5 Performance standards.
§ 71-6 Notices.
§ 71-7 Inspection, monitoring, and recordkeeping.
§ 71-8 Compliance schedule.
§ 71-9 Exceptions for undue hardship.
§ 71-10 Violations and penalties.
§ 71-1 Purpose; statutory authority; enforcement.
A. Blasting is an activity essential to the economic viability of Saco. Unregulated blasting and/or irresponsible blasting may cause undue damage to the people, property and environment of the City.

B. This chapter establishes specific standards for blasting operations, notice requirements, instrument monitoring requirements of blasting operations, a permit process for blasting and other associated standards and requirements.

C. It is intended to minimize the effects of airblast overpressure, ground vibration, dust, and noise associated with blasting which may be detrimental to the enjoyment of life, property and the conduct of business for those individuals affected.

D. It is also intended to provide standards that will prevent permanent damage to the geologic, hydrogeologic and wildlife resources and ecological balance in the region outside the immediate blast area. The chapter is intended to protect the quality of life and the homes of residents, neighborhoods, property, groundwater, wildlife resources, scenic beauty and/or businesses, all lying outside the approved work area and potentially affected by the blasting.

E. It is intended to be effectively and efficiently administered without causing undue financial and administrative hardship to blasting operators.

F. It is intended to provide standards and requirements in conjunction with the City of Saco Zoning Ordinance (Chapter 230) if Earth Removal standards are to be utilized in the mineral extraction process.[1]


G. This chapter is enacted pursuant to 30-A M.R.S.A. § 3001, Ordinance power, as well as the City’s Home Rule authority under the Maine Constitution, and shall be administered by the Code Enforcement Officer.

§ 71-2 Definitions.
The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

AIRBLAST
An airborne shock wave resulting from detonation of explosives. Airblast may be caused by burden movement or the release of expanding gas into the air. Airblast may or may not be audible.

APPLICANT
The owner or other individual, corporation or other business entity who or which applies for the legal right to conduct blasting at real property which it has the legal right to use.

BLAST SITE
The area where explosive material is handled during the loading of drilled blastholes, including the perimeter formed by the loaded blastholes and 50 feet in all directions from loaded blastholes [see 38 M.R.S.A. § 490-W(5)].

BLASTER
An applicant who has been awarded a permit to conduct blasting.

BLASTING
The use of explosives to break up or otherwise aid in the extraction or removal of rock or other consolidated material.

BLASTING OPERATIONS
All processes conducted in association with site or other preparation for blasting, and the detonation of explosives.

DECIBEL
The unit of sound pressure commonly used to measure airblast from explosives. The decibel scale is logarithmic.
EXPLOSIVES
Any substance, chemical compound or mechanical mixture that is used for the purpose of producing an explosion to fragment rock for mining, quarrying, excavation, or construction. Initiating devices (detonators, detonating cords, etc.) are also included under this definition.

EXTRACTIVE INDUSTRY
Any operation engaged in the removal of more than 20 cubic yards, in a twelve-month period, of topsoil, sand, gravel, clay, rock, peat or other like material from its natural location and for transportation off lot within any twelve-month period, except as may be exempted within the extractive industry performance standards in this chapter.

FLYROCK
Rock that is propelled through the air or along the ground, which leaves the secured blast area as a result of the detonation of explosives.

GROUND VIBRATIONS
Shaking of the ground caused by blasting. Ground vibrations are to be measured along three principal axes (x, y, z): namely, transverse, vertical, and longitudinal, all of which are subject to the performance standards herein.

GROUNDWATER
Water beneath the earth's surface often between saturated soil and rock that supplies wells and streams.

HERTZ
A term used, in the case of blasting, to express the frequency of ground vibrations and airblast. One hertz is one cycle per second.

PARTICLE VELOCITY
A measure of ground vibration in the case of blasting. Particle velocity describes the velocity at which a particle of ground vibrates when excited by a seismic wave. It is measured in inches per second.

QUARRY
The property designated in the application and permit where rock is excavated in an Extractive Industry operation.

SECURED BLAST AREA
The area that may be affected by fly rock, dust, or fumes from an explosion that may cause personal injuries, damages to property, or losses in the process. • The minimum distance for personnel is 500 feet. • Safe distances will be determined based on conditions for each blast by the Blasting Foreman or designee.

SEISMOGRAPH
An instrument that measures and has the capability to provide a permanent record of hertz and decibel readings concerning ground vibrations caused by blasting.

§ 71-3 Blasting permit required; effect on other regulations.
A. No blasting within the City of Saco shall be allowed unless a permit has been obtained from the Code Enforcement Department, except as otherwise exempted per this chapter.

B. The requirements of this chapter are in addition to any other applicable ordinances, regulations and statutes; and where different standards are contained therein, the more restrictive standards shall apply.

C. This chapter does not replace or negate federal and/or state requirements pertaining to explosives.

§ 71-4 Permit requirements.
A. Blasting permit required. The following shall require a permit:

1. Site Plan/Subdivisions. If the Planning Board determines that a project involves or may require blasting, it shall expressly state and set out in its Conditions of Approval for such project that the applicant/developer secure from the Code Enforcement Officer a proper blasting permit in advanced of blasting, and as required herein.

2. General Construction. For any specific construction project, whether reviewed or not reviewed by the Planning Board as part of Site Plan or Subdivision, that is found to need blasting at any time, the owner/developer, or responsible general contractor, shall secure a blasting permit, as described herein, from the Code Enforcement Officer prior to any blasting.
(3). Extractive Industry and Gravel Pits. Any party who operates a gravel pit or who otherwise engages in extractive industry or earth removal operations, as described in the City’s Zoning Ordinance (Chapter 230), shall secure from the Code Enforcement Officer a blasting permit, as described herein, prior to any blasting.

(4). All Other Blasting locations. Any other person or party, regardless of prior review, and regardless of purposes, that may need to conduct blasting shall be required to obtain a blasting permit, as described herein, from the Code Enforcement Department.

No person or party may conduct any blasting within the boundaries of the City of Saco without first having obtained review and approval from the Code Enforcement Officer.

B. Notice required. All proposed blasting activities in Saco shall require notice of blasting to be given to the Code Enforcement Department, in writing, at least ten (10) business days prior to the proposed start of blasting. This notice is in addition to and not in lieu of the 14-day review notice detailed in Part (C) below. Notice of the blasting shall be made public in at least one newspaper of general circulation in the area at least ten (10) days before such blasting is scheduled to take place.

C. Blasting application information. All applications for permits to conduct blasting shall contain the following information, referred to as the "blast plan". All blast plan applications shall be submitted at least fourteen (14) calendar days prior to the proposed start of any drilling or blasting operation:

(1). Applicant: the applicant’s name, address, daytime telephone number, fax number, and e-mail address.

(2). Owner’s name, address, daytime telephone number, fax number, and e-mail address.

(3). Blasting contractor: the blasting contractor’s name, address, daytime telephone number, fax number, and e-mail address (if other than the blaster). Contractor shall submit written evidence of license(s) held, experience and qualifications of the individual who will be responsible for loading and firing each shot.

(4). General contractor: the general contractor’s name, address, daytime telephone number, fax number, and e-mail address.

(5). Work site: the street address and Tax Assessor’s map and lot number for the proposed blasting activity. If the blast plan is for a property shown on a plan reviewed by the Planning Board, the blast area for which the permit is requested shall be included on the plan.

(6). Information about the blast plan to include the following:

a. Purpose of blast: a brief description of the work for which the blasting activity is requested.
b. Volume of material: the estimated number of cubic yards (measured in place) of material to be loosened or fragmented by blasting.
c. Number of blasts: the estimated number of blasts required to loosen or fragment the specified amount of material.
d. Blast period: the planned starting and ending dates of the blasting activity.
e. Site diagram: a sketch or diagram showing the property where blasting will be conducted, including: the location of adjacent structures and distance to those structures; description and location of blasting signs.
f. Description of test blast drill pattern.
g. Explosives to be used during both wet and dry conditions.
h. Description of matting that will be used to prevent flyrock.
i. Type, number, and planned locations of seismograph, and any other instrumentation proposed for use to monitor vibrations and airblast overpressures.
j. Description of proposed transport and storage of explosives.
k. Description of safety procedures, security measures, and warning procedures to be employed before, during and after the blast period.

l. Signature of blasting contractor testifying to the accuracy of the blast plan.

D. Insurance. Prior to commencing blasting operations, evidence of liability insurance shall be submitted to the Code Enforcement Office in a minimum amount of one million dollars ($1,000,000) combined single limit per occurrence.

E. Public hearing. A public hearing is not required prior to the issuance of a blasting permit by the Code Enforcement Officer.

F. Fees. Fees for blasting permits shall be as determined, and amended from time to time, by City Council order.

G. Permit duration.
   (1) Permits shall be valid for a period of 90 days. No blasting after 90 days shall occur except as permitted herein.
   
   (2) Lapse and Extension. Any party that does not complete its blasting within the 90 day time period may apply to the Code Enforcement Officer for a reasonable extension, not to exceed 60 days. The Code Enforcement Officer shall have full discretion as to the length and condition of any extension. If the 90 day period lapses prior to a request for extension, the Code Enforcement Officer may require that the party re-apply for a new blasting permit.

   (3) Reserved.

H. 
   (1) Pre-blast survey. The following pre-blast survey requirements shall be required for all blasting permits prior to commencing blasting:
      
      (a) Small blast (trench blast or under fifty (50) cubic yards of rock removed); All property owners within five-hundred (500) feet of the perimeter of the blasting site.
      (b) Medium Blast (removal of 50-300 cubic yards of rock material); All property owners within seven hundred (700) feet of the perimeter of the blasting site.
      (c) Large Blast (removal of over 500 cubic yards of rock material); All property owners within nine-hundred (900) feet of the perimeter of the blasting site.

   (2) The blasting contractor will hire an independent qualified seismologist, blasting consultant or engineer to perform pre-blast surveys on all structures in the areas outlined in H (1) (a-c) above, contingent upon property owner agreement. The independent seismologist or blasting consultant shall not be an employee of the contractor, sub-contractor, explosives manufacturer, or explosives distributor.

   (3) Pre-Blast Survey Offer Notice:
      
      Prior to commencement of the pre-blast surveys, the blasting contractor shall provide the following documentation to the Code Enforcement Department:
      
      • A list of property owners to be contacted (in accordance with the distances listed in the table, above).
      • Verification that the subject property owners were notified of the pre-blast survey work.
      • A copy of the pre-blast survey offer notice.
      • Whether each offer to conduct a pre-blast survey was either accepted, rejected, or there was no response. The contractor shall retain a copy of each pre-blast survey offer notice for their records until the development project receives a final certificate of occupancy or is otherwise deemed complete by the City. Nothing herein shall be construed to discourage repeated efforts by the blasting contractor to contact eligible property owners via phone, hand delivery, or other method in addition to provision of the required offer notice letter.
(4) Pre-Blast Survey Documentation.

All pre-blast surveys shall include documentation of interior subgrade and above-grade accessible unobscured walls, ceilings, floors, roof and visible exterior as viewed from the grade level. Where significant cracks or damage exist, or for more complex structural defects, photographs or video shall be taken. A high-quality digital video or videotape survey with appropriate audio description, the locations, conditions, and defects may substitute for a written pre-blast survey. Where necessary notes and sketches may also be submitted as part of a video pre-blast survey in order to highlight or elaborate on certain aspects of the video documentation.

(5) Pre-Blast Survey Conditions Report.

All pre-blast surveys shall include an existing conditions report for each property. The conditions report may be presented as narrative, photographs, video or a combination thereof. Conditions reports shall summarize the condition of each building and define areas of concern including deteriorated structures or utilities, structures housing sensitive equipment, and/or manufacturing processes that are sensitive to vibrations.

(6) Verification that all pre-blast surveys and conditions reports have been completed shall be submitted to the Code Enforcement Department at least two weeks prior to commencing any drilling and/or blasting operations.

(5) § 71-5 Performance standards.

All blasters shall comply with the following performance standards:

A. Hours of detonation.
   (1) Earth Removal operation. As stipulated by the Planning Board in conjunction with §230-702.
   (2) All other blasting. Hours of detonation are limited to between sunrise and sunset but no earlier than 8:00 a.m. and no later than 8:00 p.m., Monday through Friday inclusive.
   (3) Emergency situations. Blasting of any type may occur at any time in situations deemed to be emergencies by the Code Enforcement Department, after consultation with other City staff as may be determined to be necessary by Code Enforcement personnel. Emergency situations may include, but are not limited to, blasting to install utilities damaged by weather events or blasting to correct a misfire of explosives in an otherwise permitted blast event.

B. Water quality protection. Water is a precious resource and the applicant must take measures to assure that the quality of the groundwater is protected. Prior to the initial blast, the applicant must conduct water quality tests on all non-applicant-owned wells within distances outlined in Section 71-5 (H) above. Water quality testing must also be done post-blast if requested by the property owner because of evidence of a substantive change in water quality. Turbidity in wells tested shall be no greater than that which existed prior to the blasting as established in the pre-blast survey.

C. Ground vibration.
   (1) Peak particle velocity. Peak particle velocity limits (inches per second) not to be exceeded at any time, and in any one of the three principal directions at a structure location:
      (a) Distance from Blast Maximum Peak Particle Velocity
         (feet)  (inches/second)
         Less than 300  1.25
         300 to less than 500  0.94
         500 to less than 5,000  0.75
         5,000 or more  0.54
         (b) Other,
[1]. Up to 30 hertz: 0.5 inch per second.

[2]. Thirty to 40 hertz: 1.0 inch per second.

[3]. More than 40 hertz: 2.0 inches per second.

(2). Measurement. Ground vibration shall be measured as particle velocity. Particle velocity shall be recorded in three mutually perpendicular directions (x, y, z). The maximum allowable peak particle velocity shall apply to each of the three measurements.

(3). Seismographic record. A seismographic record for all blasts shall be retained by the applicant and provided to the Code Enforcement Department or the Planning Board, if requested. The applicant is responsible for such record and for providing proper instrumentation as specified in this chapter. Personnel conducting such monitoring shall be properly trained in the operation of the equipment being used.

D. Airblast overpressure. Level not to be exceeded at any time: 133 peak dB (linear) two hertz high-pass system.

E. Instrumentation. All seismographs used for compliance with this chapter shall meet the following minimum specifications:

(1). Seismic frequency range: two Hz to 200 Hz (+three+ Hz).

(2). Acoustic frequency range: two Hz to 200 Hz (+one+ dB).
(3). Velocity range: 0.02 inch to 4.0 inch per second.

(4). Sound range: 110 dB to 140 dB linear.

(5). Transducers: three mutually perpendicular axes.

(6). Recording: provide time-history of waveform.

(7). Calibration: laboratory-calibrated as often as necessary, but at least once every 12 months or according to manufacturer's recommendations, whichever is less.

(8). Measurements. The requirements established herein shall be measured at the closest building(s) on abutting properties as determined by the Code Enforcement Officer or Planning Board.

F. Other permits. The applicant must also comply with all standards and conditions contained in other permits issued for such projects and local, state and federal statutes and regulations.

§ 71-6 Notices.

A. Required notification of blasting. The following notice requirements for any blast requiring a blasting permit shall be adhered to by the blaster.

(1). Initial notice. The following initial notice of blasting shall be required:

(a). Notice to Abutters/All Blasting. The blaster must send by first class mail an advisory notice to all property owners within the distances outlined in Section 71-5 (H) of the secured blasting area. Notification shall be mailed no later than five calendar days prior to the initiation of blasting. A Certificate of Mailing shall be submitted to the Code Enforcement Department as verification that said mailings were done. Said notice must include the description of the blasting signals to be utilized during the operation. The blaster of either an Earth Removal operation or other project must provide notice to a property owner who has made a written request to the blaster.

§ 71-7 Inspection, monitoring, and recordkeeping.

A. Entry and testing. The Code Enforcement Officer or his authorized representative may enter the secured blasting area or adjacent area to conduct tests and observe any authorized blasting operations and may order that additional ground vibration and airblast overpressure measurements using approved instrumentation be made by persons responsible for blasting operations to ensure that the limits specified in this chapter are not exceeded, if excess readings are indicated.

B. Additional monitoring. The blaster shall maintain a record of each blast. All records shall be retained at least three years following cessation of the blasting operation, and shall be available for inspection by the Code Enforcement Officer and shall contain the following minimum data for traceability purposes:

(1). Name and contact information of responsible party: the name and contact information of the person(s) responsible for the blasting operation.

(2). Location, date, time, number and pattern/spacing of blast holes, total charge weight, charge weight per delay, date and time of each blast.
(3) Blaster: the name(s) of blaster in charge.

(4) Weather: the weather conditions (including such factors as wind direction, cloud cover, etc.).

(5) Data: seismograph and airblast readings, including date, time, and location of instrument.

(6) Notice: name, addresses, date and time of all persons who were notified prior to every blast.

§ 71-8 Compliance schedule.

A. Applicability. Upon adoption of this chapter, all existing and new blasting operations are subject to the terms herein, and must obtain a permit to conduct any further blasting.

B. Review. A complete review of all activities under this chapter shall be undertaken by the Code Enforcement Department 12 months after adoption of this chapter to determine if the levels are adequate and reasonable to achieve the purpose for which this chapter is intended. The results of this review shall be reported to the City Administrator, which will report to the City Council with recommendations of the review.

§ 71-9 Exceptions for undue hardship.

A. Application. Applications for a permit for exception from the performance standards designated in this chapter may, on the basis of hardship may be made to the Code Enforcement Department with notice to the Mayor and City Council prior to blasting. Blasting shall not proceed until 24 hours has elapsed from the time notice was given to the Mayor and City Council. Any permit granted hereunder shall contain all conditions upon which said permit has been granted and shall specify a reasonable time that the permit shall be effective.

B. Standards. The Code Enforcement Officer may grant the exception as applied for only if:

(1) Limited in scope: the activity or operation will be of a temporary duration, i.e., a limited number of blasts at a specific site, and cannot be done in a manner that would comply with this chapter;

(2) Reasonable alternative: no other reasonable alternative is available to the applicants; and

(3) Safety: the applicants represent, and the Code Enforcement Officer finds, that blasting as permitted will not violate recognized safety standards.

C. Conditions. Upon the issuance of any exception permit, the Code Enforcement Officer may limit the scope of the exception and prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects.

§ 71-10 Violations and penalties.

A. Penalties. The submission of false information required by this chapter, or the violation of this chapter or the violation of any condition attached to a permit granted under this chapter shall constitute a land use violation for which an enforcement action may be commenced by the City in accordance with 30-A.M.R.S. § 4452.

B. Reporting. A copy of the violation report and consent agreement reached between the City and the person or entity found in violation of any portion of this chapter will be filed in the permit or license file.

§ 71-11 Conflict.
The City Council has expressed interest in creating a Performance Evaluation Policy for its City Administrator. The Personnel Committee met several times to review similar policies and have drafted the attached exhibit which is primarily derived from the Dover, NH policy.

If approved by Council, the next step would be to hire a facilitator to workshop with Council the criteria in which an evaluation survey would be conducted.

Councilor Minthorn moved, Councilor Johnston seconded Be it ordered that the City Council adopts the ‘City Administrator Evaluation Handbook’. The motion passed with seven (7) yeas.

Councilor Minthorn moved, Councilor Smart seconded to authorize the City Administrator to contact with a third-party facilitator. The motion passed with seven (7) yeas.
Introduction

This Handbook has been developed for use by Saco’s City Council to help establish and conduct an evaluation process for the City’s chief administrative officer and the Council’s sole employee, the City Administrator.

The goals of the annual performance evaluation process are to promote communication and provide useful feedback about job performance, to facilitate better working relationships, to provide an historical record of performance, and to contribute to professional development.

Performance evaluations should be constructive, providing not only an examination of past performance but guidance for future efforts by the City Administrator.

The needs of any city often change over time and priorities are likely to shift with each Council election. It is the intent of this policy that each Council have the opportunity to review the criteria to best meet the changing needs of the City.

Context for Performance Evaluation

Council and Administrator Roles and Responsibilities.
The areas of responsibility of the City Council and City Administrator are outlined in the City’s Charter, Administrative Code, and other local policies. These documents should be consulted and provide the basis for further discussions.

- [City Charter]
- [City Administrative Code]
- This evaluation handbook

Council Goals and Priorities.
Setting goals has a direct relationship to the Administrator’s performance. Goals set clear direction and let the Administrator know what issues are important to pursue. The council goals, themselves, should not be a part of appraising the Administrator’s performance. However, the City Administrator’s professional capacity to take policy direction from the Council and implement the goals is an important aspect of evaluating the Administrator’s performance.

Right to Know Law.
In Maine, this is the Freedom of Access Act (FOAA), an evaluation completed by the City Council must occur within the guidelines of the state’s Right to Know law, MRSA Title 1, Chapter 13. The Council and Administrator should review the law and decide whether to conduct the process in a public or a nonpublic session.

The general intent of the Right to Know Law is to provide a statutory right of public access to meetings conducted by a public decision-making body and records maintained by public agencies. There are some specific exceptions when the public may be excluded from attending a meeting involving the body or having access to certain records. One of the specific exemptions relates to personnel related matters involving a public employee.

Regardless of whether the evaluation is conducted in a non-public or open session, the Right to Know Law will dictate certain procedures for meeting notification, recording of minutes and disclosure of decisions made. These procedures should be reviewed by the Council and Administrator and followed throughout the evaluation process.
The Performance Evaluation Process

STEP 1: DEFINE CLEARLY WHY YOU WANT TO EVALUATE THE PERFORMANCE OF YOUR EMPLOYEE

There are many reasons for a Council to evaluate the performance of its Administrator. Frequently, the Council wants to measure performance and determine salary, or define or improve, the working relationship between the Administrator and the Council. Whatever the reasons, they should be honest, clear, and understood by the Council, the employee, and the public before launching a performance evaluation process.

Following are examples of objectives that can be established prior to completing the appraisal process:
- to establish and maintain effective Council and City Administrator relationships;
- to allow the City Administrator and Council to identify and understand their respective roles, relationships, expectations of, and responsibilities, to each other; and
- to allow the discussion of the City Administrator's strengths and weaknesses as demonstrated by past performance, away from the decision-making table, and the methods where performance may be improved, and crisis confrontations avoided.

STEP 2: DEVELOP A TIME LINE AND ASSIGN RESPONSIBILITIES

A Council which is committed to a good evaluation process will also commit the time necessary to perform each task involved in the process. The entire council should be involved in every step. The Council as a body employs the City Administrator and is needed to provide guidance to the City Administrator.

A Council may decide to use the services of an outside facilitator to assist in, some or all, phases of the process. Using an outside facilitator has advantages. For example, the facilitator has not been involved in the council-administrator relationship or the individual personalities which would likely influence the process. It is also easier for an outside person to keep the process moving along during periods when the Council can otherwise get bogged down.

If you choose not to use an outside facilitator, you should select a leader who will take responsibility for facilitating the evaluation process. This leader could be the Mayor, the Administrator, or a designated Council member.

STEP 3: DEVELOP CRITERIA

Once the Council and Administrator are comfortable with your respective roles and responsibilities, have adopted goals which are supported by the Council, and are clear about why you're conducting an evaluation, you're ready to move to the next step — selecting the criteria to measure against. Criteria are like yardsticks — they establish standard dimensions by which we can measure progress. Without these yardsticks, evaluations can turn into unfair, unproductive free-for-alls.

Nowadays, employers of all types commonly identify the specific professional competencies and skills employee’s need to succeed in any given position. These competencies and skills are used as the criteria for employment related evaluations beginning with an employee's initial recruitment, ongoing training, and subsequent performance evaluations.

Examples of competencies that can be incorporated into an evaluation of the City Administrator may be found in the 18 practice areas recognized by International City/County Management Association as essential for every local government administrator. The professional competencies for effective local government management are listed in Appendix A.
Aside from selecting criteria based on professional competencies, do not overlook the Administrator’s ability to achieve Council goals. If a goal is purely a Council goal, such as Council members being more visible in the community, it would not be fair to add that to the list since it is not something the Administrator can implement. However, the Council can look at whether the Administrator has the professional capacity to help the Council implement its goals.

In developing the criteria to be used for evaluating the City Administrator’s performance, both the Council and Administrator should discuss and agree upon the competencies, skills and expected outcomes necessary for being an effective City Administrator. The evaluation process will be enhanced if both the entire Council and the Administrator are involved from the start in developing the criteria and agreeing on them. This is an important area where a facilitator may add value to the evaluation process. A facilitator should be able to assist with identifying and developing evaluation criteria that are specific to the circumstances found in this community.

STEP 4: REFINE CRITERIA

You are now ready to refine the criteria and develop specific questions you want to ask and have answered during the evaluation. It is important to be specific about what you really mean in each category. Again, it is best to refine the criteria with the entire Council and the Administrator to ensure categories are not misinterpreted or new performance goals inadvertently added which were not previously defined.

After developing evaluation criteria, refining and expanding upon each is one of the most critical steps in an effective performance appraisal system, and one of the most involved. For each competency and/or responsibility you list, you must be able to answer two questions:

First, “What is the purpose, effect, or desired outcome of this competency/responsibility?”

Second, “How will I know, when, this purpose, effect, or desired outcome is being achieved?”

Answers to these questions achieve two important goals: (1) a clear statement of purpose helps assure that individual Council members understand one another’s values, ideas, and concerns about the role and functions of the City Administrator in city government; and (2) knowing the data and performances that tell you that responsibility is, in fact, being achieved requires that you look for tangible criteria to use in judging managerial performance.

Example:

CRITERIA: Policy Facilitation

What is the purpose, effect, or desired outcome of this responsibility?
To allow the council to function as efficiently and effectively as possible in its interaction with administrative staff members, departments, and the overall guidance of city affairs. To minimize delays, confusion, and conflict generated by incomplete staff work, favoritism lobbying, and unprofessional managerial performance. To assist the council in acting as a single body . . . etc.

How will I know, when, this purpose, effect, or desired outcome is being achieved?
Availability and timeliness of information requested or needed by the council. Preparedness for council meetings. Accuracy and thoroughness of information and reports. Keeping councilors appraised of day-to-day events and information necessary for them to carry out their functions. Impartial and professional interaction with each councilor, regardless of opinions and recommendations . . . etc.

Ultimately, performance appraisal addresses the actions taken by the City Administrator to meet the expectations of the Council and the requirements of the position. Performance is action. Appraisal focuses on the effects of that action.

Focusing each criterion by addressing the two questions above will help you in objectively identifying the actions and effects of the City Administrator’s performance while avoiding the traps of trying to assess subjective characteristics that may not truly be bona fide job requirements.
STEP 5: SELECT PROCEDURES TO EVALUATE PERFORMANCE

After you have specific criteria by which you will evaluate your employee, review them until both the Council and Administrator are satisfied with the results.

The next step is deciding how you’re going to perform the evaluation. The criteria you’ve developed may help determine the best way to do it. There are three general approaches to consider: written evaluations, oral evaluations, or a combination of both.

Written Evaluations. This technique allows each person to make all comments in writing. There are several methods used for written evaluations. A combined essay and rating scale is perhaps the most commonly used.

Essays. An essay is a written statement describing the employee’s performance. It is most effective when each answer responds to a specific question, topic or criterion. It is least effective when each answer is generally stated and when its relation to criteria is vague and unspecific.

Rating Scales. A rating scale consists of a set of statements about job performance. A scale, either using numbers or adjectives, is used by evaluators to make their judgments.

Combination Essay and Rating Scales. A simple and effective way to perform the evaluation is to develop a rating scale and leave room for additional comments under each criterion. This allows for individuals to use specific examples of what the employee has done. It also helps the Administrator understand what the Council thinks more specifically about his or her performance.

Oral Evaluation. Openly discussing the appraisal with the Administrator is another technique. As with written evaluations, conversation should center on the criteria you developed and should be conducted by the Council as a group. An advantage of verbal evaluation is that it presents an opportunity to clear up any misunderstanding about performance in face-to-face settings. However, unlike written evaluations, verbal evaluations do not leave a written record and sometimes lead to confusion later about what was said.

Combination of Written and Oral. A combined written and oral evaluation is probably the most effective method of performing the evaluation. This method allows each individual Council member to evaluate the performance of the Administrator in writing and follow up with face-to-face discussion individually and/or preferably collectively as a group.

Whatever technique chosen, it is important to stick to the developed criteria. You are evaluating the performance of an individual in a position. The evaluation is not a free-for-all gripe session, nor is it an awards ceremony; it is important to express legitimate concerns and recognize good performance as well as communicate future expectations.

STEP 6: PERFORM THE EVALUATION

The system for performing the evaluation you have just designed is now in place and ready to use. Make sure you have a definitive schedule set up and a target date for completing the evaluation.

If you have chosen to use a written evaluation technique, the forms should be distributed to individual Council members, requesting that the forms be completed and returned according to the established schedule.

Collecting accurate information according to the criteria you have developed is more difficult for a Council than in an ordinary supervisor-subordinate situation because Council members are not always able to observe the employee on a day-to-day basis.
It is certainly not appropriate for Council members to follow the Administrator around for a week with a pencil and pad in their hands. But there are several things Council members can and should do to help ensure that they have accurate information to perform a meaningful evaluation.

- The most important thing is to allow enough time to collect information about the Administrator’s performance. An extended information-collection period will make the entire process a little longer; however, it is well worth spending the additional time to have an effective and productive evaluation. Council members cannot base their judgments on the employee’s performance in only 2 or 3 months. Allowing six months after you have developed the criteria may be more appropriate.
- Looking over minutes of past meetings may suggest projects that the Administrator has been responsible for and the outcome of those projects.
- Individual Council members may want to make appointments with the Administrator to discuss his or her performance. This meeting is not intended to make judgments about his or her performance. Its purpose is to seek information.

Remember, the primary responsibility for Councilors during this phase of the evaluation cycle is to be alert and responsive to data about the Administrator’s performance. One of the most common errors found in formal employee evaluation systems is, as one Administrator explained, that they often reflect only the performance just prior to the evaluation session. To avoid this, it’s important for Councilors to document incidents and information throughout the performance cycle that reflect the performances of the City Administrator.

Note: It is as important to document outstanding performances as it is to document performances that don’t meet with your expectations.

It will be extremely helpful to both the Administrator and the Council to use specific examples of performance in the evaluation. Vague generalizations will not help the Administrator understand how they can improve performance. Specific examples help to illustrate positive and negative comments and put everyone on the same wavelength.

In preparing for discussion of the evaluation results with the Administrator, the facilitator of the review session should compile the information from each Council member into one document which reflects all the input. The facilitator should then share the results with the entire Council before it is presented to the Administrator. The purpose of sharing the results of the evaluation with the Council is to provide each member with an understanding of the total results. The Council should strive to reach consensus on the report so that each person can feel a part of the result and be comfortable with it. This does not mean that any individual should try to push others into changing their minds about how they filled out the evaluation. But this group discussion will allow each council member to understand how the others feel and what differences need to be resolved. There may be differences in the perceptions of individuals which need further discussion and clarification.

Having one document from the whole council is very important. The entire performance evaluation process has been a group process. It is not appropriate for each Council member to independently pass judgment on the Administrator without consensus of the entire Council. The Council has authority and the Administrator receives direction only when the Council acts as a body.

**STEP 7: DISCUSS RESULTS WITH EMPLOYEE AND ALLOW FOR FEEDBACK**

Before you make a final decision about any action because of the evaluation or make any final statement as a Council about the Administrator’s performance, it is important to discuss the results of the evaluation with the Administrator first.

Several things should happen during this discussion. First, you may wish to let the Administrator evaluate him or herself. You can give the same rating form or set of questions to the Administrator and ask them to fill it out according to their own perception of how they’ve performed in the position.
Discuss the areas where there are differences between the Administrator and the Council about strengths and weaknesses. There may be misunderstanding among Council members about the Administrator’s actual performance. Likewise, the Administrator may not have understood or may have misinterpreted the Council directives. Try to reach agreement on the areas that need improvement and what types of changes the Council would find acceptable.

A Council that is serious about evaluation should understand that its performance often affects the Administrator’s performance. The Council should ask the Administrator about how the Council’s performance has enhanced or hindered the Administrator’s performance.

STEP 8: AGREE ON FOLLOW-UP STEPS

One of the most important reasons for evaluating the performance of an employee is to acknowledge the employee’s strengths and point out areas that need to be improved. Any recommendations or actions the Council takes should be tied to this reason and any others the Council listed in Step 1 of this process.

Nobody is perfect — even the best evaluation will likely show a few things that need improvement and attention. Also, change may be necessary on the part of the Council as well as the Administrator.

Remember that the evaluation process is intended to bring about positive change. Focus on future improvement, not on past performance.

Agree on the areas that need improvement and the best course of action. The facilitator, if you are using one, may be able to suggest ways to improve performance.

Set up a work program and schedule for workshops or any other methods which will help the Administrator and Council improve the identified areas. Stick to the schedule.

Effective performance should be acknowledged. Everyone needs positive reinforcement for good work. The Council should decide how they would like to acknowledge strong performance. But, at the very least, a public statement by the Council should be made supporting and acknowledging the Administrator’s performance.

STEP 9: EVALUATING YOUR PROCESS

No process is ever complete without an evaluation of what it is you have done. Whether you develop a questionnaire to evaluate the process or have a debriefing session, every individual involved in the process should participate and make recommendations for future use. Here are some questions to get you started:

- What were the positive outcomes?
- What were the negative outcomes?
- Could negative outcomes have been avoided?
- How could you improve the process next time?
- What areas of the process do you and the Administrator need to work on?
- Were the criteria fair and objective?
- What have you learned about yourself as an elected or appointed official?
- How did the public react?

Involve the Administrator in this review. They may have some valuable insights for the next time. As a group, try to develop a list of ways you could improve what you have done.

Next Steps

Once you have completed this process, you will have done more than evaluate the performance of your employee. You will have defined your roles and responsibilities, set goals, opened lines of communication, and made significant strides toward increasing your own effectiveness as an elected body.
But don’t stop here! Go back and refine your roles; you may have accomplished some of your goals and need to set new ones. If you haven’t accomplished them, set deadlines for their accomplishment. It may be time to put another appraisal process together. There may be some Council training and team development sessions needed because of reviewing the Council’s and Administrator’s accomplishments. Don’t be discouraged if you felt a little uncomfortable or if the process wasn’t perfect the first time. This process takes practice and refinement, but it is worth it!

Continue the good work that you have started and watch how positive change can happen.

Appendices

ICMA Recognized Practices for Effective Local Government Management

1. **Staff Effectiveness:** Promoting the development and performance of staff and employees throughout the organization (requires knowledge of interpersonal relations; skill in motivation techniques; ability to identify others’ strengths and weaknesses). Practices that contribute to this core content area are:
   - **COACHING/MENTORING** Providing direction, support, and feedback to enable others to meet their full potential (requires knowledge of feedback techniques; ability to assess performance and identify others’ developmental needs)
   - **TEAM LEADERSHIP** Facilitating teamwork (requires knowledge of team relations; ability to direct and coordinate group efforts; skill in leadership techniques)
   - **EMPOWERMENT** Creating a work environment that encourages responsibility and decision making at all organizational levels (requires skill in sharing authority and removing barriers to creativity)
   - **DELEGATING** Assigning responsibility to others (requires skill in defining expectations, providing direction and support, and evaluating results)

2. **Policy Facilitation:** Helping elected officials and other community actors identify, work toward, and achieve common goals and objectives (requires knowledge of group dynamics and political behavior; skill in communication, facilitation, and consensus-building techniques; ability to engage others in identifying issues and outcomes). Practices that contribute to this core content area are:
   - **FACILITATIVE LEADERSHIP** Building cooperation and consensus among and within diverse groups, helping them identify common goals and act effectively to achieve them; recognizing interdependent relationships and multiple causes of community issues and anticipating the consequences of policy decisions (requires knowledge of community actors and their interrelationships)
   - **FACILITATING COUNCIL EFFECTIVENESS** Helping elected officials develop a policy agenda that can be implemented effectively and that serves the best interests of the community (requires knowledge of role/authority relationships between elected and appointed officials; skill in responsibly following the lead of others when appropriate; ability to communicate sound information and recommendations)
   - **MEDIATION/NEGOTIATION** Acting as a neutral party in the resolution of policy disputes (requires knowledge of mediation/negotiation principles; skill in mediation/negotiation techniques)

3. **Functional and Operational Expertise and Planning (a component of Service Delivery Management):** Practices that contribute to this core content area are:
   - **FUNCTIONAL/OPERATIONAL EXPERTISE** Understanding the basic principles of service delivery in functional areas—e.g., public safety, community and economic development, human and social services, administrative services, public works (requires knowledge of service areas and delivery options)
   - **OPERATIONAL PLANNING** Anticipating future needs, organizing work operations, and establishing timetables for work units or projects (requires knowledge of technological advances and changing standards; skill in identifying and understanding trends; skill in predicting the impact of service delivery decisions)
4. **Citizen Service (a component of Service Delivery Management):** Determining citizen needs and providing responsive, equitable services to the community (requires skill in assessing community needs and allocating resources; knowledge of information gathering techniques)

5. **Quality Assurance (a component of Service Delivery Management):** Maintaining a consistently high level of quality in staff work, operational procedures, and service delivery (requires knowledge of organizational processes; ability to facilitate organizational improvements; ability to set performance/productivity standards and objectives and measure results)

6. **Initiative, Risk Taking, Vision, Creativity, and Innovation (a component of Strategic Leadership):** Setting an example that urges the organization and the community toward experimentation, change, creative problem solving, and prompt action (requires knowledge of personal leadership style; skill in visioning, shifting perspectives, and identifying options; ability to create an environment that encourages initiative and innovation). Practices that contribute to this core content area are:
   - **INITIATIVE AND RISK TAKING** Demonstrating a personal orientation toward action and accepting responsibility for the results; resisting the status quo and removing stumbling blocks that delay progress toward goals and objectives
   - **VISION** Conceptualizing an ideal future state and communicating it to the organization and the community
   - **CREATIVITY AND INNOVATION** Developing new ideas or practices; applying existing ideas and practices to new situations

7. **Technological Literacy (a component of Strategic Leadership):** Demonstrating an understanding of information technology and ensuring that it is incorporated appropriately in plans to improve service delivery, information sharing, organizational communication, and citizen access (requires knowledge of technological options and their application)

8. **Democratic Advocacy and Citizen Participation:*** Demonstrating a commitment to democratic principles by respecting elected officials, community interest groups, and the decision making process; educating citizens about local government; and acquiring knowledge of the social, economic, and political history of the community (requires knowledge of democratic principles, political processes, and local government law; skill in group dynamics, communication, and facilitation; ability to appreciate and work with diverse individuals and groups and to follow the community’s lead in the democratic process). Practices that contribute to this core content area are:
   - **DEMOCRATIC ADVOCACY** Fostering the values and integrity of representative government and local democracy through action and example; ensuring the effective participation of local government in the intergovernmental system (requires knowledge and skill in intergovernmental relations)
   - **CITIZEN PARTICIPATION** Recognizing the right of citizens to influence local decisions and promoting active citizen involvement in local governance

9. **Diversity:** Understanding and valuing the differences among individuals and fostering these values throughout the organization and the community

10. **Budgeting:** Preparing and administering the budget (requires knowledge of budgeting principles and practices, revenue sources, projection techniques, and financial control systems; skill in communicating financial information)

11. **Financial Analysis:** Interpreting financial information to assess the short-term and long-term fiscal condition of the community, determine the cost-effectiveness of programs, and compare alternative strategies (requires knowledge of analytical techniques and skill in applying them)

12. **Human Resources Management:** Ensuring that the policies and procedures for employee hiring, promotion, performance appraisal, and discipline are equitable, legal, and current; ensuring that human resources are adequate to accomplish programmatic objectives (requires knowledge of personnel practices and employee relations law; ability to project workforce needs)
13. Strategic Planning: Positioning the organization and the community for events and circumstances that are anticipated in the future (requires knowledge of long-range and strategic planning techniques; skill in identifying trends that will affect the community; ability to analyze and facilitate policy choices that will benefit the community in the long run)

14. Advocacy and Interpersonal Communication: Facilitating the flow of ideas, information, and understanding between and among individuals; advocating effectively in the community interest (requires knowledge of interpersonal and group communication principles; skill in listening, speaking, and writing; ability to persuade without diminishing the views of others). Practices that contribute to this core content area are:
   - ADVOCACY Communicating personal support for policies, programs, or ideals that serve the best interests of the community
   - INTERPERSONAL COMMUNICATION Exchanging verbal and nonverbal messages with others in a way that demonstrates respect for the individual and furthers organizational and community objectives (requires ability to receive verbal and nonverbal cues; skill in selecting the most effective communication method for each interaction)

15. Presentation Skills: Conveying ideas or information effectively to others (requires knowledge of presentation techniques and options; ability to match presentation to audience)

16. Media Relations: Communicating information to the media in a way that increases public understanding of local government issues and activities and builds a positive relationship with the press (requires knowledge of media operations and objectives)

17. Integrity: Demonstrating fairness, honesty, and ethical and legal awareness in personal and professional relationships and activities (requires knowledge of business and personal ethics; ability to understand issues of ethics and integrity in specific situations). Practices that contribute to this core content area are:
   - PERSONAL INTEGRITY Demonstrating accountability for personal actions; conducting personal relationships and activities fairly and honestly
   - PROFESSIONAL INTEGRITY Conducting professional relationships and activities fairly, honestly, legally, and in conformance with the ICMA Code of Ethics (requires knowledge of administrative ethics and specifically the ICMA Code of Ethics)
   - ORGANIZATIONAL INTEGRITY Fostering ethical behavior throughout the organization through personal example, management practices, and training (requires knowledge of administrative ethics; ability to instill accountability into operations; and ability to communicate ethical standards and guidelines to others)

18. Personal Development: Demonstrating a commitment to a balanced life through ongoing self-renewal and development to increase personal capacity (includes maintaining personal health, living by core values; continuous learning and improvement; and creating interdependent relationships and respect for differences).

"How Are We Doing?"
Evaluating the Performance of the Chief Administrator

Margaret S. Carlson

Picture a governing board meeting at a hectic time of year. Perhaps it is budget season and difficult funding decisions loom. Or the members are still recovering from stinging criticism over a hot community issue. Suddenly, someone says, "Hey, didn't we say last year that we were going to evaluate the manager around this time?" Other members groan inwardly as they envision yet another series of meetings and potential conflict with other board members.
One member says, "Everything seems to be going OK. Let's just go ahead and decide on a salary increase now. Is an evaluation really that important?"

Yes. Evaluating the performance of the chief administrative officer—whether the title is local government manager or health director or school superintendent or social services director—is critically important.

In recent years, jurisdictions increasingly have recognized the importance of a useful performance evaluation system to the overall effectiveness of their organizations. They have taken steps to improve their methods of evaluating line workers, supervisors, and department heads.

But one important individual is frequently overlooked at performance evaluation time: the person who reports to the governing board. Governing boards have a responsibility to get on with that job. This article is designed to show how to evaluate a chief administrative officer who reports to a governing board, for simplicity called here the "manager."

Ironically, the reasons that a manager may not receive a regular performance evaluation are the very reasons that an evaluation can be helpful:

- This individual is in a unique position in the organization.
- He or she serves at the pleasure of the board.
- He or she may frequently receive conflicting messages about priorities and direction from board members.

It is vital for managers to get regular, accurate feedback about whether they are meeting the expectations of the board, but it is unlikely that the organization will have a useful process in place for administrators to get that information in the absence of a well-conceived performance evaluation system.

Conducting an effective evaluation is hard work, but it doesn't have to be a bad experience for the board or the manager. With planning and a commitment to open lines of communication, chances are good that the experience will result in a new level of cooperation and understanding between manager and board and, ultimately, a more effective working relationship.

Common Pitfalls
Both the board and the manager may approach an evaluation with reluctance. Board members will be required to talk openly and honestly about the positive and negative aspects of a person's performance—a difficult task for many people. The manager must be able to receive this feedback in a non-defensive manner, even when it appears that the board is articulating specific performance expectations for the first time, or that the board is focused on the manager's conduct in the most recent crisis, rather than his or her overall performance.

Here are some common problems that boards and managers encounter when they plan for and conduct performance evaluations:

- The board evaluates the manager only when there are serious performance problems, or when all or some of the board members already have decided that they want to fire the manager.
- The board realizes it is time to determine the manager's salary for the upcoming year, and it schedules a performance evaluation for the next meeting without discussing the format or process of the evaluation.
- The discussion during the evaluation is unfocused, with board members disagreeing about what the manager was expected to accomplish as well as whether the manager met expectations.
- The board excludes the manager from the evaluation discussion.

The board evaluates only the manager's interactions with and behavior toward the board, even though members recognize that this may represent a relatively small portion of the manager's responsibilities.

The board borrows an evaluation form from another jurisdiction or from a consultant without assuring that the form matches the needs of its own board and manager.

Most of these pitfalls can be avoided by planning and conducting a systematic process for evaluating the manager's performance. A thorough evaluation process, like the one suggested below, contains several essential components (see Figure 1).

A Suggested Evaluation Process
Planning the Evaluation.
1. Agree on the purpose(s) of the evaluation. Typically, boards identify one or more of the following goals when describing the purpose of an evaluation:
   - To give the manager feedback on his
or her performance and to identify areas in which improvement may be
needed.
- To clarify and strengthen the relationship between the manager and the board.
- To make a decision about the manager's salary for the upcoming year.

These goals are not incompatible, and it is possible to accomplish all of these tasks at once. However, it is essential that board members and the manager discuss and reach agreement on the purpose of the evaluation before deciding what the rest of the process will be. For example, a board member who thinks the main reason for doing an evaluation is to make a decision about compensation may think that a brief consultation among board members—minus the manager—is sufficient to ensure that no members have any major concerns about the manager's performance. This member also may ask for input from a personnel specialist who can provide information about managers' salaries in comparable jurisdictions. By contrast, a board member whose main interest is improving communication between the board and the manager may suggest a process that includes a conversation between the board and the manager, with the manager present throughout the evaluation.

A board might question whether the manager should be involved in planning the evaluation process, as the evaluation may be seen as the board's responsibility, with the manager as the recipient of the evaluation. Yet most boards want to conduct an evaluation that is helpful to the manager and provides guidance for his or her future actions. Because it can be difficult for the board to anticipate fully what the manager would—or would not—find useful in an evaluation, it is wise to consult with the manager early in the planning process.

For instance, the board may feel that the manager would be uncomfortable hearing board members talk about his or her performance at first hand and so may design a process that "protects" the manager from hearing any negative feedback. Although the board's motives may be good, such a design may not meet the manager's needs if the manager actually wants to be part of the discussion, negative comments and all. Spending some time talking about the purpose of an evaluation at the beginning of the process will reduce the possibility of misunderstandings and conflicting priorities later on.

2. Agree on what the board expects of the manager. A job is essentially a set of expectations. It is possible to assess whether or not an individual holding that job has met expectations. But an evaluation can be useful only if an earlier discussion has taken place in which the board and manager have outlined expectations for the manager's performance. A board and manager may discuss expectations in conjunction with setting organizational goals for the upcoming year, perhaps as part of an annual retreat.

After setting goals, the board may specify objectives for the manager that define his or her role in meeting these goals. These objectives, then, are the board's expectations concerning the manager. For example, a city council may set a goal of working with agencies and community groups to reduce drug-related crimes in the city. The council may list one or more objectives for the manager related to this goal: identifying groups and agencies that already are working to reduce drug-related crime, forming a partnership that includes members of all relevant groups, or explaining new programs to the local media. If the manager needs clarification of the objectives or has some concerns about his or her ability to meet the board's expectations, these issues are best discussed at the time these objectives are set, rather than a year later, when the board wants to know why its expectations have not been met.

In addition to identifying what the board wants the manager to achieve, a board typically has an interest in how the manager achieves these objectives; it expects the manager to have certain knowledge and to exhibit certain skills while performing his or her duties. Expectations about the manager's knowledge and skills also should be articulated by the board. The board may expect the manager, for example, to have oral and written presentation skills that enable him or her to present ideas clearly and concisely to diverse groups. It also may expect the manager to be able to allocate resources in a way that ensures equitable service delivery to citizens and to be able to delegate work effectively and evaluate the performance of his or her staff.

A board's expectations for the manager often represent a mix of general areas of knowledge and skills every manager should possess, as well as specific expectations based on the board's composition, the organization's history, or special features of the city or region. Therefore, it may be helpful for the board to use an existing list of managerial expectations as input for its discussion, then to customize these expectations to fit the needs of the jurisdiction. Many professional organizations—like ICMA—can supply such a list; or the board and manager may contact other communities in their area. Remember that a list of expectations for the manager that comes from a source outside the board is intended to begin a discussion of the board's expectations for the manager, not to replace this discussion.

3. Agree on the frequency and timing of the evaluation. The board and manager should agree on how often evaluations should be conducted (perhaps once a year) and adhere to that schedule. The timing of the evaluation also should be considered. For instance, the board may wish to have the evaluation cycle and budget cycle coincide and to make decisions about the manager's compensation at such a time. Or, it may choose to conduct the evaluation before the budget process gets under way if it feels that it would not be able to give its full attention to the evaluation during the
months leading up to the adoption of the budget.

The board should avoid scheduling the evaluation just before or after an election. If the evaluation is held too soon after an election, new members may not have had the time they need to gather information about and form a judgment of the manager's performance. Likewise, it is not a good idea to schedule an evaluation just before an election if a change in the composition of the board is expected.

4. Agree on who will be involved. All members of the board and the manager should participate in the evaluation (more about the manager's presence at the evaluation, below). The full board's participation is necessary because all members have relevant information about the manager's performance. In addition, during the planning process, the board and manager should consider whether there are other parties who have an important perspective on the manager's performance. A common problem is for the board to focus entirely on the manager's interactions with the board, even though the manager spends only a fraction of his or her time in direct contact with the board.

Although both the board and manager may feel that the perceptions of staff, citizens, and others are important, they may be concerned about how these perceptions will be collected and shared. It is not a good idea for board members to go directly to staff and to poll employees on their views of the managers' strengths and weaknesses. Such actions would put board members in an inappropriate administrative role and may put staff members—including the manager—in an uncomfortable position. Instead, the manager might hold "upward review sessions" with his or her staff in order to receive feedback from subordinates and to report general themes that came out of these sessions as part of his or her self-assessment.

The goal is not to make the manager feel under attack; rather, it is to acknow-

edge that many people may have relevant information about the manager's performance and that the board should not be expected to know everything about the manager's work. If the board and manager choose not to incorporate other sources of information in the evaluation, the board may want to consider omitting performance criteria that it feels unable to judge (such as the coaching and mentoring of subordinates).

5. Agree on an evaluation form to be used. Frequently, this is the first step that boards consider when planning an evaluation, and they find it to be a difficult task. However, if the board already has discussed and agreed on what it expects of the manager (see Step 2), agreeing on an evaluation form becomes much easier. It is simply a matter of translating expectations into performance criteria, making sure that the criteria are clear and measurable. For example, three expectations in the area of "knowledge and skills necessary for local government management" may look like Figure 2.

Following each criterion on the evaluation form is a scale ranging from "does not meet expectations" to "exceeds expectations" with an option of marking "unable to rate." A board may choose to assign numbers to this scale (say, 1 through 5, with 1 corresponding to "does not meet expectations" and 5 corresponding to "exceeds expectations"). But a numerical rating system is less useful in an evaluation of the manager than it is in an organization-wide evaluation of all employees, where standardized comparisons may have some value. In fact, a potential problem with using a numerical rating system is that it is easy to focus on the number as the end in itself, rather than simply a shorthand way to express the evaluation. Thus, a board may discuss at length whether a manager's performance on a given dimension is a 3 or a 4, and perhaps conclude that it is a 3.5, without fully exploring what these numbers represent.

Samples of evaluation forms may be

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**Figure 2. Portion of Sample Evaluation Form**

**Presentation Skills.** The ability to understand an audience and to present an idea clearly and concisely, in an engaging way, to a group whose interests, education, culture, ethnicity, age, etc., represent a broad spectrum of community interests and needs.

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<td>Does Not Meet Expectations</td>
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<td>Meets Expectations</td>
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<td>Exceeds Expectations</td>
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<td>Unable to Rate</td>
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**Citizen Service.** The ability to determine citizen needs, provide equitable service, allocate resources, deliver services or products, and evaluate results.

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<td>Does Not Meet Expectations</td>
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<td>Meets Expectations</td>
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<td>Exceeds Expectations</td>
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<td>Unable to Rate</td>
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**Delegating.** The ability to assign work, clarify expectations, and define how individual performance will be measured.

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obtained from ICMA (contact Anthony Crowell by fax, 202/962-3500) and other professional organizations. Again, it is essential for boards and managers to tailor forms to meet their needs.

**Conducting the Evaluation.**

1. Have individual board members complete the evaluation form prior to the evaluation session. Setting aside some time for individual reflection is important preparation for the evaluation session. It reinforces the message that this is an important task, worthy of the board members’ attention. Making individual assessments before beginning a group discussion also increases the likelihood that each member will form his or her own opinion without being influenced by the judgments or experiences of other members.

   This is not meant to imply that board members cannot change their minds as a result of group discussion; on the contrary, members frequently change their views of a manager’s performance as they hear the perspectives of other members and learn information that was not available to them when making their individual assessments.

2. Have the manager do a self-assessment. Inviting the manager to assess his or her own performance can add a helpful—and unique—perspective to the evaluation process. In most cases, the manager can simply complete the same evaluation form being used by the board. For the manager, the comparison of the self-assessment with the assessments of others provides an opportunity for insight into his or her own overestimation or underestimation of performance level as compared with the expectations of the board. For the board, hearing how the manager rates his or her own performance (and, more important, how he or she arrived at that rating) can help members gain some insight into whether the board and manager are communicating effectively.

   As an example, board members might rate the manager as not meeting expectations in a given area because a land use study has not been completed. Upon discussion with the manager, however, the board might learn that the study has been completed but not yet been presented to the board. This distinction would be important because it would suggest different areas for improvement. If the manager has not completed the study, the discussion might have focused on the importance of meeting deadlines. Instead, the group could develop strategies for improving communication so that board members will receive information in a timely manner.

0. Agree on a setting for the evaluation discussion. The evaluation should be conducted in a setting that is private and comfortable, free from interruptions, and considered neutral by all parties. These are the same characteristics a board may look for in a retreat setting when it meets to develop a long-range plan, discuss roles and responsibilities of new board members, and the like. The idea is to set aside a time and place to address a single topic, away from the pressure of a loaded agenda.

   Boards frequently ask whether the manager's evaluation is defined as an open meeting. Because the board is considering the performance of the manager—a public employee—during an evaluation, such a meeting may be held in executive session. According to the North Carolina open-meetings statute, for instance, a public body may hold an executive session to 'consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of a public officer or employee.'

1. Have the manager present during the evaluation. The above example, in which the board learns important information from the manager during the evaluation, illustrates the benefit of having the manager in the room, playing an active role in the evaluation. A manager present during the discussion can respond to questions from the board, ask questions, and provide relevant information.

   Frequently, a board's first impulse is to exclude the manager from the evaluation session. Some members may be reluctant to share negative feedback in the manager's presence. Other members may fear that the evaluation will turn into an analysis of the manager's handling of a single incident, with the manager defending his or her actions.

   Still others may want to shield the manager from what they perceive to be unduly harsh criticism from a few board members. These are valid concerns.

   However, many of the problems anticipated by the board stem from a lack of planning rather than from the manager's presence at the evaluation; consequently, many of these issues can be addressed in earlier phases of the planning process. For example, a good evaluation form will help ensure that the discussion focuses on job-related behaviors rather than personal traits and will look at the previous year's performance rather than that of the previous week.

   Some boards choose to exclude the manager from the evaluation session and select one member to summarize the board's discussion for the manager after the evaluation has been completed. Appointing a "designated spokesperson" to communicate the board's evaluation to the manager is often frustrating for both parties. It is difficult for one person to summarize a complex discussion in an accurate and balanced way, and the spokesperson may end up overemphasizing some points and underemphasizing or eliminating others. To a manager who is seeking feedback and guidance, this one-way communication usually does not give a full picture of the board's perceptions; consequently, the manager may make future decisions that are not consistent with the board's expectations.

   Even with a careful planning process, board members still may have concerns about sharing negative feedback with the manager. As described in the next section, a skilled facilitator frequently can diminish these concerns by helping
the group discuss these issues in a constructive way.

After the board has concluded its discussion of the manager's performance, it may wish to excuse the manager while it makes a decision about the manager's compensation. The manager presumably will receive any feedback and guidance from the board before the salary discussion, so his or her presence is not necessary at this point. However, the board should keep in mind that the actual setting of the manager's salary may not be covered under a personnel exception to an open-meetings law, and for this reason this determination should take place in an open session.

5. Consider using a facilitator. A performance evaluation is a complex task, particularly when an entire group is participating in the evaluation. Members may have different views of the manager's past performance or different expectations for the future. Board members also may be reluctant to share negative feedback, or they may be concerned that their feedback will be misinterpreted.

For all of these reasons, it is often helpful to use a facilitator when conducting the evaluation. A facilitator can help the group by monitoring the group's process, while leaving all members free to focus on the task of the evaluation. Facilitators often suggest that groups use a set of ground rules to help them accomplish their work more effectively.

The board might look to local business, civic, and academic leaders for recommendations for qualified facilitators; or it might contact the Institute of Government at the University of North Carolina at Chapel Hill, or the state's association of county commissioners, league of municipalities, school board association, or similar organizations for help in this area.

6. Allow sufficient time. A useful technique for the actual evaluation is a "round robin" format. Each member in turn expresses his or her judgment of the manager's performance on a given criterion, and the entire group then discusses any differences among individuals' ratings, with the goal of reaching group consensus on the manager's performance in this area before progressing to the next performance criterion. Even with a small board that is in general agreement about the manager's performance, this is a time-consuming process. Therefore, setting aside a full day for the evaluation session is a good idea.

Although this may seem like a lot of time to devote to one issue, the consequences of failing to reach agreement on what the board expects of the manager can ultimately require far more time and energy. The group may wish to divide the evaluation session into two half-days, if that is more manageable (both in terms of scheduling and energy levels).

7. Include a portion in which the board evaluates its own performance. In theory, it is possible for a board to specify expectations for the manager and then to evaluate the degree to which a manager has met these expectations. In practice, however, meeting expectations is usually a two-way street, and it is helpful for a board to examine its own functioning and how it contributes to—or hinders—the manager's effectiveness. In one case, a board set a number of high-priority objectives for the manager to meet, after which individual board members brought new "high-priority" projects to the manager throughout the year. In this case, the board was partly responsible for the manager's failure to meet the expectations initially set by the board.

8. Decide on the next steps, and critique the process. The actual evaluation of the manager's (and the board's) performance may seem like the last step in the evaluation process, but there still are a number of decisions to be made before the next evaluation cycle can begin. The board may wish to have a separate session to make a decision about the manager's compensation. This is also a logical time to talk about expectations and goals for the coming year, and the board may wish to set a date in the near future when it will set expectations and performance measures in preparation for the next evaluation.

An important final step: Before the evaluation is concluded, all members should assess the evaluation process itself. This self-critique helps the group look at its own process and learn from its experiences in working together. By reflecting on the task just completed, the group frequently identifies components of the process that worked well and aspects that could have been more effective. For example, it may decide that it did not clearly define the manager's role in reaching board goals before the evaluation and resolve to address this lack by a specified date.

A Process, Not an Event

As the steps described here illustrate, the evaluation of a chief administrative officer is a process, not an event. Careful planning and a commitment to communication between the board and the manager throughout the year will greatly facilitate the actual evaluation and increase the likelihood that it will be a valuable experience for all involved.

One last word: Don't let the fear that your board has not laid the proper groundwork prevent you from getting on with the job. You will probably see some things that you would like to change after the first evaluation (and the second, and the third . . . ). That is what the self-critique is for. The important thing is to begin the process. Making the evaluation a regular part of the board's work is the best way to ensure its success.

Margaret S. Carlson is a faculty member of the Institute of Government, The University of North Carolina at Chapel Hill, Chapel Hill, N.C.

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City Manager's Performance Evaluation
Sample Form

Monitoring the performance of the organization and the City Administrator are a continual process for the Mayor and Council. This is punctuated by the annual performance appraisal. John Carver states, “Evaluating the CEO is an important board (Mayor and Council) task. It seeks to ensure that board (Mayor and Council) values are truly in place.”

The following instrument allows each member of the Mayor and Council an opportunity to evaluate the City Administrator based on the following Job Dimensions:

✓ Staff Effectiveness
✓ Policy Facilitation
✓ Service Delivery Management
✓ Strategic Leadership
✓ Democratic Responsiveness
✓ Organizational Planning and Management
✓ Communication
✓ Integrity
✓ Interpersonal Characteristics and Skills
✓ Organizational Values
✓ Personal Development
✓ Self-Mastery
✓ Leadership

On each job dimension you are provided the opportunity to rate the relative importance of the dimension from your individual perspective, as well as the performance of the City Administrator. Narrative comments are welcomed to provide specific examples, or additional feedback to the City Administrator.

The combined feedback from this multi-rater form and the City Administrator’s self-evaluation will provide a framework for discussion during the annual performance evaluation meeting.

<table>
<thead>
<tr>
<th>Job Dimension:</th>
<th>Staff Effectiveness</th>
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<tbody>
<tr>
<td>Level of Importance:</td>
<td>□ High □ Medium □ Low</td>
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<thead>
<tr>
<th>Rater</th>
<th>Staff Effectiveness</th>
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<tbody>
<tr>
<td>No Basis for Rating</td>
<td>Staff is professional and are high quality performers; providing reports and services that are timely and complete and contain sound recommendations</td>
</tr>
<tr>
<td>Exceeds Expectations</td>
<td></td>
</tr>
<tr>
<td>Meets Expectations</td>
<td>Demonstrates a commitment to deal with non-performers and hold the organization accountable for results.</td>
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<tr>
<td>Almost Always Meets Expectations</td>
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<tr>
<td>Does Not Meet Expectations</td>
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Comments:
**Job Dimension:** Policy Facilitation

**Level of Importance:**
- [ ] High
- [ ] Medium
- [ ] Low

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<th>Rater</th>
<th>Policy Facilitation</th>
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<tbody>
<tr>
<td>☐ No Basis for Rating</td>
<td>Presents policy-related information completely and accurately</td>
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<td>☐ Exceeds Expectations</td>
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<td>☐ Meets Expectations</td>
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<tr>
<td>☐ Almost Always Meets Expectations</td>
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<tr>
<td>☐ Does Not Meet Expectations</td>
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<tr>
<td>☐ No Basis for Rating</td>
<td>Respects the role of elected officials in making policy decisions</td>
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<td>☐ Exceeds Expectations</td>
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<td>☐ Meets Expectations</td>
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<td>☐ Almost Always Meets Expectations</td>
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<tr>
<td>☐ Does Not Meet Expectations</td>
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<tr>
<td>☐ No Basis for Rating</td>
<td>Ensures that policy decisions and initiatives are implemented.</td>
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<td>☐ Exceeds Expectations</td>
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<td>☐ Meets Expectations</td>
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<td>☐ Almost Always Meets Expectations</td>
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<td>☐ Does Not Meet Expectations</td>
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**Comments:**

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**Job Dimension:** Service Delivery Management

**Level of Importance:**
- [ ] High
- [ ] Medium
- [ ] Low

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<tr>
<th>Rater</th>
<th>Service Delivery Management</th>
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<tbody>
<tr>
<td>☐ No Basis for Rating</td>
<td>Ensures prompt, courteous, and accurate responses to requests from citizens either directly or through the City Council</td>
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<tr>
<td>☐ Exceeds Expectations</td>
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<td>☐ Meets Expectations</td>
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<td>☐ Almost Always Meets Expectations</td>
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<td>☐ Does Not Meet Expectations</td>
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**Comments:**

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**Job Dimension:** Strategic Leadership

**Level of Importance:**
- [ ] High
- [ ] Medium
- [ ] Low

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<th>Rater</th>
<th>Strategic Leadership</th>
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<tbody>
<tr>
<td>☐ No Basis for Rating</td>
<td>Anticipates and positions the organization to address and respond to anticipated events and circumstances.</td>
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<td>☐ Exceeds Expectations</td>
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<td>☐ Meets Expectations</td>
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<tr>
<td>☐ Almost Always Meets Expectations</td>
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<td>☐ Does Not Meet Expectations</td>
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<tr>
<td>No Basis for Rating</td>
<td>Accepts responsibility for undesirable results.</td>
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<td>Exceeds Expectations</td>
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<td>Meets Expectations</td>
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<td>Almost Always</td>
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**Comments:**

**Job Dimension:** Democratic Responsiveness

**Level of Importance:**

- **High**
- **Medium**
- **Low**

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<tr>
<th>Rater</th>
<th>Democratic Responsiveness</th>
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<tbody>
<tr>
<td>No Basis for Rating</td>
<td>Demonstrates an appreciation for the unique culture of the community.</td>
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<td>Exceeds Expectations</td>
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<td>Meets Expectations</td>
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<td>Almost Always</td>
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**Comments:**

**Job Dimension:** Organizational Planning and Management

**Level of Importance:**

- **High**
- **Medium**
- **Low**

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<th>Rater</th>
<th>Organizational Planning and Management</th>
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<tbody>
<tr>
<td>No Basis for Rating</td>
<td>Prepares clear, effective, understandable budget.</td>
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<td>Exceeds Expectations</td>
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<td>Meets Expectations</td>
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<td>Almost Always</td>
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<td>Meets Expectations</td>
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<td>Does Not Meet Expectations</td>
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<tr>
<td>No Basis for Rating</td>
<td>Manages the allocation of financial resources.</td>
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<td>Exceeds Expectations</td>
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<tr>
<th>No Basis for Rating</th>
<th>Provides accurate assessment of the fiscal condition of the community.</th>
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<td>Meets Expectations</td>
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<tr>
<th>Rater</th>
<th>Communication</th>
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<td>No Basis for Rating</td>
<td>Demonstrates a capacity for effective written and oral communication.</td>
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<td>Exceeds Expectations</td>
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<td>Meets Expectations</td>
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<td>Meets Expectations</td>
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<tr>
<th>No Basis for Rating</th>
<th>Conveys information effectively and matches presentation styles to different audiences.</th>
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<td>Exceeds Expectations</td>
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<td>Meets Expectations</td>
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<td>Almost Always</td>
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<td>Level of Importance:</td>
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<table>
<thead>
<tr>
<th>Rater</th>
<th>Integrity</th>
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<tbody>
<tr>
<td>No Basis for Rating</td>
<td>Promotes ethical behaviors.</td>
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<td>Exceeds Expectations</td>
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<tr>
<td>Meets Expectations</td>
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<tr>
<td>Almost Always</td>
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<td>Meets Expectations</td>
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<td>Does Not Meet Expectations</td>
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<tr>
<td>Rater</td>
<td>Interpersonal Characteristics and Skills</td>
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<tr>
<td>No Basis for Rating</td>
<td>Demonstrates integrity in professional relationships.</td>
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<td>Exceeds Expectations</td>
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<tr>
<td>Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>Almost Always Meets Expectations</td>
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<td>Does Not Meet Expectations</td>
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Comments:

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<tr>
<th>Job Dimension:</th>
<th>Interpersonal Characteristics and Skills</th>
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<tr>
<td>Level of Importance:</td>
<td>High</td>
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<table>
<thead>
<tr>
<th>Rater</th>
<th>Interpersonal Characteristics and Skills</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Basis for Rating</td>
<td>Demonstrates accountability for personal actions,</td>
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<tr>
<td>Exceeds Expectations</td>
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<tr>
<td>Meets Expectations</td>
<td></td>
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<tr>
<td>Almost Always Meets Expectations</td>
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<td>Does Not Meet Expectations</td>
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Comments:

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<tr>
<th>Job Dimension:</th>
<th>Organizational Values</th>
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<tr>
<td>Level of Importance:</td>
<td>High</td>
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<table>
<thead>
<tr>
<th>Rater</th>
<th>Organizational Values</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Basis for Rating</td>
<td>Demonstrates and models the organization's values, mission statement, goals and objectives.</td>
</tr>
<tr>
<td>Exceeds Expectations</td>
<td></td>
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<tr>
<td>Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>Almost Always Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>Does Not Meet Expectations</td>
<td></td>
</tr>
<tr>
<td>No Basis for Rating</td>
<td>He &quot;Walks the Talk!&quot;</td>
</tr>
<tr>
<td>Exceeds Expectations</td>
<td></td>
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<tr>
<td>Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>Almost Always Meets Expectations</td>
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<td>Does Not Meet Expectations</td>
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Comments:
### Job Dimension: Personal Development

<table>
<thead>
<tr>
<th>Level of Importance:</th>
<th>□ High □ Medium □ Low</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rater</td>
<td>Personal Development</td>
</tr>
<tr>
<td>□ No Basis for Rating</td>
<td>Demonstrates a commitment to ongoing personal professional development through continued education and training.</td>
</tr>
<tr>
<td>□ Exceeds Expectations</td>
<td></td>
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<tr>
<td>□ Meets Expectations</td>
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<tr>
<td>□ Almost Always Meets Expectations</td>
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<td>□ Does Not Meet Expectations</td>
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**Comments:**

### Job Dimension: Self-Mastery

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<thead>
<tr>
<th>Level of Importance:</th>
<th>□ High □ Medium □ Low</th>
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<tbody>
<tr>
<td>Rater</td>
<td>Self-Mastery</td>
</tr>
<tr>
<td>□ No Basis for Rating</td>
<td>Demonstrates adaptability and a capability for coping with stress.</td>
</tr>
<tr>
<td>□ Exceeds Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Almost Always Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Does Not Meet Expectations</td>
<td></td>
</tr>
<tr>
<td>□ No Basis for Rating</td>
<td>Respects the views of others and accepts feedback.</td>
</tr>
<tr>
<td>□ Exceeds Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Almost Always Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Does Not Meet Expectations</td>
<td></td>
</tr>
<tr>
<td>□ No Basis for Rating</td>
<td>Is able to control and manage emotions in conflicts and interactions.</td>
</tr>
<tr>
<td>□ Exceeds Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Almost Always Meets Expectations</td>
<td></td>
</tr>
<tr>
<td>□ Does Not Meet Expectations</td>
<td></td>
</tr>
</tbody>
</table>

**Comments:**
C. BUDGET AMENDMENT #4 – COLA INCREASE FOR NON-UNION EMPLOYEES – (FIRST READING)

An adjustment will be made to the COLA increase in the amount of 1%, bringing the total COLA increase for non-union employees to 3%, in line with salary increases likely to be approved in the union negotiations. This budget adjustment reflects the adjustment to the COLA increase.

Councilor Johnston moved, Councilor Smart seconded “Be it Ordered that City Council approves the first reading of ‘Budget Amendment #4 F2019’ and moves to schedule a second and final reading for December 3, 2018.” Further move to approve the order. The motion passed with seven (7) yeas.

City of Saco
Budget Amendment Request Form

Revenue & Appropriation
Amendment # 4: COLA Increases for Non-Union

<table>
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<tr>
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</table>

Notes: COLA increase as originally budgeted was 1.8%. This increase represents an additional 1.2%.

Finance Director certifies that funds are available:

[Signature]

Date: 10/31/2018
D. BUDGET AMENDMENT #5 – FIRE UNION PAY INCREASE – (FIRST READING)

On July 23, 2018, Council approved a one-year contract with Saco Professional Firefighters Association, I.A.F.F., Local 2300. This budget amendment moves funds from the fringe benefit account to the Fire Department to cover the three percent salary increase.

Councilor Minthorn moved, Councilor Smart seconded “Be it Ordered that City Council approves the first reading of ‘Budget Amendment #5 F2019’ and moves to schedule a second and final reading for November 19, 2018. Further move to approve the order. The motion passed with seven (7) yeas.

City of Saco
Budget Amendment Request Form
Revenue & Appropriation
Amendment # 5: Fire Union Pay Increase

<table>
<thead>
<tr>
<th>Date</th>
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<table>
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<th>Object</th>
<th>Project</th>
<th>Account Name</th>
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<th>Actual YTD</th>
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</table>

Notes: This amendment pulls from payroll contingency with no net impact to fund balance. Fire Union increases were 3%. This amendment also includes the balance on the 3% increase for the volunteer call firemen, a portion of which was in Budget Amendment #4.

Finance Director certifies that funds are available:

\[Signature\]

10/31/2018

Date

E. CODE AMENDMENT TO THE ECONOMIC DEVELOPMENT COMMISSION, SECTION 4-35 – (FIRST READING)

The Economic Development Commission, along with City Administrator Kevin Sutherland and Planning and Development Director, Denise Clavette, worked on updating and revising the Economic Development Commission Charter language to reflect the current role of the Commission that has evolved over the last few years. The changes were discussed at two EDC meetings, and were approved at their September 17, 2018 meeting; to be sent to the City Council for the City Council’s review and approval.

At the September 17, 2018 meeting, the EDC members reviewed the Economic Development Commission Charter changes and agreed that the primary role for the EDC was to be advisory; that the language removing reference to an annual work plan was fine as the language of the entire document was inclusive enough with the reference to collaboratively working with the City of Saco’s economic development staff. Changes are reflected in the attached red-lined version, and the clean copy is provided for final review and approval. Action taken by the EDC at this meeting was: Motion made by Bette Brunswick, second by Bob Tkacik to approve the Charter changes as amended. Motion passed unanimously.

Councilor Doyle moved, Councilor Minthorn seconded “The City Council hereby ordains and approves the First Reading of the document titled, ‘Code Amendment to the Economic Development Commission, Section 4-35,’ and further move to schedule a Public Hearing for December 3, 2018”. The motion passed with seven (7) yeas.

4-35, Economic Development Commission

A. Purpose and Responsibilities.
1. The Economic Development Commission is established to support the City of Saco’s economic and community development efforts and to advise the City Council, staff and community on strategies, programs and policies, funding sources, and various actions that the City should undertake to promote and enhance the City of Saco; to assist City staff to actively pursue, within the goals and guidelines of City Council, commercial and industrial business development/investment for relocation into the City of Saco in order to achieve a balanced tax base; to assist City staff in working with the business community in the retention and expansion of the businesses already within the City; and to promote the City in various manners as an excellent place to live, work and do business.

2. The responsibilities/objectives of the Economic Development Commission shall be to:

a. Encourage and promote desirable economic development within the City consistent with other ordinances and policies, so as to keep an equitable and diverse tax base.

b. Undertake and support activities aimed at enhancing the economic well-being of the community by the promotion of a sustainable economy which will retain and create quality employment opportunities and a broadened tax base for the City and its residents.

c. Negotiate to purchase, enter into options to purchase, and purchase lands lying within the City for current and prospective industrial uses.

d. Negotiate and enter into lease and rental transactions of industrial sites and improvements owned by the City.

e. Conduct preliminary review of business development site plans and building designs and make recommendations to the Planning Board.

f. Collect economic and demographic data and perform analyses to help develop guidelines and recommendations, in addition to accessing and using State reports, such as: Vacancy Rate Report, Retail Sales Report, and Business Activity Report to help guide the City’s economic development plans.

g. __________ Develop guidelines and recommendations in such areas related to economic development including but not limited to business retention, business attraction, workforce development, the development of infrastructure necessary to support economic growth, redevelopment, and business development.

h. __________ Assist City Council with implementation of the Goals and Strategies of the Comprehensive Plan.

i. __________ Provide advisory guidance to Economic Development staff for matters pertaining to economic development including but not limited to the annual budget process, policy development, strategic planning, tax increment financing and land use.

j. __________ In consultation with the City Administrator, develop and prioritize an annual workplan and associated goals for Economic Development staff.

k. __________ Act as a liaison and advocate for businesses in the licensing and permitting processes.

l. __________ Work with other public and private entities and staff to promote the economic well-being of the community and perform such other functions as may be appropriate to achieve such goals.

m. __________ Participate in regional economic development efforts.

B. Commission membership and terms of office.

1. Voting members. The Commission consists of seven voting members who shall be appointed by the Mayor, with Council confirmation, for terms of five years. Commission members shall be residents of the City of Saco and shall be selected for their business knowledge and interest in economic development issues.
2. Non-voting members. The Commission shall consist of six non-voting members. These members will consist of the Executive Directors or their designee of the Biddeford Saco Area Economic Development Commission, Saco Main Street, and the Chamber of Commerce; the headmaster of Thornton Academy or their designee; a Council liaison; and the City Administrator or their designee.

C. Organization.
1. A quorum consists of four voting members. The Commission may act by a majority vote of those present and voting, but at least three affirmative votes shall be necessary to take any action under Subsection 2.

2. The Commission shall annually elect a Chairperson. They shall hold regular meetings as they shall determine. Special meetings may be called by the Chairman after notice to each member at least seventy-two hours in advance of such meeting.

3. Minutes of all meetings shall be recorded by City Staff and upon approval of the Commission shall be made available to the public.

4. The Commission shall prepare an operating budget for each fiscal year and shall submit such budget to the City Administrator, for inclusion in the City operating budget.

D. Vacancy in office
1. Vacancies in office occur when:
   a. A member submits his/her resignation
   b. A member's official residence is no longer within the City
   c. A member fails to attend three consecutive unexcused meetings of the Commission
   d. Upon the expiration of the term of a member

2. In the event that a vacancy does occur, the Mayor shall appoint a replacement for the unexpired term, subject to confirmation by the City Council. A member whose term has expired may continue to serve until the vacancy is filled.

E. Confidentiality of negotiations. It is hereby determined that premature disclosure of information used in or generated by negotiations undertaken pursuant to Subsection A2c, Subsection A2d, and Subsection A2g; would prejudice the competitive and bargaining positions of the Commission and the City. Therefore, the Commission (all members and involved staff) may conduct those negotiations in accordance with M.R.S.A. Title 1, Chapter 13, Subchapter 1, §405(6).

F. CHANGE OF USE IN CASCADE CONTRACT ZONE FOR LUMBER YARD – (FIRST READING)

Elliot Chamberlain, of Park North Development LLC, requests approval of an amendment to the current Cascade Contract Zone to allow “lumber and material yards” use to parcel one. The Cascade Contract Zone was approved in 2006, and amended in 2014 to include “automobile dealer” as a permittable use on what was considered at that time, Lot C1. Therefore, you will see this use on the list of permittable uses for parcel one of the Cascade Contract Zone. The Park North Subdivision was approved in 2008, and with the aid of TIF funds, sewer service, road and utility network were constructed. It should be noted that per current Zoning ordinances, this additional use is a permittable use in the zone directly across the street from the site.

Councilor Doyle moved, Councilor Minthorn seconded “The City Council hereby ordains and approves the First Reading of the proposed amendment to the Contract Zone titled “Contract Zone Agreement by and between Park North Development, LLC and the City of Saco” dated June 6, 2006 as subsequently amended, and further move to set the Public Hearing for December 3, 2018. The motion passed with seven (7) yeas.

| Permitted and Conditional Uses for each Parcel | 6. Artist and crafts person studios |
| PARCEL 1: PERMITTED USES: | 7. Eating establishments |
| 1. Dwelling units above the first floor as part of a mixed use building | 8. Eating and Drinking establishments |
| 2. One caretaker’s apartment within a non-residential use | 9. Drive thru eating establishments with internal access only. |
| 4. Retail Businesses and uses with no more than 80,000 s.f. of floor area per occupant | 11. Private Clubs |
|  | 12. Financial Institutions with drive through |
|  | 13. Professional Offices |
|  | 14. Business Offices |
|  | 15. Personal Services |
G. CONTRACT ZONE FOR CONVENIENT MD AT 506 MAIN STREET – (FIRST READING)

Applicant Mammoth Acquisitions, LLC is seeking approval under Section 230-1405 (F) of the Zoning Ordinance for a contract zone agreement (CZA) for demolition of the existing Rosa Linda’s restaurant, and construction of a new building proposed for a “Hospital and Clinic for Humans,” a permitted use in the B-2d zone. The applicant has applied for this CZA for the following reasons:

1) Required setbacks in the B-2d zone are 40 feet in the front and 20 feet in the side and rear. The applicant seeks to reduce the front setback to 15 ft.

2) The Zoning Ordinance would limit signage to 150 sf. The applicant is proposing three wall signs, and the ability to install a freestanding sign located between Main Street and the building. The three building signs would be approx. 325 sf.

3) Height of structures in the B-2d zone is limited to 35 feet. The applicant requests an increase to 43 feet for “…a better building design and configuration…”

This item was reviewed by the Planning Board at its November 6, 2018 meeting. The Board arrived at a negative finding on each of the four standards found in Sec. 230-1405 (F), and voted to forward a negative recommendation to the Council.

Note: Councilor Doyle & Acting City Administrator Pat Fox noted that the council packet background information stated that the Planning Board forwarded a “positive recommendation” to the Council, when it should have read a “negative recommendation”. Councilor Doyle clarified that this negative recommendation was on the four standards found in Sec. 230-1405(F).

Councilor Doyle moved, Councilor Johnston seconded to approve the First Reading and adopt the findings in the contract zone document entitled ‘Contract Zone Agreement by and Between Mammoth Acquisition Company LLC and the City of Saco,’ dated November 6, 2018; and to schedule a Public Hearing for December 3, 2018 for the property identified as Tax Map 40, Lot 57 as authorized by Section 1405 of the Zoning Ordinance, pursuant to 30A M.R.S.A. Section 4352(8)”. The motion passed with four (4) yeas and three (3) nays – Councilors Minthorn, Doyle, and Gay.

Contract Zone Agreement By and Between
MAMMOTH ACQUISITION COMPANY LLC and the CITY OF SACO
_____________________________________________________, 2018

THE CITY OF SACO HEREBY ORDAINS
That the Zoning Ordinance of the City of Saco, dated January 2, 1985, and amended through September 12, 2018, is hereby amended by adopting this contract by and between the City of Saco and MAMMOTH ACQUISITION COMPANY LLC, with a mailing address of 632 Washington Street South Easton, Massachusetts 02375 (the “Applicant”) and its successors and assigns:

1. The Applicant proposes to establish an urgent care facility to be located at 506 Main Street.
2. Said property is identified as Tax Map 40, Lot 57 on the City of Saco tax maps, and is in a B-2e-2d zoning district (the "Subject Property").

3. The subject property is currently improved with a nonconforming structure. The structure will be replaced, subject to the terms and conditions of this Agreement.

4. Offices and hospitals and clinics for humans are permitted uses in the B-2e-2d zoning district.

5. The Applicant proposes a zoning amendment in the form of a contract zone to facilitate the construction of a ConvenientMD urgent care facility. Recognizing the public necessity and convenience that will result from this undertaking, and recognizing the unique location of the Subject Parcel, and the requirements of the Zoning Ordinance, the Applicant hereby make application for a Contract Zone that would permit the following modifications to the requirements in the B-2e Zone and the establishment of the following components for the Subject Property, which modifications would, in part, amend the Saco Zoning Ordinance:

   A. The front setback for the structure shall be 15 feet.

   B. The maximum allowed signage for the urgent care facility shall be 400 square feet. A portion of this amount may be utilized by a freestanding sign of no more than 40 square feet in sign area, located between the front of the building and Main Street.

   C. The maximum allowed building height shall be 43 feet, measured from grade to the highest point around the footprint of the structure itself, excluding chimneys, steeples, antennas and similar appurtenances that have no floor area.

   D. The site shall be developed substantially generally in accordance with Exhibit A, including building location, parking spaces and landscaping. There shall be thirty (30) parking spaces provided on the site. The final site design shall be determined during site plan review by the Saco Planning Board, which may allow changes to the site design as long as such changes do not modify any specific condition of this Agreement and otherwise comply with the provisions of the Zoning Ordinance, as amended by this Agreement. The Applicant agrees that it will connect to a rear access provided from either abutting property in the event that such an access is provided by either abutting in the future. In the event of such connection, the Applicant is authorized to remove up to four (4) parking spaces, with the connection and the revised parking plan to be reviewed and approved by the City Planner as a minor change under Section 230-1109 of the Zoning Ordinance.

   E. The design of the building shall be substantially in accordance with Exhibit B. The final building design shall be determined during site plan review by the Saco Planning Board which may allow changes to the site design as long as such changes do not modify any specific condition of this Agreement and otherwise comply with the provisions of the Zoning Ordinance, as amended by this Agreement.

   F. Building signage shall be substantially similar to that shown in Exhibit CB. Final signage location and design shall be determined during site plan review by the Saco Planning Board, subject to the area limitation established in Section 5.B of this Agreement. The increased signage is determined to be necessary for the urgent care facility for the following reasons:

   (1) People seeking the urgent care facility are frequently in distress and need to be able to read the name of the facility to quickly locate it.

   (2) Many patients of the urgent care facility travel from outside the City and they will not be familiar with the location. Approximately 50% of the facility’s patients travel more than 25 miles to the facility, often based upon a recommendation from their health care insurer. Those users rely upon prominent signage to assist them in locating the urgent care facility.

   (3) Unlike many businesses or other facilities, ConvenientMD does not have a logo or an abbreviated form of its name that could be used in place of the full name. Patients seeking urgent care at the facility need to be able to read the full name on the building, which identifies the facility.

   G. In the event that the urgent care center use is discontinued, the structure may be reutilized for any use allowed in the underlying zoning district. Signage for any other use shall comply with the applicable signage requirements in effect at the time of the change of use.

   H. The City and the Applicant recognize that Exhibits A, and B and C are submitted for the purposes of this Contract Zoning Agreement and that they are limited in scope and detail. The project is subject to site plan review by the Planning Board, and to any and all permits, licenses or approvals to which the project may be subject by the any regional, state or federal agencies.

   I. Failure of the Applicant to submit applications for site plan review as proposed to the Planning Office for review and approval by the Planning Board within one (1) year of the approval of this Contract Zoning Agreement shall render this Agreement null and void. In the event that permits or approvals are delayed due to circumstances beyond the control of the Applicant, this deadline may be extended by the City’s Director of Planning and Development by twelve (12) months upon written request submitted by the Applicant.
J. Except as addressed in this Contract Zoning Agreement, the project shall adhere to all other applicable provisions of the City of Saco Zoning Ordinance. Exhibits A, B, and C are hereby incorporated into this Agreement by reference. This Contract Zone shall affect only the Subject Properties and shall bind the parties, as well as their successors and assigns.

K. This contract and its provisions shall specifically and exclusively apply to the Contract Zone request submitted by the Applicant. Any proposed change of use for the Subject Property shall be subject to site plan review by the Planning Board.

L. This Contract Zone, and benefits derived thereunder shall not be transferable prior to development of the site, except to a limited liability company or similar entity related to the Applicant, without approval by the City Council, which approval shall not be unreasonably denied.

M. Breach of these conditions, restrictions and/or Agreement by any of the Applicants shall constitute a breach of the contract. Said breach of contract shall constitute a zoning violation, subject to enforcement action by the City of Saco under the provisions of 30-A M.R.S.A. Section 4452.

This Contract Zone, specifically and exclusively for the parcel at 506 Main Street, would allow the Applicant to develop the Subject Parcel with the limitations and modifications as proposed above, subject to the above conditions and restrictions.

Pursuant to authority found in 30-A M.R.S.A. Section 4352(8), and the City of Saco Zoning Ordinance, Section 230-1405, and after a requisite recommendation from the Saco Planning Board on ____________, 2018, and by vote of the Saco City Council on ____________, 2018, the following findings are hereby adopted:

A. City Tax Map 40, Lot 57 is a parcel of an unusual nature and location, because the depth of the parcel is such that it is difficult to construct a new building in accordance with current setback requirements as well as to accommodate parking and landscaping.

B. The proposed rezoning is consistent with the 2018 City of Saco Comprehensive Plan Update, based on the following goals and policies:

   Section 2A: Local Economy Goals, Policies and Strategies

   Local Goals: To diversify the mix of firms/jobs, and to avoid dependence on single sectors.

   To increase the commercial tax base of the City.

   To strengthen Saco’s role as a service center for the region, focusing on the industrial commercial, distribution, logistics, natural resource-value added, office, health and medical, tourism and hospitality and retail sectors.

   Section 2A.5. The Route One Corridor from Thornton Academy north to the I-195 Spur functions as a community commercial center. The City should work to improve the visual appearance of this area. In addition, efforts should be made to upgrade traffic flow and to improve access to and from adjacent properties and neighborhoods. This effort should be guided by the access management principles endorsed by the City in the Main Street Access Study, February 2005 and subsequent reports.

   Section 6.4 Land Use Goals and Policies.

   To foster a pattern of land use that respects and builds upon the established settlement pattern of an urban core surrounded by an outlying rural area.

   To accommodate the growth of commercial and industrial activities in designated growth areas where public services and facilities are or can be provided.

   To encourage a pattern of land use that can be served efficiently and that does not impose an undue burden on the Town’s financial resources.

Based on the above findings, conditions and restrictions, the City Council hereby incorporates this Contract Zoning agreement into the Saco Zoning Ordinance by reference. By signing this contract, both parties agree to abide by the conditions and restrictions contained herein.

Adopted by the Saco City Council on _________________, 2018.
MAMMOTH ACQUISITION COMPANY LLC

By: ____________________________

Its: ____________________________

CITY OF SACO

By: ____________________________

Kevin Sutherland, Its City Administrator
VIII. ADMINISTRATIVE UPDATE

There were no Administrative Updates this evening.

IX. COUNCIL DISCUSSION AND COMMENT

➢ Councilor Copeland – Received sidewalk complaints during the last storm. Acting City Administrator Patrick Fox stated that the city plowed the 35 miles of sidewalks. The timing of the storm was such that the street plowing was overlapping the sidewalk plowing. So, some of the sidewalks got filled back in. Staff was brought back in on Saturday to address those sidewalks. At this time of year, the ground hasn’t frozen, so on the secondary roads we try to do as little plowing as we can because we are going to rip up front lawns when the conditions are like this. Some of this is also new people in new roles. Each driver maintains about 13 miles. Councilor Copeland thanked Mr. Fox and his department for the great job they do and she realizes there are allot of challenges.

➢ Councilor Archer – Go Thornton Football. They were undefeated the whole season.

➢ Councilor Minthorn – Saco’s roads were the cleanest of any community I went through until there was no snow at the New Hampshire border.

➢ Councilor Copeland – The Food Pantry on Ocean Park Road had a craft fair and I was talking to the Age Friendly Wellness event and I’d like to note that they could really use some help and donations. They are open from 9:00 a.m. – 11:00 a.m. weekday morning if you want to drop stuff off. Please recognize at this time of year that there are people in need and to help when you can.

➢ Councilor Johnston – Wished everyone a Happy Thanksgiving.

➢ Mayor Lovell – Noted there is a School Board meeting on Wednesday evening for anyone who wished to attend.

➢ Councilor Archer – Has been getting allot of complaints about something going on at the Middle School. If we could pass the message to the City Administrator to figure out what is going on. Mayor Lovell noted that is a personnel issue going on at the School and that they have their own Administrator.

X. EXECUTIVE SESSION

Mayor Lovell stated that there was no Executive Session this evening.

XI. REPORT FROM EXECUTIVE SESSION

XII. ADJOURNMENT

Councilor Minthorn moved, Councilor Copeland seconded to adjourn the meeting at 7:25 p.m. The motion passed with seven (7) yeas.

Attest: __________________________________________
            Michele L. Hughes, City Clerk