

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Tuesday, September 3, 2013

The Common Council was convened at 7:00 p.m. and was called to order by Council President McLaughlin.

The roll being called, the following answered to their names: Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Sano and Smith.

Also present were the following staff: Cashawna Parker, Nala Woodard, Barbara Samel and Patrick Jordan.

Council Member O'Brien led the Pledge of Allegiance.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Number 56.81.13R, which was approved by unanimous voice vote.

Council Member O'Brien offered RESOLUTION NUMBER 56.81.13R (RESOLUTION CONGRATULATING THE WESTLAND HILLS 11 AND UNDER BOYS ALLSTAR TEAM FOR WINNING THE CAPITAL DISTRICT CAL RIPKEN TOURNAMENT AND FOR COMPETING FOR THE NEW YORK STATE CAL RIPKEN CHAMPIONSHIP), which had been previously introduced, and asked for passage and a roll call vote thereon.

**Note: Council Members O'Brien spoke on this resolution prior to passage.*

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Resolution Number 56.81.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, Sano and Smith.

PUBLIC COMMENT PERIOD

1. John Habiniak, 85 Aiken Avenue, Rensselaer, NY (CDTA bus cleanliness and cleanliness of mall employees);
2. Liz Hitt, 108 Central Avenue, Albany, NY (Homeless adult females);
3. Darlene McGraw, 15 Western Avenue, Apt. 2, Albany, NY (ADA accessible sidewalks and smoking in taxicabs);
4. Helene Brown, 562 Park Avenue, Albany, NY (Bedbugs);
5. Robert Porter, 564 Park Avenue, Albany, NY (Bedbugs).

There being no further speakers, the President declared the public comment period closed.

CONSIDERATION OF LOCAL LAWS

The local laws on the agenda were held at the request of President Pro Tempore Conti.

REPORTS OF STANDING COMMITTEES

Planning, Economic Development and Land Use – Chairman Herring stated that the committee met on August 28, 2013 at 6:00 p.m. immediately following caucus to discuss Resolution Number 69.82.13R appointing Alison Bates to the Planning Board and Ordinance Number 40.82.13 in relation to re-zoning of the properties located at 241 South Allen Street, 70, 68, 66, 64, 62, 60, 44, 42, 40 and 38 Onderdonk Avenue and the portion of the former Dale Place adjacent to 261 South Allen Street and 70 Onderdonk Avenue. He stated that both pieces of legislation were sent to the Council with a positive recommendation.

CONSIDERATION OF ORDINANCES

Council Member Conti introduced ORDINANCE NUMBER 41.91.13, which was referred to the Ad Hoc Committee on Permit Parking:

AN ORDINANCE AMENDING ARTICLE VIII (RESIDENTIAL PARKING PERMIT SYSTEM) OF CHAPTER 359 (VEHICLE AND TRAFFIC) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO VISITOR PERMITS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 359-73 (Definitions) is amended by adding thereto the following new definitions:

RESIDENT, TRANSIENT

An individual currently residing with in the parking area based on the submission of adequate documentation in accordance with the provisions of this article for a temporary period of less than twelve months

TRANSIENT RESIDENTIAL PARKING PERMIT

An authorization allowing a transient resident individual to park a vehicle operated by such person for a period of time within a prepaid parking permit area without regard to the two-hour limitation on streets requiring display of a parking permit.

Section 2. Section 359-77 (Issuance of visitor parking permits) is amended to read as follows:

- A. Upon application and purchase of a residential parking permit, a resident of a prepaid parking permit area [~~shall receive~~] may purchase not more than one visitor parking permit per household for use within the prepaid parking area for which a permit is issued in accordance with § 359-76 of this article; provided, however, that a resident of a prepaid parking permit area not purchasing a residential parking permit may purchase a visitor parking permit in accordance with the provisions of this article. [A] Transient residents and nonresident business/property [~~owner~~] owners shall not be entitled to a visitor parking permit.

- B. A visitor permit issued in accordance with this section shall include a unique code assigned by the City Clerk upon issuance that will facilitate the identification of the name and address of the permit holder.
- C. A visitor permit issued in accordance with this article is for use by visitors to a resident within the parking permit area, any other use is a violation of this article.

Section 3. Section 359-79 (Fees) is amended to read as follows:

- A. The City Clerk shall collect the following fees at the time a permit is issued:
 - (1) Residential parking permit: [~~\$25~~] \$20.
 - (2) [~~Nonresident business/property owner permit: \$25.~~] Transient residential parking permit: \$15.
 - (3) [~~Visitor permit: \$10.~~] Nonresident business/property owner permit: \$25.
 - (4) [~~Replacement/transfer permit: \$10.~~] Visitor permit:
 - (i) \$5 when purchased by a resident purchasing a residential parking permit;
 - (ii) \$10 when purchased by a resident not purchasing a residential parking permit.
 - (5) Replacement/transfer permit: \$10.
- B. All fees shall be credited to the general fund of the City.

Section 4. Section 359-81 (Penalties for offenses) is amended to read as follows:

- A. Any vehicle parked in the permit area in violation of this article may be issued a fifty-dollar parking ticket.
- B. No resident or nonresident business owner shall permit a nonresident to use a residential or nonresident business permit issued to a resident or nonresident business owner or aid a nonresident in any way in obtaining a parking permit. No resident shall allow for the use, sale or transfer of a visitor permit in violation of the authorized uses under this article. Violation of the terms of this section shall be punishable by a fine not to exceed \$250 and/or suspension of residential parking permit privileges for a period not to exceed six months.

Section 5. This ordinance shall take effect immediately.

Council Member Conti introduced ORDINANCE NUMBER 42.91.13, which was held.

AN ORDINANCE AUTHORIZING AND DIRECTING THE CONVEYANCE OF ALL THE RIGHT, TITLE AND INTEREST OF THE CITY OF ALBANY IN AND TO A PORTION OF 78 MORRIS STREET IN THE CITY OF ALBANY, NEW YORK AT PRIVATE SALE TO THE OWNER OF 80 MORRIS STREET

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. It is hereby ordered and directed that all the right, title and interest of the City of Albany in and to a portion of 78 Morris Street (aka 72 Morris Street), adjacent to 80 Morris Street (aka

74 Morris Street), be sold at private sale pursuant to the provisions of Local Law No. 4 for 1984 to the owner of 80 Morris Street.

SUBJECT to all easements, restrictions and rights-of-way of record.

Section 2. It is hereby determined that the aforesaid property has been abandoned for municipal or public purposes.

Section 3. The form, content, terms and conditions of such conveyance shall be approved by the Corporation Counsel and shall be subject to the approval of the Board of Estimate and Apportionment, and if approved by said Board, the Mayor is hereby authorized and directed to execute a proper deed of conveyance for a valuable consideration.

Section 4. This ordinance shall take effect immediately.

Council Member Konev introduced ORDINANCE NUMBER 43.91.13, which was referred to the Law, Buildings and Code Enforcement Committee:

AN ORDINANCE AMENDING SECTION 353-28 (MAINTENANCE AND INSPECTION OF TAXICABS) OF CHAPTER 353 (VEHICLES FOR HIRE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO A TAXICAB BILL OF RIGHTS

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Section 353-28 of Chapter 353 of the Code of the City of Albany is hereby amended to read as follows:

[§ 353-28. Maintenance and inspection of taxicabs.](#)

A. All taxicabs assigned a medallion by the City of Albany shall conform to the following requirements:

(1) Exterior requirements: headlights, taillights, brake lights, directional signal lights, windshield, windshield wipers, backup lights, defrosters (front and rear) and horn, all other vehicle glass, a minimum of four doors, door locks, trunk lid, trunk hood, splash shields, bumpers and fenders. Body and tires shall be maintained in a clean condition and in good working order. Unless the wheel rims are specifically designed to eliminate the need for hubcaps, vehicles must be equipped with four hubcaps. There shall be no tears, holes or large rust spots in the vehicle body and no loose pieces, such as fenders, bumpers or trim, hanging from the vehicle body. The body, including the color scheme, owner's trademark, name, monogram, phone number, cab number (minimum of four inches in height on both sides of the vehicle), insignia or other marking shall be well painted and in a clean and orderly appearance.

(2) Interior requirements. The interior of each vehicle shall be maintained in a clean condition, free of foreign matter and offensive odors. There shall be no litter in the vehicle or trunk. Seats and floor mats shall be kept clean and without holes or large wear spots.

(3) Posted notices. There shall be posted conspicuously on the interior and exterior of each taxicab the phone number of the Commissioner indicating where to direct any complaints relative to the fare charged, appearance or functioning of the vehicle or the conduct of the

driver. Each taxicab shall also have a Taxicab Bill of Rights posted conspicuously on the interior of each taxicab. The Taxicab Bill of Rights shall state the following:

As a taxicab passenger, you have the right to:

Go to any destination in the Capital Region;

Direct the route taken: the most direct route or one of your choice;

A safe and courteous driver who obeys all traffic laws;

A knowledgeable driver who speaks English and knows Capital Region geography;

Air conditioning or heat upon request;

A noise free trip: no horn honking or radio;

Clean air: smoke and scent free;

Working seatbelts for all passengers;

A clean taxicab: interior, exterior and partition;

Be accompanied by a service animal;

A driver who does not use a cell phone while driving a taxicab unless he/she is using a hands-free device for taxicab business only (radio dispatch is acceptable);

A receipt with the correct cab company information upon request;

Decline to tip for poor service.

Your taxicab driver also has rights that you should respect and abide by, including the following:

Customers should be courteous, orderly and obey all laws or service may be refused;

Refrain from smoking;

Drinking and eating are allowed as long as the drink has a lid and the food is not dropped in the taxicab;

Do not distract or otherwise prevent the taxicab driver from focusing on driving the taxicab;

Pay the fare as requested by the driver either when entering the taxicab or when you have reached your destination. Should you dispute the fare, you should talk to the driver first and then request to speak to the local dispatcher/manager;

Understand that if you trash or get sick in this vehicle, particularly from drinking alcohol, a fee to clean the vehicle may be automatically added to the fare and will appear as a separate charge on your receipt.

(4) On and after June 1, 2002, no taxicab shall be older than seven years old.

B. Before any taxicab can initially be placed in operation, such vehicle shall be inspected by the Commissioner as to the requirements listed in Subsection [A\(1\)](#) and [\(2\)](#) above, and no taxicab medallion will be issued for such vehicle until it has been found that the exterior and interior of such vehicle is clean, fit and of good appearance. The Commissioner shall inspect all taxicabs for these requirements twice a year.

[C.](#) Every owner or operator shall have each medallioned taxicab submitted to a New York State motor vehicle inspection every six months. Valid proof of such inspection shall be by certificate issued by a licensed New York State inspection station certifying that the vehicle meets all requirements of the Vehicle and Traffic Law of the State of New York. Certifications shall be made on a form to be supplied by the Commissioner.

D. The Commissioner shall also have the right to inspect all taxicabs from time to time or on the complaint of any citizen. If the Commissioner finds that a vehicle does not meet the requirements of this section, he may, in his discretion, suspend or revoke the owner's taxicab medallion or the driver's hack license. It shall be the responsibility of the medallion owner to ensure that its taxicabs meet the above requirements in § [353-28A\(1\)](#), [\(2\)](#) and [\(3\)](#) before going into service. Failure of the medallion owner to comply may result in the taking of the medallion and a hearing held in accordance with § [353-19](#). Fines may be assessed.

Section 2. This ordinance shall take effect immediately.

President Pro Tempore Conti asked and received majority consent to add ORDINANCE NUMBER 44.91.13 to the agenda, which was approved by unanimous voice vote.

Council Member Conti, introduced ORDINANCE NUMBER 44.91.13, which was referred to the Park South Ad Hoc Committee:

AN ORDINANCE AMENDING THE PARK SOUTH URBAN RENEWAL PLAN AND PLANNED DEVELOPMENT OVERLAY DISTRICT (PSPDOD) CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY

The City of Albany, in Common Council convened, does hereby ordain and enact:

Section 1. Substantive changes to the Park South Urban Renewal Plan and Planned Development Overlay District (PSPDOD) require the approval of the Common Council. It is hereby determined that the Urban Renewal Plan and PSPDOD shall be amended to reflect the best interest of the Park South neighborhood and the current planning initiatives for the two contiguous blocks bounded by New Scotland Avenue, Myrtle Avenue, Robin Street and Dana Avenue. The Urban Renewal Plan and PSPDOD is hereby amended to permit: the construction of a parking structure in the approximate area of 405 Myrtle Avenue; construction of six story buildings between and including 11-41 New Scotland Avenue; and an increase in the number of dwelling units within the said two contiguous blocks, as depicted on the revised map A-xi of the Urban Renewal Plan and Chapter 375 of the City Code.

Section 2. The Park South Urban Renewal Plan as it currently exists in map A-xi of Chapter 375 shall be amended accordingly. Applicable design standards for the project as referenced in the amended Park South Urban Renewal Plan shall continue.

Section 3. This ordinance shall take effect immediately.

The remaining ordinances on the agenda were held at the request of President Pro Tempore Conti.

CONSIDERATION OF RESOLUTIONS

Council Member Conti introduced RESOLUTION NUMBER 72.91.13R on behalf of Council Member Rosenzweig, which was referred to the Council Operations and Ethics Committee:

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING JOSEPH R. CUNNIFF TO THE CABLE TELEVISION PUBLIC, EDUCATION AND GOVERNMENT ACCESS OVERSIGHT BOARD

WHEREAS, pursuant to Section 42-376 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Cable Television Public, Education and Government Access Oversight Board (“PEGAOB”).

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby re-appoints Joseph R. Cunniff to the PEGAOB for a three (3) year term expiring July 1, 2016.

President Pro Tempore Conti asked and received majority consent to add RESOLUTION NUMBERS 73.91.13R, 74.91.13R, 75.91.13R, 76.91.73R and 77.91.13R to the agenda, which was approved by unanimous voice vote.

Council Member Bailey introduced RESOLUTION NUMBER 73.91.13R (MC), and asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AMENDING RESOLUTION 37.62.12R ENTITLED: “RESOLUTION OF THE COMMON COUNCIL ADOPTING PERMIT PARKING ZONE BOUNDARIES AND STREET DESIGNATIONS IN ACCORDANCE WITH ARTICLE VIII OF CHAPTER 359 OF THE CODE OF THE CITY OF ALBANY”, AS ADOPTED ON JUNE 18, 2012

BE IT RESOLVED, that Resolution 37.62.12R as adopted by the Common Council on June 18, 2012 is hereby amended as follows:

Zone C shall commence beginning at point where the centerline of North Hawk Street where it is intersected by the centerline of Clinton Avenue; running thence northerly along the centerline of North Hawk Street to the point of intersection with the centerline of First Street; thence easterly along the centerline of First Street to the point of intersection with the centerline of Saint Joseph’s Terrace; thence northerly along the centerline of Saint Joseph’s Terrace to the point of intersection with the centerline of Second Street; thence northerly along the centerline of Hall Place to the point of intersection with the centerline of Ten Broeck Place; thence easterly along the centerline of Ten Broeck Place to the point of the intersection with the centerline of Ten Broeck Street; thence northerly along the centerline of Ten Broeck Street to the point of the intersection with the centerline of Livingston Avenue; thence easterly along the centerline of Livingston Avenue to the point of the intersection with the centerline of North Pearl Street; thence southerly along the centerline of North Pearl Street to the point of the intersection with the centerline of Wilson Street; thence westerly along the centerline of Wilson Street to the point of intersection with the centerline of the point of intersection of Ten Broeck Street; thence southerly along the centerline of Ten Broeck Street to the point of intersection with the centerline of Clinton Avenue; thence westerly along the centerline of Clinton Avenue to the point of intersection with the centerline of North Hawk Street, the point and place of beginning. Zone C shall additionally include the residential addresses at 174 and 176 North Pearl Street.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately.

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Resolution Number 73.91.13R was co-sponsored by Council Members Conti, Freeman and Jenkins-Cox.

Council Member Bailey introduced RESOLUTION NUMBER 74.91.13R (MC), and asked for passage and a roll call vote thereon:

AUTHORIZING THE IMPLEMENTATION, AND FUNDING IN THE FIRST INSTANCE 100% OF THE FEDERAL-AID AND STATE “MARCHISELLI” PROGRAM-AID ELIGIBLE COSTS, OF A TRANSPORTATION FEDERAL-AID PROJECT, AND APPROPRIATING FUNDS THEREFORE (SHERIDAN HOLLOW SIDEWALK IMPROVEMENTS [P.I.N. 1757.95])

WHEREAS, a Project for the Sheridan Hollow Sidewalk Improvements P.I.N. 1757.95 (“the Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% non-federal funds; and

WHEREAS, the City of Albany desires to advance the Project by making a commitment of 100% of the non-federal share of the cost of Preliminary Design Phases I-VI.

NOW, THEREFORE, the Common Council, duly convened does hereby

RESOLVE, that the Common Council hereby approves the above-subject project; and it is hereby further

RESOLVED, that the Common Council hereby authorizes the City of Albany to pay in the first instance 100% of the federal and non-federal share of the cost of Design work for the Project or portions thereof; and it is further

RESOLVED, that the additional sum of \$78,923.00 (Seventy eight thousand nine hundred twenty three dollars and no cents) is hereby appropriated pursuant to Ordinance No. 18.22.13 and made available to cover the cost of participation in the above phase of the Project; and it is further

RESOLVED, that in the event the full federal and non-federal share costs of the project exceeds the amount appropriated above, the Common Council of the City of Albany shall convene as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and it is further

RESOLVED, that the Mayor of the City of Albany be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the municipality’s first instance funding of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefor that are not so eligible; and it is further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and it is further

RESOLVED, this Resolution shall take effect immediately.

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Resolution Number 74.91.13R was co-sponsored by Council Members Freeman and Konev.

Council Member Freeman introduced RESOLUTION NUMBER 75.91.13R (MC), and asked for passage and a roll call vote thereon:

RESOLUTION HONORING REVEREND ROBERT WALTER DIXON, SR. UPON HIS RETIREMENT AS PASTOR OF THE MT. CALVARY BAPTIST CHURCH FOR HIS COMMITMENT AND CONTRIBUTIONS TO THE PEOPLE OF THE CITY OF ALBANY

WHEREAS, Reverend Dixon is retiring as Pastor of the Mount Calvary Baptist Church after 36 years of faithful service; and

WHEREAS, Reverend Dixon was born and reared in New York City and is a product of the New York City school system. He honorably served in the U.S. Army Calvary at West Point from 1941 to 1946 and thereafter was employed by I.B.M. Corporation in Poughkeepsie for 28 years and where he retired in the position of Manager in the Production Control Division; and

WHEREAS, his first pastorate was at Central Baptist Church in Salt Point, New York for 19 years. Pastor Dixon has been an involved community activist. While in Salt Point, New York he was an independent candidate for the office of Mayor of Poughkeepsie, Vice President of the Poughkeepsie Middle School Board and Vice Chair of the Dutchess County Dr. Martin Luther King, Jr. Commemorative Committee; and

WHEREAS, in September, 1977, he became pastor of Mount Calvary Baptist Church in Albany, New York. Upon relocating to Albany he became an involved, visible and out-spoken life-time member of the NAACP and was recognized for his leadership qualities by the Albany Branch. He has received numerous awards from the community for his untiring work in the Capital District. A leader of leaders, he garners the respect across all sectors of the community. He was extremely instrumental in the implementation of the Community Police Relations Board, serving as its Chairman from 1984 to 1998. Pastor Dixon is a member of the Capital Area Council of Churches, served as Chairman of the Albany Dr. Martin Luther King, Jr. Memorial Commission and former member of the New York State Dr. Martin Luther King, Jr. Commission. He was instrumental in the erection of the memorial to Dr. Martin Luther King, Jr. in Lincoln Park. He is the former Chairman of the African American Clergy United for Empowerment Organization. Pastor Dixon served as a member of the Advisory Committee on Communities and the Law for former Attorney General and Governor Eliot Spitzer, a member of the Salvation Army Board of Directors of Albany and serves on other boards and committees in the City of Albany; and

WHEREAS, Reverend Dixon also served as a member of the Central Hudson Baptist Association for more than 50 years, as treasurer and subsequently as the Moderator. Because of his faithfulness to the association the Robert W. Dixon Retreat Fund was established in his honor. Pastor Dixon served as President of the Empire Baptist Convention, leading an organization of over 500 churches, from 1998 to 2005. During his tenure as President the organization saw a dramatic increase in involvement in civic activities. He provided a platform for future state leaders to share their views

with over 5,000 constituents, demonstrating that there is a need for church and state to work together to address the needs and concerns of all residents of New York State; and

WHEREAS, the Reverend Robert Walter Dixon, Sr. has been married to Georgia Bryant Dixon for 38 years. This union has been blessed with 7 children, 7 grandchildren and 2 great grandchildren; and

WHEREAS, to know this pastor, preacher, teacher and servant of God is to love him. Mount Calvary has truly been blessed by this man of God who has served longer than any pastor in the history of the church.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council pauses in its deliberations to honor Reverend Robert Dixon, Sr. on the occasion of his retirement and wishes to express its appreciation for his commitment to the South End of Albany at the Mt. Calvary Baptist Church and for his activism related to improving police community relations. His leadership in establishing the Martin Luther King Monument in Lincoln Park is a testament to his ability to shape an ecumenical movement in our beloved community.

BE IT FURTHER RESOLVED, that the Common Council and the President of the Common Council extends their congratulations and best wishes for a happy and healthy retirement.

**Note: Council Member Freeman spoke on this resolution prior to passage.*

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Resolution Number 75.91.13R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Fahey, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Rosenzweig, Sano and Smith.

Council Member Conti introduced RESOLUTION NUMBER 76.91.13R (MC), and asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL DECLARING LEAD AGENCY STATUS FOR THE ENVIRONMENTAL IMPACT REVIEW PURSUANT TO SEQRA FOR AMENDMENTS TO THE PARK SOUTH URBAN RENEWAL PLAN AND PLANNED DEVELOPMENT OVERLAY DISTRICT (PSPDOD) CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY

WHEREAS, the Common Council previously acted as SEQRA Lead Agency for the Park South Urban Renewal Plan and, after a thorough environmental review, adopted a comprehensive Findings Statement on July 17, 2006; and

WHEREAS, substantive changes to the Park South Urban Renewal Plan and Planned Development Overlay District (PSPDOD) are proposed and require the review and approval of the Common Council; and

WHEREAS, such proposed amendments concern the two contiguous blocks bounded by New Scotland Avenue, Myrtle Avenue, Robin Street and Dana Avenue; and

WHEREAS, the amendments to the Urban Renewal Plan and PSPDOD propose to permit: the construction of a parking structure in the approximate area of 405 Myrtle Avenue; construction of six story buildings between and including 11-41 New Scotland Avenue; and an increase in the number of dwelling units within the said two contiguous blocks; and

WHEREAS, the Common Council desires to continue to act as SEQRA lead agency in this matter.

NOW, THEREFORE, BE IT RESOLVED, the City of Albany Common Council declares its intent to continue to act as SEQRA lead agency to consider the proposed amendments and the potential significant environmental adverse impacts pursuant to SEQRA.

BE IT FURTHER RESOLVED, that the City Clerk is directed to give notice of the Common Council's declaration to act as SEQRA lead agency to all involved agencies.

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member Conti introduced RESOLUTION NUMBER 77.91.13R (MC), and asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL REGARDING AMENDING THE PARK SOUTH URBAN RENEWAL PLAN AND PLANNED DEVELOPMENT OVERLAY DISTRICT (PSPDOD) CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY

WHEREAS, substantive changes to the Park South Urban Renewal Plan and Planned Development Overlay District (PSPDOD) are proposed and require the review and approval of the Common Council; and

WHEREAS, the Common Council determines to consider such proposed amendments for the two contiguous blocks bounded by New Scotland Avenue, Myrtle Avenue, Robin Street and Dana Avenue at a public hearing; and

WHEREAS, the amendments to the Urban Renewal Plan and PSPDOD propose to permit: the construction of a parking structure in the approximate area of 405 Myrtle Avenue; construction of six story buildings between and including 11-41 New Scotland Avenue; and an increase in the number of dwelling units within the said two contiguous blocks.

NOW, THEREFORE, BE IT RESOLVED, that a public hearing pursuant to §375-30 of the Code of the City of Albany, the General Municipal Law and Park South Urban Renewal Plan on the proposed rezoning and urban renewal plan amendments will be conducted on October 7, 2013 at 7:00 P.M. in the Common Council Chambers, City Hall, Albany, New York.

BE IT FURTHER RESOLVED, that the City Clerk is directed to file, publish and distribute the notice of public hearing as required by law.

**Note: President Pro Tempore Conti spoke on this resolution prior to passage.*

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Council Member Herring offered RESOLUTION NUMBER 69.82.13R (RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ALISON BATES AS A MEMBER OF THE PLANNING BOARD), which had been previously introduced, and asked for passage and a roll call vote thereon.

The resolution passed by unanimous voice of the following Council Members:

Affirmative – Bailey, Calsolaro, Commisso, Conti, Fahey, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O’Brien, Sano and Smith

Affirmative 14 Negative 0 Abstain 0

Resolution Number 69.82.13R was co-sponsored by Council Members Bailey, Conti, Freeman, and Konev.

The remaining resolutions on the agenda were held at the request of President Pro Tempore Conti.

MISCELLANEOUS AND UNFINISHED BUSINESS

Majority Leader Herring offered the following, which was adopted by unanimous voice vote:

RESOLVED THAT THE FOLLOWING PERSONS BE AND HEREBY ARE APPOINTED COMMISSIONERS OF DEEDS FOR THE CITY OF ALBANY, NEW YORK FOR THE TERM ENDING DECEMBER 31, 2014, AND WAIVE THE READING OF THE NAMES:

1. Pasquale S. Lucacelli Jr. 71 Hillcrest Ave. Albany, NY 12203
2. Robert G. Porter 564 Park Ave. Albany, NY 12208

ADJOURNMENT

President Pro Tempore Conti made a motion to adjourn. President McLaughlin, hearing no objections, stated that the meeting was adjourned.

A true record of the Common Council Minutes of September 3rd, 2013.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL