

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, October 5, 2015

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

The roll being called, the following answered to their names: Council Members Appllys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien and Robinson.

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

Council Member Commisso led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. Keith Irish, 461 Ontario Street, Albany, NY (PEG Access equipment/issues);
2. Vincent Riguso, 13 Beach Avenue, Albany, NY (2016 proposed budget).

There being no further speakers, the President declared the Public Comment Period closed.

CONSIDERATION OF LOCAL LAWS:

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

REPORTS OF STANDING COMMITTEES:

Planning, Economic Development and Land Use - Chairperson Herring reported that the committee would be meeting on October 8, 2015 to discuss the confirmation of Martin Daley to the Board of Zoning Appeals and Jennifer Garaghty to the Historic Resource Commission.

Law, Buildings and Code Enforcement - Chairperson Igoe stated the committee would be meeting on October 7, 2015 to discuss the confirmation of Robert Magee as director of the Department of Buildings and Regulatory Compliance and Ordinance 46.101.15 in relation to tour bus fees.

Finance, Taxation and Assessment - Chairperson Commisso reported that the committee will begin meeting on the 2016 proposed budget over a period of several dates.

Parks, Recreation and Family Services - Chairperson Fahey stated the committee would be meeting tomorrow, October 6, 2015 to continue discussions on establishing a Youth Council.

REPORTS OF AD HOC COMMITTEES

President Pro Tempore Conti stated that an ad hoc committee on PEG Access has been created with Council Members Appllys, Kornegay and O'Brien. The call for applications has been extended for an additional week to allow for additional applicants.

Council Member Applrys stated that dates would be set soon, which will be noticed and posted as soon as possible.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration and passage of Resolution Number 70.101.15R, which was approved by unanimous voice vote.

Council Member Applrys introduced RESOLUTION NUMBER 70.101.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL ISSUING A NEGATIVE DECLARATION IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 90 AND 92 MCCARTY AVENUE

WHEREAS, Ordinance 41.81.15 was introduced by the City of Albany Common Council on August 3, 2015, and amended on September 2, 2015, which proposed rezoning the properties located at 90 and 92 McCarty Avenue from One- and Two-Family Residential District (R-2A) to Multifamily Low-Density Residential District (R-3A); and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on August 3, 2015 in connection with the proposed rezoning; and

WHEREAS, the Common Council received a short Environmental Assessment Form, in conjunction with said proposed rezoning; and

WHEREAS, the proposed rezoning was the subject of a Public Hearing held by the Common Council on September 21, 2015, where public comment was received; and

WHEREAS, the action is subject to the provisions of the State Environmental Quality Review Act (“SEQRA”), as set forth in Environmental Conservation Law Article 8, and its implementing regulations; and

WHEREAS, the rezoning is determined to be an Unlisted action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the rezoning will not have a significant adverse environmental impact, and that a Negative Declaration of Environmental Significance should be issued.

NOW, THEREFORE, BE IT RESOLVED, that based upon the review and consideration of the short Environmental Assessment Form and public comments, the Common Council finds and declares the action to be Unlisted pursuant to the New York State Environmental Conservation Law, and its implementing regulations, and having duly considered the entire record before it, declares that the rezoning of the properties located at 90 and 92 McCarty Avenue from One- and Two-Family Residential District (R-2A) to Multifamily Low-Density Residential District (R-3A), has no potentially significant adverse impacts upon the environment, as that term is defined in SEQRA, will not require the preparation of a full Environmental Impact Statement and therefore issues a Negative Determination of Environmental Significance.

RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

CONSIDERATION OF ORDINANCES

Council Member Bailey introduced ORDINANCE NUMBER 45.101.15, which was held:

AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT AIR EASEMENT OVER A PORTION OF THE CITY RIGHT-OF-WAY OF HOWARD STREET IN THE CITY OF ALBANY FOR THE CONSTRUCTION OF A PEDESTRIAN BRIDGE

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

Section 1. It is hereby authorized that the City of Albany grant a permanent air easement to 67 Howard Street, LLC over a portion of the City right-of-way of Howard Street, adjacent to 67 Howard Street, in the City of Albany.

Section 2. The form, content, terms and conditions of such easement shall be approved by the Corporation Counsel.

Section 3. The Grantees shall not hinder, interfere with, prevent, delay, obstruct or adversely affect the Grantor in the reasonable exercise of its governmental operations or function.

Section 4. This ordinance shall take effect immediately.

Council Member Igoe introduced ORDINANCE NUMBER 46.101.15, which was referred to the Law, Buildings and Code Enforcement Committee.

AN ORDINANCE AMENDING CHAPTER 272 (PUBLIC TRANSPORTATION) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO TOUR BUS PARKING FEES

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

Section 1. Section 272-10 of Article III of Chapter 272 of the Code of the City of Albany is hereby amended to read as follows:

§ 272-10. Fees.

The Chief of Police or his/her designee is authorized to impose a parking fee for the parking of tour buses, the sum of which shall be [~~\$65~~] \$85 per bus per day or a part thereof.

Section 2. This ordinance shall take effect immediately.

Council Member Applrys moved to amend ORDINANCE NUMBER 41.81.15 an as amended, asked for passage and a roll call vote thereon:

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 90[;] AND 92 [~~AND A PORTION OF 70~~] MCCARTY AVENUE FROM ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT (R-2A) TO MULTIFAMILY LOW-DENSITY RESIDENTIAL DISTRICT (R-3A) AND AMENDING THE ZONING MAP ACCORDINGLY

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

Section 1. Chapter 375 of the Code of the City of Albany (Zoning) and the Official Zoning Map are hereby amended to change the zoning classifications of 90[;] and 92 [~~and a portion of 70~~] McCarty Avenue from One- and Two-Family Residential District (R-2A) to Multifamily Low-Density Residential District (R-3A), said properties being more particularly described as follows:

All that parcel of land situated in the City of Albany, County of Albany and State of New York, identified on the tax map as follows:

Parcel 1
Section: 76.18
Block: 4
Lot: 1.1

Said premises more commonly known as 90 McCarty Avenue measuring approximately 2.9 acres.

Parcel 2
Section: 76.18
Block: 4
Lot: 1.3

Said premises more commonly known as 90 McCarty Avenue measuring approximately 3.4 acres.

~~Parcel 3
Section: 76.18
Block: 4
Lot: 1.23~~

~~Said premises more commonly known as a portion of 70 McCarty Avenue measuring approximately 2.1 acres, being adjacent to 90 McCarty Avenue.]~~

Section 2. The Council finds and declares that this action is an “Unlisted” action under Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder (SEQRA), and directs that coordinated review be conducted for the determination and establishment of Lead Agency.

Section 3. This Ordinance shall take effect immediately.

The ordinance passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien and Robinson\

Affirmative 14 Negative 0 Abstain 0

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

CONSIDERATION OF RESOLUTIONS

Council Member O'Brien introduced RESOLUTION NUMBER 71.101.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE ELIMINATION OF TWO EQUIPMENT OPERATOR II POSITIONS AND THE CREATION OF TWO EQUIPMENT OPERATOR III POSITIONS IN THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of General Services require the skills and abilities of two additional Equipment Operator III positions rather than those of two of the current Equipment Operator II positions.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds affecting salary totals due to the elimination of two current positions of Equipment Operator II and the creation of two additional positions of Equipment Operator III within the Department of General Services for the 2015 Budget year.

RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member O'Brien introduced RESOLUTION NUMBER 72.101.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE CREATION OF A GIS SPECIALIST POSITION IN THE DEPARTMENT OF WATER AND WATER SUPPLY

WHEREAS, Section 604(D)(b) of the Charter of the City of Albany dictates that any transfer of budgeted funds that affects a salary total that occurs outside of those described in the duly adopted budget must be consented to by the Common Council; and

WHEREAS, it is recognized that the needs of the Department of Water and Water Supply require the skills and abilities of a GIS Specialist.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany consents to the transfer of funds in order to create the position of GIS Specialist within the Department of Water and Water Supply for the 2015 Budget year.

RESOLVED, that this resolution shall take effect immediately.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applrys, Bailey, Commisso, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Conti introduced RESOLUTION NUMBER 73.101.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH ALBANY MEDICAL CENTER FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY OF MYRTLE AVENUE ADJACENT TO 391 MYRTLE AVENUE

RESOLVED, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with Albany Medical Center for the use and occupancy of a portion of the City right-of-way of Myrtle Avenue, adjacent to 391 Myrtle Avenue for the erection of a sign at said address upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

The resolution passed by the following voice vote of all the Council Members elected voting in favor thereof:

Affirmative – Applrys, Conti, Doeschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, and O’Brien

Negative – Bailey, Commisso and Robinson

Affirmative 11 Negative 3 Abstain 0

Council Member Igoe introduced RESOLUTION NUMBER 74.101.15R, which was referred to the Law, Buildings and Codes Committee

RESOLUTION OF THE COMMON COUNCIL CONFIRMING THE APPOINTMENT OF ROBERT MAGEE AS DIRECTOR OF THE DEPARTMENT OF BUILDINGS AND REGULATORY COMPLIANCE

WHEREAS, the Mayor of the City of Albany has, pursuant to the provisions of Article 3 of the City Charter, appointed Robert Magee as the Director of the Department of Buildings and Regulatory Compliance.

NOW, THEREFORE, BE IT RESOLVED, that Robert Magee is confirmed as the Director of the Department of Buildings and Regulatory Compliance.

Council Member Doesschate withdrew Resolution Number 65.91.15R (MC).

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

MISCELLANEOUS AND UNFINISHED BUSINESS:

Council Member Kornegay spoke about comments made during public comment period. She discussed the good work that a young man has been doing within the community helping and mentoring the younger youth.

Council Member Robinson discussed and requested the Parks Committee meet again to follow up on the boxing gym issues.

ADJOURNMENT

A motion was made for adjournment.

President McLaughlin stated, hearing no objections, that the Council was adjourned.

A true record of the Common Council Minutes of October 5th, 2015.

**CASHAWNA PARKER
Legislative Aide to the Council**