

# **ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING**

**Monday, November 16, 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 Applrys, Bailey, Commisso, Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson.

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

Council Member Kimbrough led the Pledge of Allegiance.

## **PUBLIC COMMENT PERIOD**

1. Judd Feinman, PO Box 11600, Albany, NY (Trash Fee);
2. Keith Irish, 461 Ontario Street, Albany, NY (PEG Access funding);
3. Nancy Benedict, 31 Forest Road, Delmar, NY (PEG Access)
4. Rita Marsh, 700 Central Avenue, Albany, NY (Rent Control);
5. David and Mary Dively, 182 Washington Avenue, Albany, NY (CDTA stops on Washington Avenue);

President Pro Tempore Conti made a motion to extend public comment period for an additional 30 minutes, which was approved by unanimous voice vote.

6. Ellen Evans, 172 Washington Avenue, Albany, NY (CDTA stops on Washington Avenue);
7. Lynne Kaiser, 5 Wilson Street, Albany, NY (Trash fee);
8. Dennis Karius, 13 York Road, Albany, NY (PEG Access).

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

## **CONSIDERATION OF LOCAL LAWS:**

Council Member Conti introduced LOCAL LAW J-2015 at the request of Mayor Sheehan, which was referred to the Law, Buildings and Code Enforcement Committee.

### **A LOCAL LAW AMENDING ARTICLE I (REMOVAL OF GARBAGE) OF CHAPTER 313 (SOLID WASTE) OF THE CODE OF THE CITY OF ALBANY REGARDING CURBSIDE COLLECTION**

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

**Section 1.** Intent. In enacting this local law, the Common Council recognizes the importance of maintaining a solid waste curbside collection program to provide for the protection of the public health, safety and general welfare of the people of the city of Albany. The Council further recognizes that establishment of a stable funding base is part of a longer term strategy for the orderly removal, disposal and reduction in generated solid waste that must be in place at the point of closure of the city of Albany

Rapp Road Landfill. It is the further intent of the Council that the fee authorized by the local law shall be transitional toward the development of a longer range strategy which will include an ongoing evaluation of a fee-based waste collection system.

**Section 2. Section 313-3 of Article I of Chapter 313 of the Code of the City of Albany is hereby amended to read as follows:**

**§ 313-3. Scope.**

A. Such program shall provide weekly curbside collection and removal of garbage and trash. This service will be available to residential dwellings of fewer than five units. Dwellings containing more than four shall, for the purposes of this article, be considered multiple dwellings which, together with commercial or office buildings and/or dwellings where one or more units are used for commercial or office purposes, shall not be served hereunder.

B. There is hereby established a curbside waste collection fee for residential dwellings eligible for such service under subsection A of this section. Such fee shall offset the cost of curbside collection, and for calendar year 2016 shall be in the amount of one hundred eighty dollars (\$180.00) per unit per year, except that such fee shall not apply to the first unit of a dwelling. For calendar year periods after 2016 such fee shall be annually reviewed and adjusted in accordance with subsection I of this section.

1. The number of dwelling units to be charged fees with regard to any property shall be determined by the number of dwelling units indicated on the certificate of occupancy or based on the records maintained by the Department of Assessment and Taxation for said property.
2. With respect to a parcel of property containing a duplex or condominium of fewer than five units, for purposes of this Article and upon submission of sufficient proof to the Department of Buildings and Regulatory Compliance that each dwelling unit is owned and occupied by separate persons, each owner occupied unit will be entitled to one weekly curbside collection.

C. Bills for curbside collection program fees. Bills for curbside collection program fees shall be prepared and sent to each owner annually, starting February 1 of each calendar year.

D. Penalties for non-payment. After three months of non-payment, a property owner who fails to pay charges that have been established and imposed for the curbside collection program a penalty of fifty dollars (\$50.00) will be added to the base curbside collection fee. After six months of non-payment, one hundred dollars (\$100.00) will be imposed on top of the previous late fee and the curbside collection fee.

E. Exemption from curbside collection program. Property owners may apply for an exemption from curbside collection program fees as follows:

1. Submitting a form as prescribed by the Department of Buildings and Regulatory Compliance requesting an exemption from the curbside collection fee, explaining the reasons for the request and establishing that the additional dwelling unit(s) is not being rented or otherwise occupied;

2. If the property is vacant in accordance with the provisions for registration under the Vacant Building Registry established under Article XI-A of Chapter 133 of this Code, the property owner must file a vacant building registration form with the Department of Buildings and Regulatory Compliance;
3. If the property owner engages the services of a private garbage hauler for the entire parcel and produces a copy of the contract or agreement with the private garbage hauler to the Department of Buildings and Regulatory Compliance; or
4. If the property contains two residential units and is owned by individuals who reside in each unit, or is owned by individual(s) over sixty-five (65) who reside in one of the residential units.
5. An application for an exemption from the curbside collection program must be submitted to the Department of Buildings and Regulatory Compliance by April 1 of the calendar year. If an exemption request is granted, the exemption will remain in effect until there is a change of use of said property.

F. Appeal. Any property owner denied an exemption from the curbside collection program by the Director of Building and Regulatory Compliance or his or her designee, may file an administrative appeal with the Board of Zoning Appeals in the manner prescribed in Article IV of Chapter 375 of the City Code, within thirty (30) days after the date of the final, written denial. A property owner filing an appeal under this section shall be exempt from any application fees associated with the appeal.

G. All curbside collection program charges, penalties and interest thereon shall be a lien upon the real property benefited by the curbside collection program from the date that the fee is due and payable, and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax or local assessment. The Treasurer shall certify to the Common Council the amount of any such lien which has not been paid at the time and in the manner prescribed, with a description of the real property affected thereby, and the Common Council shall include such amount in the annual tax levy and shall levy the same upon the real property in default.

H. The Treasurer shall establish and maintain a separate curbside collection fund to record and control the financial activity related to the provisions of solid waste collection by the city. This fund shall be maintained on the same fiscal year as that of the City. Each year the Mayor, at the time of the submission of the annual budget to the Common Council, shall submit a statement of estimated revenues, expenditures and changes in the fund as well as the fund balance for the current fiscal year, together with an estimate of expenditures for the next fiscal year. The Mayor shall also, at the same time, recommend a basic rate sufficient to meet the estimated expenditures for the next fiscal year, taking onto consideration the estimated surplus or deficit accruing from the fund operations in the current year and other sources of revenue.

I. The Mayor as part of the budget process shall propose the fees charged by the city for curbside waste collection annually. A schedule of the annual collection fees shall be approved by the Common Council by resolution and maintained on file in the Commissioner's office and in the Office of City Clerk. Fees assessed by curbside collection services provided by the city shall not exceed the full cost

of providing said service. Any surplus of funds in any year shall be carried over to the following year and shall be used solely to fund curbside collection services by the City.

J. The curbside collection program is intended as a benefit for the taxpayers and residents of the City of Albany. No person shall transport garbage into the City of Albany for curbside collection.

1. Any person offending or violating this subsection shall be guilty of a violation.
2. Notwithstanding the provisions of § 313-7A, any and all persons found guilty of a violation under this subsection shall be liable to a fine which shall not exceed \$650 in amount or to imprisonment not to exceed 15 days, or both, in the discretion of the court.

Section 2. On or before XX Date, the Commissioner of the Department of General Services shall report to the Common Council on the process and timeline for implementing a Solid Waste Management Plan (SWMP) that will be in place at the point of closure of the Rapp Road Landfill. Such process shall include stakeholder participatory involvement, measureable goals for achieving waste reduction and diversion and implementation of pilot initiatives designed to achieve long term goals including, but not limited to: enhanced recycling education; organic waste collection and composting; and establishment of diversion rate goals. Subsequent to the initial report, the Commissioner shall thereafter annually report to the Council.

**Section 3. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State.**

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

#### **REPORTS OF STANDING COMMITTEES:**

**Law, Buildings and Codes** - Chairperson Igoe stated that Local Law J-2015 will be discussed at a meeting on November 23, 2015.

**General Services, Health and Environment** – Chairperson O’Brien stated that any Council Members that is interested in taking a tour of the Loudonville Reservoir to contact Commissioner Coffey of the Water Department.

#### **REPORTS OF AD HOC COMMITTEES**

**Ad Hoc Committee on PEG Access** – Chairperson Applys reported that the ad hoc committee met on November 9, 2015 and that the meeting was well attended. The ad hoc committee discussed the current state of the City of Albany’s PEG Access program, recommendations on improving the program and the resignation of the PEG Access Coordinator. She stated that a decision needs to be made on how to fill gap. The Albany Public Library and Open Stage media both submitted letters of interest to run the PEG Access program. On November 17, 2015, the ad hoc committee will be interviewing five applicants to the PEG Access Oversight Board. She discussed John-Jay Steinhardt being a new volunteer that will run the equipment in the Common Council Chambers for Council meetings and that Mr. Steinhardt was trained today by Joe Cunniff. She stated that a student intern was part of the training and will be creating a user manual on how to work the equipment.

## CONSIDERATION OF ORDINANCES

Council Member Kimbrough introduced ORDINANCE NUMBER 49.112.15, which was referred to the Planning, Economic Development and Land Use Committee:

### **AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY REGARDING WAREHOUSE DISTRICT OVERLAYS**

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

Section 1. Section 375-7 of Chapter 375 of the Code of the City of Albany is hereby amended to read as follows:

#### **§ 375-7. Definitions.**

##### **[ARENA**

SEE “stadium.”]

##### **[STADIUM**

~~An open or enclosed are where sporting events or contests are held and provides seating for more than one hundred (100) spectators.]~~

##### **[THEATER**

~~A structure or part of a structure devoted to the showing of motion picture or live productions.]~~

##### **MOVIE THEATER**

Any premises used for the showing of motion pictures containing seats permanently affixed to the floor.

##### **PERFORMANCE THEATER**

Any premises used for spectator presentations, such as concerts, theatrical performances, lectures and similar cultural events, containing seats permanently affixed to the floor. This definitions includes auditoriums.

##### **STADIUM, INDOOR**

A large enclosed place used for games and major events and partly or completely surrounded by tiers of fixed seats for spectators. This definition includes arenas.

##### **STADIUM, OUTDOOR**

A large outdoor place used for games and major events and partly or completely surrounded by tiers of fixed seats for spectators. This definition includes arenas.

Section 2. Article XX of Chapter 375 of the Code of the City of Albany is hereby amended by adding a new section entitled “Warehouse District Commercial Overlay”.

#### **§ 375-196. Warehouse District Commercial Overlay**

A. Purpose and intent.

The Warehouse District Commercial Overlay, hereinafter referred to as Commercial Opportunities Area (COA) is intended to provide for additional options for the reuse of existing buildings within a small-targeted area of the Warehouse District, which is currently comprised of a number of zoning districts. In providing for a wider range of uses within a small area of the Warehouse District, existing warehouse buildings, which have, in many cases, remained vacant for the past few years, may find new life. All of this is intended to allow existing industry to continue thrive, grow and prosper - unimpeded by new uses and users of the area. Together with the existing uses in the area, these new uses will further the goals of the City of Albany's 2030 plan in helping to create a dynamic, lively and economically vibrant neighborhood.

In reusing large warehouse buildings, it is intended that high-intensity, high parking demand type uses will not occupy entire buildings—due to overall parking capacity limitations in the district. Rather, it is the intent of this section to encourage lively, dynamic uses to occupy those areas of large buildings closer to the street, while utilizing the remainder of the building for lower intensity, complimentary uses with lower parking demands. This will ensure an active street while helping to ensure that one or two uses do not dominate the district, and consume all of the available parking.

New construction will be required to go through site plan and design review with the Planning Board in coordination with the City's Form Based Zoning code consultants currently engaged in the ReZone Albany initiative. The purpose of this is to ensure that new construction meets the intent of the form based code for the area that will be part of the new zoning.

#### B. Zoning Boundaries.

The map at the end of this chapter displays the COA. It may be similarly displayed on the Official Zoning Map of the City of Albany.

#### C. Applicability

1. All regulation of the underlying zones, Light Industrial District (C-M) and General Industrial District (M-1), shall apply to the COA, unless otherwise specified within this Section.
2. Approval by the Planning Board for a parking plan will be required for any change in use within the COA where the proposed use does not satisfy the off-street parking requirements on the subject parcel as set forth in Subsection G. Construction of new parking lots will require Planning Board Site Plan Review.
3. Project within this overlay shall be exempt from required authorization from the Board of Zoning Appeals as stipulated in §375-174

#### D. Principal permitted uses shall be as follows:

- (1) All principal permitted uses within the underlying Light Industrial District (C-M) and General Industrial District (M-1).
- (2) Art galleries.
- (3) Bakeries.

- (4) Cultural entertainment facilities.
- (5) Dance schools.
- (6) Department stores.
- (7) Flower shops.
- (8) Furniture stores.
- (9) Groceries.
- (10) Health clubs.
- (11) Indoor recreation.
- (12) Laboratories.
- (13) Museums.
- (14) Offices.
- (15) Personal service outlets.
- (16) Radio and television stations.
- (17) Recording studios.
- (18) Restaurants.
- (19) Retail sales.
- (20) Retail outlets.
- (21) Taverns.

E. Accessory uses shall be as follows:

- (1) All accessory uses within the underlying Light Industrial District (C-M) and General Industrial District (M-1).
- (2) Parking structures.

F. Special permit shall be as follows:

- (1) All special permit uses within the underlying Light Industrial District (C-M) and General Industrial District (M-1).
- (2) Drugstores.
- (3) Movie and Performance Theaters

G. Yard regulations shall be as follows:

- (1) All yard regulations within the underlying Light Industrial District (C-M) and General Industrial District (M-1), shall apply.
- (2) For new construction, the following yard regulations may be permitted if recommended by the Planning Board through site plan and design review in consultation with the form based code consultants:
  - a. Minimum front yard: none.
  - b. Minimum side yard: none.
  - c. Minimum rear yard: none.
  - d. Maximum building height: 85 feet.
  - e. Maximum lot coverage: 100%.

H. The Planning Board may approve an overall parking plan that contains 80% of the required off-street minimums or varies the design regulations set forth in Article XIX. The following may be utilized as a credit towards the parking minimums in Article XIX as part of an overall parking strategy:

1. **OFF SITE PARKING:** The parking requirements may be achieved through the lease or other formal arrangement for offsite parking. Such off-site parking must be within 1,000 feet of the subject parcel unless otherwise approved by the Planning Board through site plan review. All such parking lease or other approved agreements must remain in effect for the duration of the proposed use.
2. **ON STREET PARKING:** Legal street parking, along a parcel's frontage, may be used towards the requirements. For every 20 feet of legal parking along the frontage of a parcel, one parking spot may be deducted from the required total.
3. **SHARED PARKING:** Where more than one different type use occupies a building, the total parking can be reduced when the applicant, is able to demonstrate that the uses have different demand times and peaks. Such shared parking arrangements must be approved by the Planning Board through site plan review.
4. **USE CLASSIFICATION OF FLOOR AREA:** Parking plans may be broken down by the types of use within a larger area with the appropriate parking demand based on how particular areas within a building will be used. As an example, a restaurant may be composed of a seating area, bar area, waiting area, food preparation, or kitchen - each having different parking demands.
5. **COMMON AREAS:** Hallways, lobbies, stairs, elevators, mechanical rooms, storage areas, and other areas that do not generate any parking demand may be deducted from the total square footage in calculating parking totals.

6. OTHER TRANSPORTATION MODES: Where a parking and transportation demand management plan can demonstrate that a certain percentage of those that would normally require a parking space will be utilizing other modes of transportation, the Planning Board may further reduce the total parking required.

**Section 3. Article XX of Chapter 375 of the Code of the City of Albany is hereby amended by adding a new section entitled “Warehouse District Residential and Commercial Overlay”.**

**§ 375-197. Warehouse District Residential and Commercial Overlay.**

A. Purpose

The Warehouse District Residential and Commercial Overlay, hereinafter referred to as the Residential and Commercial Opportunity Area (RCOA) is intended to provide for residential opportunities along with commercial options for the reuse of existing buildings within a small-targeted area of the Warehouse District, which is currently comprised of a number of zoning districts. In providing for a wider range of uses within a small area of the Warehouse District, existing warehouse buildings, which have, in many cases, remained vacant for the past few years, may find new life. All of this is intended to allow existing industry to continue thrive, grow, and prosper - unimpeded by new uses and users of the area. Together with the existing uses in the area, these new uses will further the goals of the City of Albany’s 2030 plan in helping to create a dynamic, lively and economically vibrant neighborhood.

In reusing large warehouse buildings, it is intended that high-intensity, high parking demand type uses will not occupy the entire building, due to overall parking capacity limitations in the district. Rather, it is the intent of this section to encourage lively, dynamic uses to occupy those areas of large buildings closer to the street, while utilizing the remainder of the building for lower intensity, complimentary uses with lower parking demands. This will ensure an active street while helping to ensure that one or two uses do not dominate the district, and consume all of the available parking.

New construction will be required to go through site plan and design review with the Planning Board in coordination with the City’s Form Based Zoning code consultants currently engaged in the ReZone Albany initiative. The purpose of this is to ensure that new construction meets the intent of the form based code for the area that will be part of the new zoning.

B. Zoning Boundaries

The map at the end of this chapter displays the RCOA. It may be similarly displayed on the Official Zoning Map of the City of Albany.

C. Applicability

1. All regulation of the underlying zone, Light Industrial District (C-M), shall apply to the RCOA unless otherwise specified within this Section.

2. Approval by the Planning Board for a parking plan will be required for any change in use within the Warehouse District Commercial Overlay District (COA) where the proposed use does not satisfy the off-street parking requirements on the subject parcel as set forth in Subsection G. Construction of new parking lots will require Planning Board Site Plan Review.
3. Project within this overlay shall be exempt from required authorization from the Board of Zoning Appeals as stipulated in §375-174.

D. Principal permitted uses shall be as follows:

- (1) All principal permitted uses within the underlying Light Industrial District (C-M) and those uses enumerated as part of the COA.

E. Dwellings. Accessory uses shall be as follows:

- (1) All accessory uses within the underlying COA.

F. Special permit shall be as follows:

- (1) All special permit uses within the underlying COA.

G. Yard regulations shall be as follows:

- (1) All yard regulations within the underlying COA shall apply.

H. Off-street parking requirements: as stipulated in Section §375-196 G(1-6).

I. Additional Conditions:

- (1) As part of the site plan approval with the Planning Board, applicants must detail how they propose to mitigate issues relating to sound transmission to ensure new residents are protected from exterior noise to the greatest extent practicable.

**Section 4. 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 5. This ordinance shall take effect immediately.**

**President Pro Tempore Conti asked and received unanimous consent to allow for the consideration of ORDINANCE NUMBER 50.112.15R, which was approved by unanimous voice vote**

*\*Note: Council Members Igoe, Commisso and Conti spoke on the motion for unanimous consent.*

**Council Member Igoe introduced ORDINANCE NUMBER 50.112.15 (UC), asked for passage and a roll call vote thereon:14-0**

**AN ORDINANCE AUTHORIZING THE EXTENSION OF THE PARKING VIOLATIONS AMNESTY PROGRAM (2015) AND AMENDING CHAPTER 247 OF THE CODE OF THE CITY OF ALBANY ACCORDINGLY**

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

**Section 1. Section 247-2 of Chapter 247 of the Code of the City of Albany is hereby amended to read as follows:**

**§247-2. Applicability; duration.**

The Albany parking violations amnesty program shall only apply to such violations issued on or before July 31, 2015 and shall be effective for a period commencing September 22, 2015 and ending [~~November 23, 2015~~] December 31, 2015. Amnesty for such tickets shall only be available to individuals prior to an immobilization device being placed on said individual's vehicle and/or prior to said individual's vehicle being towed pursuant to Chapter 359 of the Code of the City of Albany.

**Section 2. This ordinance shall take effect immediately.**

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

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

**Affirmative 14 Negative 0 Abstain 0**

**President Pro Tempore Conti asked and received majority consent to add ORDINANCE NUMBER 51.112.15 to pending agenda, which was approved by unanimous voice vote.**

**Council Member Conti introduced ORDINANCE NUMBER 51.112.15 (MC), which was held.**

**AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2015, FOR FISCAL YEAR 2016**

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

Section 1. The budget as presented by the Mayor on October 1, 2015, is hereby adopted as and for the Budget of the City of Albany for fiscal year 2016.

Section 2. It is hereby ordered and directed that the sums set forth therein as expenditures are hereby appropriated in the amounts and for the several departments, offices and purposes specified therein.

Section 3. It is further hereby ordered and directed that the sums set forth therein as revenues and the moneys necessary to be raised by tax in addition thereto to pay the expenses of conducting the business of the City shall be and are hereby applicable in the amounts specified for the purpose of meeting said appropriations.

**Section 4. This ordinance shall be effective immediately.**

**Council Member Kimbrough asked for passage of ORDINANCE NUMBER 48.111.15 (AN ORDINANCE AUTHORIZING AND DIRECTING THE GRANT OF A PERMANENT EASEMENT TO THE ALBANY YMCA AT 616 NORTH PEARL STREET OVER, UPON AND UNDER A PORTION OF THE CITY RIGHT-OF-WAY OF NORTH 3RD STREET IN THE CITY OF ALBANY), which had been previously introduced.**

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

Affirmative – Applrys, Bailey, Commisso, Conti, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, 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 Golby introduced RESOLUTION NUMBER 79.112.15R, asked for passage and roll call vote thereon:**

**A RESOLUTION OF THE COMMON COUNCIL CONSENTING TO THE TRANSFER OF GRANT FUNDING BETWEEN THE ALBANY POLICE DEPARTMENT AND THE DEPARTMENT OF YOUTH AND WORKFORCE SERVICES WITHIN THE 2015 BUDGET YEAR**

**WHEREAS**, Section 604(D)(b) of the Charter of the City of Albany requires that any transfer of budgeted funds that affects any salary rate or total, 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 both the Albany Police Department and the Department of Youth and Workforce Services can be facilitated by sharing personnel; and

**WHEREAS**, it is recognized that the needs of both departments require a transfer of grant funding to provide for the joint position of an Employment and Training Specialist.

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany consents to the transfer of grant funding affecting the salary total for the position of Employment and Training Specialist for the 2015 Budget.

*\*Note: Council Members Golby and Robinson spoke on this resolution prior to passage.*

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

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

Negative – Robinson

**Affirmative 13 Negative 1 Abstain 0**

**Council Member Bailey introduced RESOLUTION NUMBER 80.112.15R, 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 (ALBANY WATERFRONT/CORNING PRESERVE IMPROVEMENTS [P.I.N. 1756.86])**

**WHEREAS**, a Project Albany Waterfront / Corning Preserve Improvements, City of Albany P.I.N. 1756.86 (the “Project”) is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs 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 costs of Design

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

**RESOLVED**, that the Common Council hereby approved 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 and Construction work for the Project or portions thereof; and it is further

**RESOLVED**, that the sum of \$665,000.00 was appropriated from Ordinance No. 30.41.14 and made available to cover the cost of participation in the above phase of the Project; and it is further

**RESOLVED**, that the additional sum of \$4,961,812.00 is hereby appropriated from Ordinance No. 19.32.15 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 hereby authorized to execute all necessary Agreement, certifications or reimbursement requests for Federal Aid and/or Marchiselli Aid on behalf of the City of Albany within 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 Projects costs and all Project costs within appropriations therefore 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 the following vote of all the Council Members elected voting in favor thereof:**

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

**Affirmative 14 Negative 0 Abstain 0**

**President Pro Tempore Conti asked and received majority consent to add Resolution Number 81.112.15R to the pending agenda, which was approved by unanimous consent.**

**Council Member Krasher introduced RESOLUTION NUMBER 81.112.15R (MC), asked for passage and a roll call vote thereon: - all co-sponsors 14-0**

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING NOVEMBER 20, 2015 AS NATIONAL TRANSGENDER DAY OF REMEMBRANCE**

**WHEREAS**, November 20th, 2015 is National Transgender Day of Remembrance. This solemn occasion is time to remember and memorialize transgender individuals who have lost their lives due to violent crimes of prejudice and hatred; and

**WHEREAS**, by remembering those lost, we raise the consciousness of our community, state, and nation that such brutality continues and we must do our part to advocate for equality for all; and

**WHEREAS**, the City of Albany is proud to be a place that welcomes all individuals and embraces the value that the more diverse we are as a community, the stronger we are; and

**WHEREAS**, the City of Albany recognizes that transgender individuals are our neighbors, friends, and family and we recognize that the transgender community provides innumerable contributions to society; and

**WHEREAS**, the City of Albany stands in solidarity with the transgender community in demanding nothing less than full fair and equal treatment of transgender individuals under the law. And acts of violence and discrimination fueled by hate must end and be replaced with respect, compassion, and dignity for all; and

**WHEREAS**, our fundamental ideal that every person has unalienable rights to life, liberty, and the pursuit of happiness is a boundless ideal, applicable to every person; and

**WHEREAS**, the City of Albany is a leader in recognizing complete equality for all and honors the sacrifices made by people across the world in pursuit of that necessary goal; and

**WHEREAS**, all forms of discrimination and violence towards all persons are deserving of the highest condemnation.

**NOW, THEREFORE, BE IT RESOLVED**, that the City of Albany Common Council pauses in its deliberations to remember the transgender individuals whose lives were senselessly taken.

*\*Note: Council Members Conti and Krasher spoke on this resolution prior to passage.*

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

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

**Affirmative 14 Negative 0 Abstain 0**

*Resolution Number 81.112.15R (MC) was co-sponsored by Council Members Applyrs, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson.*

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

**MISCELLANEOUS AND UNFINISHED BUSINESS:**

**Council Member Robinson informed that Council that on Wednesday, November 18, 2015 from 1pm-3pm at 200 Henry Johnson Boulevard, the first seminar on police body cameras will be held. He encouraged everyone to attend and stated that he wants to make sure the Albany Police Department have a policy in place to protect officers and citizens**

**Council Member Conti acknowledged Council Member Golby for organizing the training session on Saturday and stated that he think it’s important to do more of that type of thing.**

**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 November 16<sup>th</sup>, 2015

**CASHAWNA PARKER**  
**Legislative Aide to the Council**