

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

Monday, December 21, 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 Bailey, Commisso, Conti, Doesschate, 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 Krasher led the Pledge of Allegiance.

President McLaughlin gave her end of the year address.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Number 93.122.15R, which was approved by unanimous voice vote.

Council Member Kornegay introduced RESOLUTION NUMBER 93.122.15R, which was approved by unanimous voice vote:

**RESOLUTION OF THE COMMON COUNCIL HONORING THE CITY OF ALBANY'S
YOUNGEST HERO AVERY MOSES**

WHEREAS, on the morning of November 19th, just past 4 a.m., young Avery Moses became a hero. Upon waking in his home at 50 Broad St. in Albany's South End at 4 o'clock in the morning, he smelled smoke. He woke up his mother, Lynette Moses. But she didn't smell anything, and told Avery, who turned 7-years old on Thanksgiving Day, to wake up his father; and

WHEREAS, Avery Moses woke his father and the family and their upstairs neighbors fled the building only to see smoke billowing from a second floor apartment fire. The Albany Fire Department was contacted, and when fire fighters arrived, all the residents were already out of the building. No residents were injured; and

WHEREAS, Avery is a first grader at Giffen Memorial Elementary School and had been educated about fire safety last year during an annual visit by firefighters assigned to the Albany Fire Department Fire Prevention and Investigation Unit. By taking seriously the fire safety lessons he learned, Avery helped prevent a more devastating fire as well as any injury.

NOW, THEREFORE, BE IT RESOLVED, that the City of Albany Common Council pauses in its deliberations to recognize Avery Moses and applauds him for his bravery on the night of November 19, 2015.

**Note: Council Member Kornegay Mayor Sheehan and President McLaughlin spoke on this resolution prior to passage.*

The resolution passed by the following vote of all Council Members elected voting in favor thereof:
Affirmative – Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Resolution Number 93.122.15R was co-sponsored by Council Members Applrys, Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Krasher, O’Brien and Robinson.

PUBLIC COMMENT PERIOD

1. Felten McLaughlin, 180 Lenox Avenue, Albany, NY (Trade schools).

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

CONSIDERATION OF LOCAL LAWS:

Council Member Conti moved to amend LOCAL LAW J-2015. And requested it remained held:

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.

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:

Human Resources and Human Rights – Chairperson Fahey reported that the committee met on December 10, 2015 and nominated two candidates to the Commission on Human Rights.

Planning, Economic Development and Land Use – Chairperson Herring stated that the committee met on December 17, 2015 to discuss Ordinance Number 52.121.15 in relation to trades schools, which was reported out of committee with a favorable recommendation.

Public Safety – Chairperson Golby reported that the committee met on December 14, 2015 to receive an update from Albany Police Chief Brendan Cox on the GIVE program. We saw a power point presentation which was also emailed to Council Members. The committee discussed data and statistics ordinance. The department collects the data but needs a person to analyze the information. The Chief is in support.

Law, Buildings and Code Enforcement – Chairperson Igoe stated that the committee will be meeting on December 30, 2015 at 5:30pm to discuss Local Law J-2015 in relation to a trash fee.

President Pro Tempore Conti made a motion to change the order of business to allow for the consideration of Resolution Number 90.122.15R, which was approved by unanimous voice vote

Council Member Kimbrough asked for passage of 90.122.15R, 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 CREATION OF WAREHOUSE DISTRICT OVERLAYS

WHEREAS, Ordinance 49.112.15 was introduced by the City of Albany Common Council on November 16, 2015, which proposed creating a commercial overlay district and a residential and commercial overlay district both within the area known as the Warehouse District; and

WHEREAS, the Common Council declared itself Lead Agency for coordinated review at a public meeting held on December 7, 2015 in connection with the proposed rezoning; and

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

WHEREAS, the proposed overlays were the subject of a Public Hearing held by the Common Council on December 7, 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 action is determined to be an Unlisted action pursuant to SEQRA; and

WHEREAS, the record demonstrates that the overlays 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 Full Environmental Assessment Form and public comments, the Common Council finds and declares the action to be a Type I 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 creation of a commercial overlay district and a residential and commercial overlay district 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 Council Members elected voting in favor thereof:

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

Affirmative 14 Negative 0 Abstain 0

CONSIDERATION OF ORDINANCES

Council Member O'Brien introduced Ordinance Number 53.122.15, which was referred to the Planning, Economic Development and Land Use Committee:

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 724, 726, 728 AND 730 CENTRAL AVENUE FROM ONE- AND TWO-FAMILY RESIDENTIAL DISTRICT (R-2A) TO HIGHWAY COMMERCIAL DISTRICT (C-2) 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 724, 726, 728 and 730 Central Avenue from One- and Two-Family Residential District (R-2A) to Highway Commercial District (C-2), 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: 64.28
Block: 1
Lot: 16

Said premises more commonly known as 724 Central Avenue measuring approximately 18.75' by 125.00'.

Parcel 2
Section: 64.28
Block: 1
Lot: 15

Said premises more commonly known as 726 Central Avenue measuring approximately 18.75' by 125.00'.

Parcel 3
Section: 64.28
Block: 1
Lot: 14

Said premises more commonly known as 728 Central Avenue measuring approximately 25.00' by 125.00'.

Parcel 4
Section: 64.28
Block: 1
Lot: 13

Said premises more commonly known as 730 Central Avenue measuring approximately 14.00' by 225'.

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 declares itself Lead Agency.

Section 3. This ordinance shall take effect immediately.

Council Member Bailey introduced Ordinance Number 54.122.15, which was referred to the Planning, Economic Development and Land Use Committee

AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (ZONING) CHANGING THE ZONING CLASSIFICATIONS OF 76-92 LIVINGSTON AVENUE, 191-250 NORTH PEARL STREET AND 5-13 WILSON STREET FROM ONE- AND TWO-FAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2B) TO MULTIFAMILY MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-3B) 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 76-92 Livingston Avenue, 191-250 North Pearl Street and 5-13 Wilson Street from One- and Two-Family Medium-Density Residential District (R-2B) to Multifamily Medium-Density Residential District (R-3B), 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: 65.82
Block: 5
Lot: 8

Said premises more commonly known as 92 Livingston Avenue measuring approximately 0.03 acres.

Parcel 2
Section: 65.82
Block: 5
Lot: 9

Said premises more commonly known as 90 Livingston Avenue measuring approximately 0.03 acres.

Parcel 3
Section: 65.82
Block: 5
Lot: 10

Said premises more commonly known as 250 North Pearl Street measuring approximately 0.03 acres.

Parcel 4
Section: 65.82
Block: 5
Lot: 11

Said premises more commonly known as 248 North Pearl Street measuring approximately 0.05 acres.

Parcel 5
Section: 65.82
Block: 5
Lot: 12

Said premises more commonly known as 246 North Pearl Street measuring approximately 0.05 acres.

Parcel 6
Section: 65.82
Block: 5
Lot: 13

Said premises more commonly known as 244 North Pearl Street measuring approximately 0.05 acres.

Parcel 7
Section: 65.82
Block: 5
Lot: 14

Said premises more commonly known as 242 North Pearl Street measuring approximately 0.04 acres.

Parcel 8
Section: 65.82
Block: 5
Lot: 15

Said premises more commonly known as 240 North Pearl Street measuring approximately 0.04 acres.

Parcel 9
Section: 65.82
Block: 5
Lot: 16

Said premises more commonly known as 238 North Pearl Street measuring approximately 0.04 acres.

Parcel 10
Section: 65.82
Block: 5
Lot: 17

Said premises more commonly known as 236 North Pearl Street measuring approximately 0.31 acres.

Parcel 11
Section: 65.82
Block: 5
Lot: 23

Said premises more commonly known as 222 North Pearl Street measuring approximately 0.19 acres.

Parcel 12
Section: 65.82
Block: 5
Lot: 24

Said premises more commonly known as 216 North Pearl Street measuring approximately 0.14 acres.

Parcel 13
Section: 65.82
Block: 5
Lot: 25

Said premises more commonly known as 206 North Pearl Street measuring approximately 0.41 acres.

Parcel 14
Section: 65.82
Block: 5
Lot: 26.1

Said premises more commonly known as 198 North Pearl Street measuring approximately 0.09 acres.

Parcel 15
Section: 65.82
Block: 5
Lot: 26.2

Said premises more commonly known as 200 North Pearl Street measuring approximately 0.06 acres.

Parcel 16
Section: 65.82
Block: 5
Lot: 26.3

Said premises more commonly known as 202 North Pearl Street measuring approximately 0.07 acres.

Parcel 17
Section: 65.82
Block: 5
Lot: 27

Said premises more commonly known as 196 North Pearl Street measuring approximately 0.05 acres.

Parcel 18
Section: 65.82
Block: 5
Lot: 28

Said premises more commonly known as 192 North Pearl Street measuring approximately 0.10 acres.

Parcel 19
Section: 65.82
Block: 6
Lot: 2

Said premises more commonly known as 84 Livingston Avenue measuring approximately 0.03 acres.

Parcel 20
Section: 65.82
Block: 6
Lot: 3

Said premises more commonly known as 82 Livingston Avenue measuring approximately 0.03 acres.

Parcel 21
Section: 65.82
Block: 6
Lot: 4

Said premises more commonly known as 80 Livingston Avenue measuring approximately 0.04 acres.

Parcel 22
Section: 65.82
Block: 6
Lot: 5

Said premises more commonly known as 78 Livingston Avenue measuring approximately 0.04 acres.

Parcel 23
Section: 65.82
Block: 6
Lot: 6

Said premises more commonly known as 76 Livingston Avenue measuring approximately 0.06 acres.

Parcel 24
Section: 65.82
Block: 6
Lot: 27

Said premises more commonly known as 5 Wilson Street measuring approximately 0.03 acres.

Parcel 25
Section: 65.82
Block: 6
Lot: 28

Said premises more commonly known as 7 Wilson Street measuring approximately 0.03 acres.

Parcel 26
Section: 65.82
Block: 6
Lot: 29

Said premises more commonly known as 13 Wilson Street measuring approximately 0.05 acres.

Parcel 27
Section: 65.82
Block: 6
Lot: 30

Said premises more commonly known as 191 North Pearl Street measuring approximately 0.04 acres.

Parcel 28
Section: 65.82
Block: 6
Lot: 31

Said premises more commonly known as 193 North Pearl Street measuring approximately 0.03 acres.

Parcel 29
Section: 65.82
Block: 6
Lot: 32

Said premises more commonly known as 195 North Pearl Street measuring approximately 0.03 acres.

Parcel 30
Section: 65.82
Block: 6
Lot: 33

Said premises more commonly known as 197 North Pearl Street measuring approximately 0.03 acres.

Parcel 31
Section: 65.82
Block: 6
Lot: 34

Said premises more commonly known as 199 North Pearl Street measuring approximately 0.03 acres.

Parcel 32
Section: 65.82
Block: 6
Lot: 35

Said premises more commonly known as 201 North Pearl Street measuring approximately 0.04 acres.

Parcel 33

Section: 65.82
Block: 6
Lot: 36

Said premises more commonly known as 203 North Pearl Street measuring approximately 0.04 acres.

Parcel 34
Section: 65.82
Block: 6
Lot: 37

Said premises more commonly known as 205 North Pearl Street measuring approximately 0.03 acres.

Parcel 35
Section: 65.82
Block: 6
Lot: 38

Said premises more commonly known as 207 North Pearl Street measuring approximately 0.03 acres.

Parcel 36
Section: 65.82
Block: 6
Lot: 39

Said premises more commonly known as 207.5 North Pearl Street measuring approximately 0.03 acres.

Parcel 37
Section: 65.82
Block: 6
Lot: 46

Said premises more commonly known as 221 North Pearl Street measuring approximately 0.06 acres.

Parcel 38
Section: 65.82
Block: 6
Lot: 47

Said premises more commonly known as 223 North Pearl Street measuring approximately 0.05 acres.

Parcel 39
Section: 65.82
Block: 6
Lot: 48

Said premises more commonly known as 225 North Pearl Street measuring approximately 0.06 acres.

Parcel 40
Section: 65.82
Block: 6
Lot: 49

Said premises more commonly known as 227 North Pearl Street measuring approximately 0.05 acres.

Parcel 41
Section: 65.82
Block: 6
Lot: 50

Said premises more commonly known as 229 North Pearl Street measuring approximately 0.05 acres.

Parcel 42
Section: 65.82
Block: 6
Lot: 51

Said premises more commonly known as 231 North Pearl Street measuring approximately 0.09 acres.

Parcel 43
Section: 65.82
Block: 6
Lot: 52

Said premises more commonly known as 235 North Pearl Street measuring approximately 0.11 acres.

Parcel 44
Section: 65.82
Block: 6
Lot: 53

Said premises more commonly known as 235.5 North Pearl Street measuring approximately 0.05 acres.

Parcel 45
Section: 65.82
Block: 6
Lot: 54

Said premises more commonly known as 237 North Pearl Street measuring approximately 0.07 acres.

Parcel 46
Section: 65.82
Block: 6
Lot: 55

Said premises more commonly known as 239 North Pearl Street measuring approximately 0.03 acres.

Parcel 47
Section: 65.82
Block: 6
Lot: 56

Said premises more commonly known as 241 North Pearl Street measuring approximately 0.03 acres.

Parcel 48
Section: 65.82
Block: 6
Lot: 57

Said premises more commonly known as 243 North Pearl Street measuring approximately 0.08 acres.

Parcel 49
Section: 65.82
Block: 6
Lot: 15

A portion of the premises more commonly known as 776 Broadway measuring approximately 0.30 acres bounded by the southern boundary of 221 North Pearl Street, the eastern boundary of the North Pearl Street right-of-way, the northern boundary of 207.5 North Pearl Street and a line drawn from the northeast corner of 207.5 North Pearl Street to the southeast corner of 221 North Pearl Street.

Section 2. The Council finds and declares that this action is a “Type I” 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.

Council Member Kimbrough moved to amend Ordinance Number 49.112.15 and as amended asked for passage and a roll call vote thereon

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.

The ordinance passed by the following vote of all Council Members elected voting in favor thereof:
Affirmative – Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member O'Brien asked for passage of ORDINANCE NUMBER 52.121.15 (AN ORDINANCE AMENDING CHAPTER 375 (ZONING) OF THE CODE OF THE CITY OF ALBANY REGARDING THE ADDITION OF TRADE SCHOOLS TO THE LIGHT INDUSTRIAL DISTRICT ZONE), which has been previously introduced.

The ordinance passed by the following vote of all Council Members elected voting in favor thereof:
Affirmative – Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Ordinance Number 52.121.15 was co-sponsored by Council Members Fahey, Kornegay, Krasher and Robinson.

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

CONSIDERATION OF RESOLUTIONS

Council Member Herring introduced 87.122.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY OF 2016 BUSINESS IMPROVEMENT DISTRICT (BID) CHARGES AND AUTHORIZING THE TREASURER TO PLACE SUCH CHARGES ON THE 2016 TAX BILLS

WHEREAS, the Lark Street Area Business Improvement District (BID) was established by the Common Council on November 6, 1995 by Local Law No. 10-1995; and

WHEREAS, the Downtown Albany Business Improvement District (BID) was established by the Common Council on November 20, 1995 by Local Law No. 11-1995; and

WHEREAS, the Central Business Improvement District (BID) was established by the Common Council on November 17, 1997 by Local Law No. 5-1997; and

WHEREAS, the operation of the BID is governed by the provisions set forth in Article 19-A of the General Municipal Law, Section 980j of which requires that the expense incurred in the operation of the district shall be financed in accordance with the district plan upon which the establishment of the district was based, and that the district charge upon benefited real property shall be imposed as provided in the district plan; and that the charge shall be determined, levied, and collected in the same manner and at the same time and by the same officers as the general municipal taxes are levied and collected; and

WHEREAS, the proposed 2016 Lark Street BID budget, includes \$87,131 in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2016 Downtown BID budget, includes \$714,887 in anticipated revenue to be generated by the BID charge; and;

WHEREAS, the proposed 2016 Central BID budget, includes \$565,385 in anticipated revenue to be generated by the BID charge; and;

NOW, THEREFORE, BE IT RESOLVED, that the combined amount of the three BID budgets totaling \$1,367,403 shall constitute a levy of the amount to be raised by the BID charge, and a warrant to the Clerk/Treasurer to spread and extend such levy upon the properties in each BID in accordance with the BID plans, and to collect the same.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$1,367,403, shall be placed on the 2016 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties' 2016 tax bills.

RESOLVED, that the charges totaling \$1,367,403 represent the following:

- 1) Lark Street Area Business Improvement District - \$87,131
- 2) Downtown Albany Business Improvement District - \$714,887
- 3) Central Business Improvement District - \$565,385

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

The resolution passed by the following vote of all Council Members elected voting in favor thereof:
Affirmative – Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O'Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member O'Brien introduced RESOLUTION NUMBER 88.122.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID WATER AND SEWER CHARGES

WHEREAS, Section 604(e) of the Charter of City of Albany states that “all water and sewer charges shall be collected by the City Treasurer in the manner set forth in Second Class Cities Law and be a lien upon the property assessed as a general City tax and as a part thereof shall be levied and collected” pursuant to the procedures set forth in Section 604 of the City Charter; and

WHEREAS, Public Authorities Law Section 1115-i(9) calls for all unpaid water and sewer charges in the preceding year to be levied and placed on annual tax rolls of the City of Albany under the name “delinquent water and sewer charges”; and

WHEREAS, the Chief Financial Officer of the Albany Water Board has filed with the City of Albany a statement of unpaid water and sewer charges for the year 2015 totaling \$3,728,898.07.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be a delinquent water and sewer charge levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid water and sewer charges for the year 2015 by the Albany Water Board.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$3,728,898.07 shall be placed on the 2016 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2016 tax bills.

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

The resolution passed by the following vote of all Council Members elected voting in favor thereof:
Affirmative – Bailey, Comisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Igoe introduced RESOLUTION NUMBER 89.122.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE LEVY UPON CITY OF ALBANY PROPERTIES FOR UNPAID CHARGES OF THE DEPARTMENT OF FIRE AND EMERGENCY SERVICES, DEPARTMENT OF BUILDING AND CODES AND THE DEPARTMENT OF GENERAL SERVICES

WHEREAS, the Department of Fire and Emergency Services was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of Building and Codes was created under Part 2 of Chapter 42 of the Code of the City of Albany; and

WHEREAS, the Department of General Services was created under Part 5 of Chapter 42 of the

Code of the City of Albany; and

WHEREAS, all of the above-referenced departments have the ability to apply charges to real property the services they perform at those properties during the course of any tax year; and

WHEREAS, those charges are transmitted to the Treasurer of the City of Albany and collected by the Treasurer; and

WHEREAS, Chapter 258, Section 258-2 of the Code of the City of Albany provides that “any unpaid fees, fines or penalties levied against property, or owner(s) thereof, within the City of Albany that are owed to the City of Albany for the violation of any or all City laws, ordinances and promulgations, and of all state laws, shall be and remain a lien against the property, and such fees, fines or penalties shall be collected by the City from the owner(s) of such property in the same manner as taxes are collected, in that such fees, fines or penalties shall be added to the property tax bill of the subject property”; and

WHEREAS, on or about November 15 of each year, the Treasurer creates an accounting of all these charges that remain uncollected from the preceding year; and

WHEREAS, all of these charges uncollected in the preceding year need to be levied and placed on the annual tax roll of the City of Albany; and

WHEREAS, the Treasurer of the City of Albany has filed with the Common Council a statement of unpaid charges for the year 2015 totaling \$1,184,709.26.

NOW, THEREFORE BE IT RESOLVED, by the City of Albany Common Council that there be delinquent charges levied and assessed against each specific lot or parcel of land as set forth in the statement of unpaid charges for the year 2015 by the City of Albany.

BE IT FURTHER RESOLVED, that such individual sums, being hereby levied against said liable properties, amounting in the aggregate to \$1,184,709.26, shall be placed on the 2016 tax roll of the City of Albany and further allocated individually to the liable properties in conjunction with said properties’ 2016 tax bills.

RESOLVED, that the charges totaling \$1,184,709.26 represent the following:

- 1) Delinquent Board Up Charges - \$35,003.67
- 2) Delinquent Demolition Charges - \$734,909.34
- 3) Delinquent Illegal Debris Charges - \$371,703.92
- 4) Delinquent Snow Removal Charges - \$43,092.33

RESOLVED, that the Clerk of the City of Albany is directed to forward a certified copy of this resolution to the Treasurer of the City of Albany.

The resolution passed by the following vote of all Council Members elected voting in favor thereof:
Affirmative – Bailey, Commisso, Conti, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, Krasher, O’Brien and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Bailey introduced RESOLUTION NUMBER 91.122.15R, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL DECLARING ITSELF LEAD AGENCY FOR PURPOSES OF DETERMINING ENVIRONMENTAL SIGNIFICANCE IN ACCORDANCE WITH ARTICLE 8 OF THE ENVIRONMENTAL CONSERVATION LAW (SEQRA), AND ITS IMPLEMENTING REGULATIONS REGARDING THE PROPOSED REZONING OF THE PROPERTIES LOCATED AT 76-92 LIVINGSTON AVENUE, 191-250 NORTH PEARL STREET AND 5-13 WILSON STREET

WHEREAS, Ordinance 54.122.15 was introduced by the City of Albany Common Council on December 21, 2015, which proposed rezoning the properties located at 76-92 Livingston Avenue, 191-250 North Pearl Street and 5-13 Wilson Street from One- and Two-Family Medium-Density Residential District (R-2B) to Multifamily Medium-Density Residential District (R-3B); and

WHEREAS, the City of Albany has prepared a Full Environmental Assessment Form, in conjunction with said proposed rezoning; and

WHEREAS, the action is preliminarily classified as a Type I action and 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 Common Council is the most involved agency and, as such, is the most appropriate Lead Agency to conduct a review of the plan in accord with SEQRA regulations.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany shall coordinate review of the proposed rezoning of the properties located at 76-92 Livingston Avenue, 191-250 North Pearl Street and 5-13 Wilson Street and hereby declares itself Lead Agency pursuant to and under SEQRA.

RESOLVED, that this resolution shall take effect immediately.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member O'Brien introduced RESOLUTION NUMBER 92.122.15R, asked for passage and a roll call vote thereon:

RESOLUTION OF THE COMMON COUNCIL CONSENTING TO BUDGET ADJUSTMENTS 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 (the Department) require the skills and abilities of four additional Equipment Operator I positions rather than those of four of the 2016 budgeted Equipment Operator II positions; and

WHEREAS, it is recognized that the needs of the Department require the skills and abilities of two additional Laborer III positions rather than those of two of the 2016 budgeted Water Maintenance Repair Worker positions; and

WHEREAS, it is recognized that the needs of the Department require the skills and abilities of a Special Projects Manager rather than those of the 2016 budgeted Locator position; and

WHEREAS, it is recognized that the hourly rate of the Department's position of Forester needs to be corrected from \$23.63 per hour to \$24.2510 per hour in the 2016 Budget.

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 four of the positions of Equipment Operator II and the creation of four positions of Equipment Operator I within the Department of Water and Water Supply in the 2016 Budget.

BE IT FURTHER RESOLVED, that the Common Council consents to the transfer of funds affecting salary totals due to the elimination of two of the positions of Water Maintenance Repair Worker and the creation of two positions of Laborer III within the Department of Water and Water Supply in the 2016 Budget.

RESOLVED, that the Common Council consents to the transfer of funds affecting salary totals due to the elimination of the position of Locator and the creation of a position of Special Projects Manager within the Department of Water and Water Supply in the 2016 Budget.

RESOLVED, that the Common Council consents to the correction and adjustment in the hourly rate of the position of Forester within the Department of Water and Water Supply in the 2016 Budget.

RESOLVED, that this resolution shall take effect immediately.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Kornegay introduced RESOLUTION NUMBER 94.122.15R on behalf of Council Member Applyrs, which was approved by unanimous voice vote:

RESOLUTION OF THE COMMON COUNCIL APPOINTING MARC GRONICH 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 appoints Marc Gronich to the PEGAOB for an unexpired term ending July 1, 2018.

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Kornegay introduced RESOLUTION NUMBER 95.122.15R on behalf of Council Member Applrys, which was approved by unanimous voice vote

RESOLUTION OF THE COMMON COUNCIL APPOINTING OCASIO WILSON 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 appoints Ocasio Wilson to the PEGAOB for an unexpired term ending July 1, 2017.

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

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

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

Affirmative 14 Negative 0 Abstain 0

Council Member Golby introduced RESOLUTION NUMBER 96.122.15R, which was referred to the Public Safety Committee:

RESOLUTION OF THE COMMON COUNCIL RE-APPOINTING MARITZA MARTINEZ AS A MEMBER OF THE CITIZENS’ POLICE REVIEW BOARD

WHEREAS, pursuant to Section 42-334 of the Code of the City of Albany the Common Council of the City of Albany has the authority to appoint members of the Citizens' Police Review Board.

NOW, THEREFORE, BE IT RESOLVED, that Maritza Martinez be and hereby is re-appointed as a member of the Citizens' Police Review Board to fill an term of office expiring October 26, 2018.

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

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

MISCELLANEOUS AND UNFINISHED BUSINESS:

Majority Leader Herring offered the following, which was approved 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, 2016, AND WAIVE THE READING OF THE NAMES:

1. Ashley Rizzon, 4B Saybrook Drive, Latham, NY 12110

President Pro Tempore acknowledged the City Clerk, Corporation Counsel, Research Counsel and Senior Legislative Aide. He also acknowledged the City Clerk's Office staff/clerks for all their support and hard work. He discussed working together and wished everyone best wishes and Happy New Year. He stated that he hope the new year will be peaceful and prosperous

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 December 21st, 2015

**CASHAWNA PARKER
Legislative Aide to the Council**