

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

Monday, June 1, 2015

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

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

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

Council Member Fahey led the Pledge of Allegiance.

PUBLIC COMMENT PERIOD

1. John Wolcott, 344 Sheridan Avenue, Albany, NY (Saving Grace Church on North Pearl Street);
2. Vincent Riguso, 13 Beach Avenue, Albany, NY (Ordinance 36.61.15 (Medical Marijuana Zoning Overlay)).

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

DEFERRED

CONSIDERATION OF LOCAL LAWS:

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

REPORTS OF STANDING COMMITTEES:

Public Safety – Chairperson Golby stated that the committee would be meeting on June 8, 2015 at 5:30 p.m. to discuss Local Law A-2014 in relation to firearm storage.

CONSIDERATION OF ORDINANCES

Council Member Kimbrough introduced ORDINANCE NUMBER 39.61.15, 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 A MEDICAL MARIJUANA ZONING OVERLAY

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.

MARIJUANA

All parts of the genus Cannabis whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

MEDICAL MARIJUANA

Marijuana as defined in this section that is legally prescribed for a certified patient under the New York State Compassionate Care Act and Title V-A of the Public Health Law.

MEDICAL MARIJUANA PRODUCTION FACILITY

A facility for growing, cultivating, producing, or storing medical marijuana. A “facility” shall mean a building, structure, or premises used for the cultivation or storage of medical marijuana.

MEDICAL MARIJUANA DISPENSARY

An entity that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to certified patients under the Compassionate Care Act.

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

§ 375-195 Medical Marijuana Overlay.

A. Purpose

The Medical Marijuana Overlay is intended to provide for medical marijuana cultivation, production, and dispensary facilities in a manner consistent with the New York State Compassionate Care Act. Such principal uses shall be limited to an overlay within the M-1 Industrial District.

B. Zoning Boundaries

The mapped boundaries of the Medical Marijuana Overlay zone shall be as follows: To the north, by the Interstate -90 right-of-way, to the south by North Pearl Street & Van Woert Street, to the east by Loudonville Road and to the west by the railway right-of way.

C. Applicability

All regulation of the underlying zone, General Industrial (M-1) shall apply to the Medical Marijuana Overlay, unless otherwise specified within this Section.

D. Principal permitted uses shall be as follows:

- (1) All principal permitted uses within the underlying General Industrial (M-1) District.
- (2) Medical Marijuana Cultivation.
- (3) Medical Marijuana Production.

(4) Medical Marijuana Dispensary Facilities.

E. Accessory uses shall be as follows:

(1) All accessory uses within the underlying General Industrial (M-1) District.

F. Special permit shall be as follows:

(1) All special permit uses within the underlying General Industrial (M-1) District.

G. Yard regulations shall be as follows:

(1) All yard regulations shall be the same as within the underlying General Industrial (M-1).

H. Off-street parking and loading requirements shall be the same as indicated in Article XIX.

Section 3. 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 4. This ordinance shall take effect immediately.

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

CONSIDERATION OF RESOLUTIONS

Council Member Fahey introduced RESOLUTION NUMBER 32.61.15R, which was approved by unanimous voice vote thereon:

RESOLUTION OF THE COMMON COUNCIL AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT WITH THE NEW YORK STATE CORRECTIONAL OFFICERS & POLICE BENEVOLENT ASSOCIATION, INC. FOR THE USE AND OCCUPANCY OF A PORTION OF THE CITY RIGHT-OF-WAY OF HACKETT BOULEVARD ADJACENT TO 102 HACKETT BOULEVARD

RESOLVED, that the Mayor be and is hereby authorized and empowered to execute and enter into a license agreement with the New York State Correctional Officers & Police Benevolent Association, Inc. for the use and occupancy of a portion of the City right-of-way of Hackett Boulevard, adjacent to 102 Hackett Boulevard for the erection of a sign for the business at said address upon such terms and conditions as approved by the Corporation Counsel and the involved City agencies together with such other forms, documents and agreements necessary to amend, supplement and/or effectuate the same.

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

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

Affirmative 13 Negative 0 Abstain 0

Council Member Kimbrough introduced RESOLUTION NUMBER 33.61.15R, which was approved by unanimous voice vote thereon:

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 CREATION OF AN OVERLAY DISTRICT TO BE KNOWN AS THE MEDICAL MARIJUANA OVERLAY DISTRICT

WHEREAS, Ordinance 37.61.15 was introduced by the City of Albany Common Council on June 1, 2015, which proposes to create an overlay district within the City of Albany; and

WHEREAS, Ordinance 37.61.15 proposes to create a small scale zoning overlay known as the Medical Marijuana Overlay which is intended to provide for additional use options within a small, targeted area of the General Industrial District (M-1) zone; and

WHEREAS, the City of Albany has prepared a Full Environmental Assessment Form (FEAF), in conjunction with said proposed overlay zoning; and

WHEREAS, the action is preliminarily classified as a Type 1 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 sole involved agency and, as such, is the 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 creation of a small scale zoning overlay known as the Medical Marijuana Overlay and hereby declares itself Lead Agency pursuant to and under SEQRA.

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

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

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

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

Affirmative 13 Negative 0 Abstain 0

President Pro Tempore Conti asked and received majority consent to add Resolution Numbers 34.61.15R and 35.61.15R to the pending agenda, which was approved by unanimous voice vote.

Council Member Conti introduced RESOLUTION NUMBER 34.61.15R (MC), which was approved by unanimous voice vote thereon:

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND
COMMEMORATING CAPITAL PRIDE 2015**

WHEREAS, the month of June is nationally recognized and celebrated as Lesbian, Gay, Bisexual and Transgender Pride Month in commemoration of the 1969 Stonewall Riots in New York City which marks the birth of the modern day LGBT human rights movement; and

WHEREAS, 2015 marks the 45th anniversary of the founding of the Tri-Cities Gay Liberation Front in 1970 which two years later evolved into the Capital District Gay and Lesbian Community Council and is today known as the Pride Center of the Capital Region; and

WHEREAS, Albany is the home of the oldest continuously operating LGBT community center in the nation, located at 332 Hudson Avenue, and was the site, in 1971, of the first march on a state capital for lesbian and gay civil rights; and

WHEREAS, Albany and the Capital District respect and appreciate the diversity of its community and the variety of races, religions, genders, backgrounds and sexual orientations among its residents; and

WHEREAS, the City of Albany has adopted a local gender expression non-discrimination law which has yet to be enacted on a statewide basis through passage of the Gender Expression Non-Discrimination Act (GENDA); and

WHEREAS, the volunteers of the Pride Center have organized a series of activities from Sunday, May 31st through Saturday, June 13th marking a celebration of lesbian, gay, bisexual and transgender pride across the Capital District; and

WHEREAS, this celebration will culminate with a parade and festival, co-sponsored by the City of Albany, in Washington Park on June 13th; and

WHEREAS, it is appropriate for this body to pause in its deliberations to recognize Capital Pride 2015 and the celebration of 45 years of pride in the Capital District that it represents.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby recognize this celebration and the contributions of the lesbian, gay, bisexual and transgender community to our city and does extend its congratulations and best wishes for a successful Capital Pride 2015 celebration.

BE IT FURTHER RESOLVED, that this resolution shall be effective immediately.

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

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 34.61.15R (MC) was co-sponsored by Council Members Krasher, Applyrs, Bailey, Commisso, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, O'Brien and Robinson.

Council Member Conti introduced RESOLUTION NUMBER 35.61.15R (MC), which was approved by unanimous voice vote thereon:

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND
COMMEMORATING “SAY IT LOUD! BLACK & LATINO GAY PRIDE” 2015**

WHEREAS In Our Own Voices celebrated the first *Say It Loud! Black & Latino Gay Pride* in June of 2007, with a one-day celebration that consisted of a screening of the film “Paris is Burning”, a block party get together in Washington Park, and an after party at the Fuze Box in Albany; and

WHEREAS over the years, *Say It Loud!* has grown to span an entire weekend, and offer a variety of events, including a sober dance, a Health & Wellness Expo, the Saturday Family Friendly Celebration in Riverfront Park and an After Party; and

WHEREAS the weekend has also grown to include over 1,500 participants and draws Lesbian, Gay, Bisexual and Transgender People of Color (LGBT POC) from all over the Capital Region; and

WHEREAS *Say It Loud!* is an opportunity for LGBT POC to come together in solidarity to celebrate their individuality, diversity and strengths; and

WHEREAS in addition to the fun-filled activities offered throughout the weekend, a main objective of Black & Latino Gay Pride is to promote the health and well-being of the LGBT POC community which is the most medically underserved population in the United States; and

WHEREAS according to the Empire State Pride Agenda’s 2009 Needs Assessment, LGBT POC experience more barriers to accessing health care than do other communities; and

WHEREAS *Say It Loud!* seeks to address these issues through the Health & Wellness Expo, a gathering of health and human service providers from area organizations, which provides information and resources related to healthcare, safer sex, domestic violence, HIV/AIDS prevention and treatment, mental health and substance abuse; and

WHEREAS this year’s *Say It Loud!* will be celebrated on the weekend of June 5th through June 6th; and

WHEREAS in 2014 In Our Own Voices further established its permanency in the Capital District as an organization serving LGBT POC through purchase of its own home at 245 Lark Street;

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Albany does hereby recognize this celebration and the contributions of the lesbian, gay, bisexual and transgender community of color to our city, and the important work of In Our Own Voices, and does extend its congratulations and best wishes for a successful “*Say it Loud! Black and Latino Gay Pride*” celebration.

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

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 34.61.15R (MC) was co-sponsored by Council Members Krasher, Applyrs, Bailey, Commisso, Doesschate, Fahey, Flynn, Golby, Herring, Igoe, Kimbrough, Kornegay, 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:

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. Bryan Marcou-O’Malley, 90 Homestead Ave Albany, NY 12203
2. Raymond Joyce, 54 Manning Blvd Albany, NY. 12203

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 June 1st, 2015.

CASHAWNA PARKER
Senior Legislative Aide to the Council