

ALBANY COMMON COUNCIL MINUTES OF A REGULAR MEETING

Monday, November 5, 2012

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

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

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

Council Member Conti led the Pledge of Allegiance.

Council President McLaughlin began the meeting by asking everyone to keep in mind those affected by Hurricane Sandy and to do what can be done to help those individuals. She asked everyone to keep the families in their prayers.

PUBLIC HEARING

Clerk to the Common Council Nala Woodard read the notice of the public hearing on ORDINANCE NUMBER 36.101.112 AN ORDINANCE ADOPTING THE BUDGET AS PRESENTED BY THE MAYOR ON OCTOBER 1, 2012, FOR FISCAL YEAR 2013. The following individuals spoke:

1. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206
2. Susan Holland, 89 Lexington Avenue, Albany, NY 12210

PUBLIC COMMENT PERIOD

1. Alicia Abdule & Brittany Reyes, Albany High School (The Big Read):
2. Marlon Anderson, 491 Livingston Avenue, Albany, NY 12206 (Cabaret Permits/Armory/Office of Urban Affairs):
3. Lois Griffin, 28 Gingerbread Lane, Albany, NY 12208 (Support Resolution 66.111.12R):
4. Sandy Steubing, 680 Central Avenue, Albany, NY 12206 (Ordinance 14.21.10):
5. Dan Egan, 42 Manning Boulevard, Albany, NY 12203 (Oppose Resolution 58.101.12R):
6. Shannon & Tammy McLaughlin, Madison Avenue Residents (Residential Permit Parking Permits).

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

7. Christine Carrera, 18 Elm Street, Albany, NY 12202 (Support Resolution 66.111.12R);
8. Barbara Cooley, 101 Cherry Avenue #29, Delmar, NY 12054 (Support Resolution 66.1111.12R);
9. Daniel Plaat, 187 Elk Street, Albany, NY 12210 (Capitaland Studios Project):
10. Carol Tamsey, 115 New Krumkill Road, Albany, NY 12208 (Support Resolution 66.111.12R).

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

APPROVAL OF MINUTES FROM PREVIOUS MEETING

Majority Leader Herring made a motion to approve the minutes of the August 6, 2012 and August 20, 2012 meetings, which was approved by a unanimous voice vote.

CONSIDERATION OF LOCAL LAWS

Council Member Konev moved to amend LOCAL LAW H-2010 and as amended, asked for passage and a roll call vote thereon:

LOCAL LAW H – 2010

A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR TERM LIMITS FOR THE COMMON COUNCIL OF THE CITY OF ALBANY

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Section 202 of Article 2 of the Charter of the City of Albany is hereby amended to read as follows:

SECTION 202. Continuous Terms; Term Limits.

(a) Except where otherwise stated in this Charter, the regular election of the Mayor, Comptroller, Treasurer, President of the Common Council and each "Council member" shall be held every four years; existing terms shall continue uninterrupted by this Charter.

(b) Common Council members shall not serve more than three (3) full consecutive terms of office.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State and shall apply to any Common Council member elected to take office on or after January 1, 2014.

**Note: Council Members Konev and Calsolaro spoke on this local law prior to the roll call vote.*

The local law FAILED by the majority vote of the following Council Members:

Affirmative – Commisso, Jenkins-Cox, and Konev

Negative - Bailey, Calsolaro, Conti, Fahey, Golby, Herring, Igoe, O’Brien, Sano, and Smith

Affirmative 3 Negative 10 Abstain 0

Council Member Konev moved to amend LOCAL LAW I-2010 and as amended, asked for passage and a roll call vote thereon:

LOCAL LAW I – 2010

A LOCAL LAW AMENDING ARTICLE 2 (ELECTIVE OFFICERS) OF THE CHARTER OF THE CITY OF ALBANY TO PROVIDE FOR TERM LIMITS FOR CITY-WIDE ELECTED OFFICERS OF THE CITY OF ALBANY

BE IT ENACTED by the Common Council of the City of Albany as follows:

Section 1. Section 202 of Article 2 of the Charter of the City of Albany is hereby amended to read as follows:

SECTION 202. Continuous Terms; Term Limits.

(a) Except where otherwise stated in this Charter, the regular election of the Mayor, Comptroller, Treasurer, President of the Common Council and each "Council member" shall be held every four years; existing terms shall continue uninterrupted by this Charter.

(b) The Mayor, Treasurer, Auditor and President of the Common Council shall not serve more than two (2) consecutive full terms.

Section 2. This local law shall take effect upon final passage, public hearing and filing with the Secretary of State and shall apply to any officer elected to take office on or after January 1, 2014.

**Note: Council Members Konev, Calsolaro and O'Brien spoke on this local law prior to the roll call vote.*

The local law FAILED by the majority vote of the following Council Members:

Affirmative – Commisso, Jenkins-Cox, and Konev

Negative - Bailey, Calsolaro, Conti, Fahey, Golby, Herring, Igoe, O'Brien, Sano, and Smith

Affirmative 3 Negative 10 Abstain 0

Council Member Konev withdrew Local Law J-2010 and Local Law K-2010.

The remaining local laws on the agenda were held at the request of Majority Leader Herring.

REPORTS OF STANDING COMMITTEES

General Services, Health and Environment – Chairman O'Brien stated that he would like to have the Committee meet in the near future to discuss Resolution Number 66.101.12R supporting Albany County's Local Law relating to Styrofoam packaging.

CONSIDERATION OF ORDINANCES

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

CONSIDERATION OF RESOLUTIONS

Council Member Fahey introduced RESOLUTION NUMBER 65.111.12R (RESOLUTION CELEBRATING THE CITY OF ALBANY'S PARTICIPATION IN THE BIG READ 2012), asked for passage and a roll call vote thereon:

WHEREAS, City of Albany residents are proud of a heritage that values education and recognizes the importance of having a literate citizenry in fostering a prosperous and free society; and

WHEREAS, reading and the ability to read is fundamental to achieving the goal of a literate citizenry; and

WHEREAS, a community celebration of reading is a way to put a renewed focus on the value of sustained and frequent reading for intellectual and personal development; and

WHEREAS, it is of particular importance to encourage the youth of our city to appreciate reading as a way to improve the quality of their lives and their futures; and

WHEREAS, The Big Read is a month long celebration of reading by members of the Albany community throughout the month of November 2012; and

WHEREAS, the Albany community will gather to read *The Things They Carried* by Tim O'Brien, a book that eloquently speaks about the humanity and inhumanity of war, and the Vietnam War in particular, from the point of view of one American combat platoon; and

WHEREAS, there are a series of planned panel discussions, lectures, public readings, film screenings, theatrical readings, exhibits and book discussions in locations throughout the city and aimed at a wide range of audiences; and

WHEREAS, The Big Read is a nationwide program sponsored by the National Endowment for the Arts and Arts Midwest designed to restore reading to the center of American culture and sponsored locally by the Albany Fund for Education, the Albany City School District and the Albany Public Library; and

WHEREAS, each and every Albany resident is invited and encouraged to take part in the festivities surrounding The Big Read celebration.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany affirms its enthusiastic support of The Big Read throughout the month of November 2012.

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

The resolution passed by the majority vote of the following Council Members:

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

Affirmative 13 Negative 0 Abstain 0

Resolution Number 65.111.12R was co-sponsored by Council Members Bailey, Calsolaro, Commisso, Conti, Freeman, Golby, Herring, Igoe, Jenkins-Cox, Konev, O'Brien, Rosenzweig, Sano and Smith

Council Member Konev introduced RESOLUTION NUMBER 66111.12R (RESOLUTION SUPPORTING ALBANY COUNTY LOCAL LAW A OF 2012 REGULATING THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE AND REQUIRING THE USE OF BIODEGRATABLE OR COMPOSTABLE FOOD SEERVICE WARE IN ALBANY COUNTY), which was referred to the General Services, Health and Environment Committee.

WHEREAS, government has a duty to protect the natural environment and the health of its citizens; and

WHEREAS, polystyrene foam is a common environmental pollutant as well as a non-biodegradable substance used as food service ware by food vendors operating throughout the County; and

WHEREAS, there continues to be no meaningful recycling of polystyrene foam food service ware and biodegradable or compostable food service ware is an affordable, safe and ecologically sound alternative; and

WHEREAS, disposable food service ware constitutes a large portion of the litter in Albany's streets, parks and public places and ends up in our landfill.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany hereby supports Local Law A of 2012 of the Albany County Legislature regulating the use of polystyrene foam disposable food service ware and requiring the use of biodegradable or compostable food service ware on a county-wide basis.

BE IT FURTHER RESOLVED, that the City Clerk forward a copy of this resolution to the Albany County Legislature and to the legislative bodies of the towns and villages within Albany County.

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

MISCELLANEOUS AND UNFINISHED BUSINESS

NONE

ADJOURNMENT

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

A true record of the Common Council Minutes of November 5th, 2012.

CASHAWNA PARKER
SENIOR LEGISLATIVE AIDE TO THE
ALBANY COMMON COUNCIL