CITY OF ALBANY COMMON COUNCIL
MINUTES OF A REGULAR MEETING

THURSDAY, September 6, 2018


Staff Present: Gerald Campbell, Marisa Franchini, Michele Andre

The roll being called, the meeting was called to order by President Ellis at 7:00 pm; Council Members recited the Pledge of Allegiance followed by a moment of silence.

Public Comment Period

The following members of the public spoke:

1). Marlon Anderson, 216 Lark Street, Albany, NY (Police Shooting)
2). Charles Robinson, 404 Livingston Ave (Legalization of Marijuana)
3). Alana Klein, 29 Glenwood Street, Albany, NY – (Police Shooting)
4). Dawood Haig Nicol, 214 First Ave, Albany, NY (Police Shooting)
5). James Bouldin, 14 Timbrook Street, Albany, NY (Police Shooting)

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

Approval of Minutes

President Pro Temp Conti made a motion, which was duly seconded, to approve the minutes of the August 20, 2018 regular meeting, and August 21, 2018 special meeting of the Council, which was APPROVED by unanimous voice vote.

Consideration of Local Laws

Council Member Conti noticed LOCAL LAW F - 2018 (A LOCAL LAW AMENDING ARTICLE XLVII (GENERAL PROVISIONS) OF PART 36 (HUMAN RIGHTS COMMISSION) OF CHAPTER 42 (DEPARTMENTS AND COMMISSIONS) OF THE CODE OF THE CITY OF ALBANY IN RELATIONS TO TERMS OF APPOINTMENT TO THE HUMAN RIGHTS COMMISSION), which had been previously introduced, requested its passage and a roll call vote thereon.

*Local Law F was co-sponsored by Council Members Anane and Doesschate

There being no discussion, President Ellis called for a roll call vote thereon and the Local Law was ADOPTED:

Passed by the following vote of all the Council Members elected voting in favor thereof:

Affirmative 12 Negative 0 Abstain 0

President Pro Tem Conti held the remaining local law on the agenda for further consideration.

**Reports of Standing and Ad Hoc Committees**

**Human Resources and Human Rights:** Council Member Kimbrough reported that the Committee met on August 23, 2018 to consider Local Law F, Resolution 64.81.18R and Resolution 65.81.18R. The Committee favorably reported out Local Law F, Resolution 64.81.18R and Resolution 65.81.18R. The Committee will meet on September 11, 2018 to interview candidates for the Commission on Human Rights.

**Finance, Assessment and Taxation:** Council Member Doesschate reported that the Committee will meet on September 12, 2018 to consider Resolution 67.82.18R, Resolution 68.91.18R and the 2019 City budget process.

**Consideration of Ordinances**

Council Member Fahey noticed the introduction of Ordinance 33.91.18 as follows, which was held for further consideration:

**Ordinance Number 33.91.18**

AN ORDINANCE AMENDING PARAGRAPH B (PERMITTED USE TABLE) AND PARAGRAPH C (USE-SPECIFIC STANDARDS) OF PART 3 (USE REGULATIONS) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) AND PART 6 (DEFINITIONS AND RULES OF CONSTRUCTION) OF CHAPTER 375 (UNIFIED SUSTAINABLE DEVELOPMENT) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO THE OPERATION OF BLOOD PLASMA CENTERS

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

Section 1. Paragraph B (Permitted Use Table); Paragraph C (Use-Specific Standards) of Part 3 of Chapter 375 and Part 6 (Definitions and Rules of Construction) of Chapter 375 (Unified Sustainable Development) of the Code of the City of Albany is amended to read as follows:

Section 375-3 USE REGULATIONS

(B) PERMITTED USE TABLE

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Use-Specific Standard in

Table 375-1: Permitted Use Table
P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V=Vacant Property Use
(C) USE-SPECIFIC STANDARDS

Section 375-3(C)(4)(d)

(i) BLOOD PLASMA CENTER

A. Facilities must be at least 250 feet from the nearest boundary line of a lot with a Household Living use, a Group Living use, a Religious Institution or a School;

B. All equipment, samples and products must be stored inside the building;

C. Facilities must provide and follow a management plan for handling litter, outdoor queuing, security and loitering.

D. Facilities shall include a waiting and departure lounge sufficient in size, but a minimum of five hundred (500) square feet, to accommodate all scheduled donors within one hour of their appointment and one hour after, as well as any anticipated drop-in customers. Such waiting areas shall include restroom facilities and be open at least one hour prior to the opening of the center for the use of waiting patrons.

(ii) OFFICE FUNERAL HOME OR CREMATORIUM

(iii) PERSONAL OR BUSINESS SERVICE OFFICE

(iv) TRADE SCHOOL PERSONAL OR BUSINESS SERVICE

(v) TRADE SCHOOL

Section 375-6 DEFINITIONS AND RULES OF CONSTRUCTION
Section 375-6(B) DEFINITIONS

BLOOD PLASMA CENTER

A facility used for the donation or sale by individual donors of blood plasma and other blood products. This use does not include blood donation centers in which primarily whole blood is extracted from donors and used, transferred or sold, including but not limited to blood donation centers sponsored by the American Red Cross.

Section 2. This ordinance shall take effect thirty (30) days after enactment.

President Pro Tem Conti referred Ordinance Number 33.91.18 to the Planning, Economic Development and Land Use Committee for further consideration.

President Pro Tem Conti held the pending ordinance on the agenda for further consideration.

Consideration of Resolutions

Council Member Doesschate noticed the introduction of Resolution 68.91.18R as follows, which was held for further consideration:

Resolution Number 68.91.18R

RESOLUTION OF THE COMMON COUNCIL RESOLVED, THE CITY OF ALBANY HEREBY CERTIFIES, PURSUANT TO NEW YORK STATE REAL PROPERTY LAW SECTION 1903, THE ATTACHED APPLICABLE HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS OR ADJUSTED HOMESTEAD AND NON-HOMESTEAD BASE PROPORTIONS FOR THE 2018 TAX YEAR

WHEREAS, by Local Law No. 1-1998, the Common Council adopted the provisions of Section 1903 of the Real Property Tax Law relating to the establishment and certification of the local adjustments to the adjusted base proportions of the homestead and non-homestead classes; and

WHEREAS, the homestead and non-homestead locally adjusted base proportion for the Albany City School District for the assessment roll of 2018-19 has been determined pursuant to Section 1903 of the Real Property Tax Law based on the attached rates provided by the New York State Office of Real Property Tax Services; and

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Albany does hereby certify the Albany City School District's local adjustments to the adjusted base proportions pursuant to Real Property Tax Law Section 1903.

President Pro Tem Conti referred Resolution 68.91.18R to the Finance, Assessment and Land Use Committee for further consideration.

Council Member Johnson offered Resolution 69.91.18R as follows, asked for its passage and a vote thereon:
RESOLUTION OF THE COMMON COUNCIL AMENDING RESOLUTION 31.52.18R THAT AUTHORIZED AND DIRECTED THE ACCEPTANCE OF FUNDS FROM THE NEW YORK STATE OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION FOR THE SOUTH END TRAIL CONNECTOR LOW LINE LINEAR PARK

WHEREAS, the City of Albany Department of Development and Planning has been awarded a grant from the State of New York Office of Parks, Recreation and Historic Preservation under the Recreational Trails Program to assist in funding for South End Trail Connector Low Line Linear Park project; and

WHEREAS, the grant execution requires that the applicant obtain authorization from the governing body of the municipality in which the project will be located prior to executing the contract; and

WHEREAS, the project supports and advances the goals of the adopted Albany 2030 comprehensive plan, the citywide economic development strategy and the applicable neighborhood revitalization plans; and

NOW, THEREFORE, BE IT RESOLVED, that Christopher Spencer as Commissioner of Planning and Development of the City of Albany, the City of Albany, is hereby authorized and directed to accept funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of the Recreational Trails Program, in an amount not to exceed $200,000.00 and enter into and execute a project agreement with the State for such financial assistance to the City of Albany for South End Trail Connector Low Line Linear Park and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

There being no discussion, President Ellis called for a roll call vote thereon and the Resolution was ADOPTED:

Passed by the following vote of all the Council Members elected voting in favor thereof:


Affirmative 12 Negative 0 Abstain 0

Council Member Johnson noticed the introduction of Resolution 70.91.18R as follows, which was held for further consideration:

Resolution Number 70.91.18R

RESOLUTION OF THE COMMON COUNCIL HONORING THE ACHIEVEMENTS OF GEORGE MARBLEY FOR HIS WORK AS PRESIDENT OF STEAMBOAT SQUARE TENANT ASSOCIATION AND THE CITY WIDE TENANT
WHEREAS, George Marbley worked 41 years as President of Steamboat Square Tenant Association from 1975 until his death in 2016, and 39 years as President of the City Wide Tenant Council from 1977 until his death in 2016; and

WHEREAS, George Marbley was a true advocate for all people in need, a selfless leader in the truest sense of the word as shown by the many awards he received for his dedicated service, including awards from United Tenants of Albany, U.S. Department of Housing and Urban Development, City of Albany Common Council, Dunkin’ Hines Basketball Classic and For Us By Us Community Picnic; and

WHEREAS, George Marbley traveled to Washington DC in 1976 and met with Patricia Harris, Secretary of Housing and Urban Development under President Jimmy Carter and was able to obtain millions of dollars to renovate the buildings of public housing apartment in disrepair known as Thacher Homes; and

WHEREAS, George Marbley, through his negotiations with Secretary Harris, Thatcher Homes became known as Steamboat Square, a vibrant community of seniors, young adults and families, working with Albany Housing Authority and the Groundskeeping Supervisor to help beautify the development and maintain a positive image for public housing and the Albany Housing Authority in particular; and

WHEREAS, George Marbley, as President of both Tenant Associations, became the liaison between the Albany Housing Authority and the tenants, as an advocate for tenants dealing with Social Services and other agencies, and as a referral source for people in need of food or furniture; and

WHEREAS, George Marbley became blind at age 59, but completed training and became certified as a paralegal, specializing in housing law in his retirement years; and

WHEREAS, during George Marbley’s 41-year tenure as President of the tenant associations, he demonstrated an unflagging dedication, determination, passion and creativity that has sustained the image of public housing all over the Capital Region;

NOW, THEREFORE, BE IT RESOLVED, that in recognition of his life of service to others, a street sign to read “GEORGE MARBLEY WAY” shall be placed adjacent to the existing sign for Green Street.

President Pro Tem Conti made a motion, which was duly seconded, requesting MAJORITY CONSENT to add Resolution 71.91.18R (MC) to the agenda for introduction. The motion was ADOPTED by voice vote (Council Member Doesschate in the negative).

Council Member Kimbrough offered Resolution 71.91.18R (MC) as follows, asked for its passage and a vote thereon:

Resolution Number 71.91.18R (MC)
RESOLUTION OF THE COMMON COUNCIL CONSENTING TO AN 
ADJUSTMENT IN SALARY FOR THE DEPUTY CITY CLERK FOR THE 2018 
BUDGET

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, the City Clerk has requested 2018 budget amendments to add funds to the 
salary of Deputy City Clerk and transferring the appropriated funds in the amount of $2,500 from 
unspent funds for the position of Legislative Aide within the Common Council budget. 

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of 
Albany consents to the transfer of funds from the Common Council budget affecting the salary 
totals for the position of Deputy City Clerk in the amount of $2,500 for the 2018 Budget. 

Council Members Doesschate, O’Brien and Applyrs spoke on Resolutions 71.91.18R (MC) prior 
to a vote. 

There being no further discussion, President Ellis called for a roll call vote thereon and the 
motion was ADOPTED unanimously. 

Passed by the following vote of all the Council Members elected voting in favor thereof: 

Affirmative – Anane, Applyrs, Conti, Fahey, Farrell, Flynn, Igoe, Johnson, Kimbrough, Love, 
O’Brien 

Negative – Doesschate, 

Affirmative 11 Negative 1 Abstain 0 

Council Member Kimbrough noticed Resolution Number 64.81.18R (RESOLUTION OF THE 
COMMON COUNCIL REAPPOINTING BRENDA ROBINSON AS A MEMBER OF 
THE COMMISSION ON HUMAN RIGHTS), which had been previously introduced, 
requested passage and a roll call vote thereon. 

There being no discussion, President Ellis called for a roll call vote thereon and the Resolution 
was ADOPTED: 

* Resolution Number 64.81.18R was co-sponsored by Council Members Anane, Applyrs, Conti, 
Doesschate, Fahey, Farrell, Flynn, Igoe, and Johnson 

Passed by the following vote of all the Council Members elected voting in favor thereof: 

Affirmative – Anane, Applyrs, Conti, Doesschate, Fahey, Farrell, Flynn, Igoe, Johnson, 
Kimbrough, Love, O’Brien 

Affirmative 12 Negative 0 Abstain 0 

Council Member Kimbrough noticed Resolution Number 65.81.18R (RESOLUTION OF THE 
COMMON COUNCIL REAPPOINTING LINDA HUNT AS A MEMBER OF THE
COMMISSION ON HUMAN RIGHTS), which had been previously introduced, requested passage and a roll call vote thereon.

There being no discussion, President Ellis called for a roll call vote thereon and the Resolution was ADOPTED:

*Resolution Number 65.81.18R was co-sponsored by Council Members Anane, Applyrs, Conti, Doesschate, Fahey, Farrell, Flynn, Igoe, and Johnson*

Passed by the following vote of all the Council Members elected voting in favor thereof:


Affirmative 12 Negative 0 Abstain 0

President Pro Tem Conti held the pending resolutions on the agenda for further consideration.

**Miscellaneous or Unfinished Business**

The following members made miscellaneous remarks: Council Member O’Brien (response to Ordinance 33.91.18R);
President Pro Temp Conti (We will have further discussion on Ordinance 33.91.18R at the Planning Committee); and
Council Member Love (recent gun violence)

**Adjournment**

There being no further business, President Pro Tem Conti made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Ellis declared the meeting adjourned at approximately 8:13 pm.

*Respectfully Submitted*
*Michele Andre*
*Legislative Aide to the Common Council*