



## **MINUTES OF A REGULAR MEETING MONDAY, June 1, 2020**

The Common Council was convened at 7:11 p.m. and was called to order by President Ellis. This meeting was held following Governor Cuomo's executive order 202.1 and Mayor Sheehan's emergency order 315-1b. It live streamed on [YouTube](#) using Zoom as the meeting platform.

The roll being called, the following answered to their names: Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Johnson, Kimbrough, Love, O'Brien, Robinson and President Ellis.

Also present was the following staff: Danielle Gillespie, John-Raphael Pichardo, Brett Williams, and Michele Andre.

President Pro Tem Kimbrough led the Pledge of Allegiance.

### **PUBLIC COMMENT PERIOD**

- 1) Brenda Baddam, 80 States Street, Albany, NY (Field Sobriety Tests in Different Language – Resolution 50.61.20R (MC))
- 2) Glinnesa Gailliard, 152 1/2 Clinton Ave, Albany, NY (Saturday's Events and Arbor Hill)
- 3) Hamad Alghareeb, 10 View Ave, Albany, NY (Resolution 50.61.20R (MC))
- 4) Carmen Duncan, 164 Dove Street, Albany, NY (Importance of the Summer Youth Employment Program)
- 5) Michael Squire, 26 Fleetwood Ave, Albany, NY (Street Closure for Restaurants)
- 6) Ericka Small, 99 Ten Broeck St, Albany, NY (Illegal Bike)
- 7) Diana Hurlburt, 275 S. Allen Street, Albany, NY (Beg Button)
- 8) Alana Klein, 29 Glenwood St, Albany, NY (Saturday's Events)
- 9) Jane Doe (White Moderate & Black Lives Matter)
- 10) Maria S. Morrissey, 90 State Street, Albany, NY (Resolution 50.61.20R (MC))
- 11) Marlon Anderson, Lark Street, Albany, NY (Saturday's Event & Need for Leadership)
- 12) Jane Doe, Albany, NY (Virtual Gathering for City of Albany)

The time for Public Comment having expired, President Pro Tem Kimbrough made a motion, which was duly seconded, to extend the Public Comment Period by an additional 30 minutes. There being no discussion, motion was ADOPTED by unanimous voice vote.

13) Jahkeen I. Hoke, 279 Central Ave, Albany, New York (Black Caucus)

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

### **Approval of Minutes**

President Pro Tem Kimbrough made a motion to approve the minutes of May 18, 2020 meeting of the Council, which was duly seconded, and APPROVED by unanimous voice vote.

### **CONSIDERATION OF LOCAL LAWS:**

**President Pro Tem Kimbrough held the pending Local Laws on the pending agenda.**

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

**Housing and Community Development:** Council Member Doesschate reported that the funding applications for the CARES Act CDBG-CV funds are now available on the ACDA website.  
<https://www.albanyny.gov/Government/Departments/ACDA.aspx>

**Public Safety:** Council Member Kimbrough reported the Committee will meet June 3, 2020 at 5:30PM to interview candidates for the Community Review Police Board (CPRB) and the potential recommendation of the appointee to the full common council.

**Planning, Economic Development and Land Use:** Council Member Fahey reported that the committee will meet on June 8, 2020 at 5:30PM to review Ordinance 8.41.20 and 15.81.19.

### **CONSIDERATION OF ORDINANCES**

Council Member Frederick noticed Ordinance 9.61.20R as follows, which was held for further consideration:

#### **ORDINANCE 9.61.20**

#### **AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) CHANGING THE ZONING CLASSIFICATIONS AND AMENDING THE ZONING MAP ACCORDINGLY**

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

**Section 1.** Chapter 375 of the Code of the City of Albany (Unified Sustainable Development Ordinance) and the Official Zoning Map are hereby amended to change the zoning classifications of 90 Second Avenue, 88 Second Avenue, 86 Second Avenue, 84 Second Avenue, 76 Second Avenue from Mixed-Use Neighborhood Edge (MU-NE) to Mixed-Use Campus/Institutional (MU-CI) 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:

Section: 76.72

Block: 4

Lot: 13

Said premises more commonly known as 90 Second Avenue measuring approximately 25' by 150'.

Section: 76.72

Block: 4

Lot: 14

Said premises more commonly known as 88 Second Avenue measuring approximately 25' by 150'.

Section: 76.72

Block: 4

Lot: 15

Said premises more commonly known as 86 Second Avenue measuring approximately 25' by 150'.

Section: 76.72

Block: 4

Lot: 16

Said premises more commonly known as 84 Second Avenue measuring approximately 25' by 150'.

Section: 76.72

Block: 4

Lot: 20

Sub lot: 1

**Section 2.** Chapter 375 of the Code of the City of Albany (Unified Sustainable Development Ordinance) and the Official Zoning Map are hereby amended to change the zoning classifications of 8 Leonard Street, 10 Leonard Street, 12 Leonard Street, 4 Leonard Street, 15 Scott Street, 13 Scott Street, 11 Scott Street, 9 Scott Street, 7 Scott Street, 10 Krank Street, 15 Krank Street, 1 Scott Street, 10 Scott Street, 8 Scott Street, 6 Scott Street, 4 Scott Street, 33 Krank Street, 37 Krank Street, 45 Krank Street, 32 Leonard Street, 17 Leonard Street, 16.5 Leonard Street, 24 Leonard Street, 22 Leonard Street, 20 Leonard Street, 18 Leonard Street, 2 Leonard Street, from Townhome (R-T) to Mixed-Use Campus/Institutional (MU-CI) 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:

Section: 76.72  
Block: 4  
Lot: 36

Said premises more commonly known as 8 Leonard Street.

Section: 76.72  
Block: 4  
Lot: 35

Said premises more commonly known as 10 Leonard Street.

Section: 76.72  
Block: 4  
Lot: 34

Said premises more commonly known as 12 Leonard Street.

Section: 76.72  
Block: 4  
Lot: 33

Said premises more commonly known as 4 Leonard Street.

Section: 76.72  
Block: 4  
Lot: 32

Said premises more commonly known as 15 Scott Street.

Section: 76.72  
Block: 4  
Lot: 31

Said premises more commonly known as 13 Scott Street.

Section: 76.72  
Block: 4  
Lot: 30

Said premises more commonly known as 11 Scott Street.

Section: 76.72  
Block: 4  
Lot: 29

Said premises more commonly known as 9 Scott Street.

Section: 76.72  
Block: 4  
Lot: 28

Said premises more commonly known as 7 Scott Street.

Section: 76.72  
Block: 4  
Lot: 27

Said premises more commonly known as 10 Krank Street.

Section: 76.72  
Block: 4  
Lot: 26

Said premises more commonly known as 15 Krank Street.

Section: 76.72  
Block: 4  
Lot: 78

Said premises more commonly known as 1 Scott Street.

Section: 76.72  
Block: 4  
Lot: 77

Said premises more commonly known as 10 Scott Street.

Section: 76.72  
Block: 4  
Lot: 76

Said premises more commonly known as 8 Scott Street.

Section: 76.72  
Block: 4  
Lot: 75

Said premises more commonly known as 6 Scott Street.

Section: 76.72

Block: 4

Lot: 74

Said premises more commonly known as 4 Scott Street.

Section: 76.72

Block: 4

Lot: 72

Said premises more commonly known as 33 Krank Street.

Section: 76.72

Block: 4

Lot: 70

Said premises more commonly known as 37 Krank Street.

Section: 76.72

Block: 4

Lot: 69

Said premises more commonly known as 45 Krank Street.

Section: 76.72

Block: 4

Lot: 68

Said premises more commonly known as 32 Leonard Street.

Section: 76.72

Block: 4

Lot: 67

Said premises more commonly known as 17 Leonard Street.

Section: 76.72

Block: 4

Lot: 66

Said premises more commonly known as 16.5 Leonard Street.

Section: 76.72

Block: 4

Lot: 65

Said premises more commonly known as 24 Leonard Street.

Section: 76.72

Block: 4

Lot: 64

Said premises more commonly known as 22 Leonard Street.

Section: 76.72

Block: 4

Lot: 63

Said premises more commonly known as 20 Leonard Street.

Section: 76.72

Block: 4

Lot: 62

Said premises more commonly known as 18 Leonard Street.

Section: 76.72

Block: 4

Lot: 61

Said premises more commonly known as 2 Leonard Street.

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

President Pro Tem Kimbrough referred Ordinance 9.61.20R to the Planning, Economic Development and Land Use Committee for further consideration.

Council Member Love noticed Ordinance 10.61.20R as follows, which was held for further consideration:

**ORDINANCE 10.61.20**

**AN ORDINANCE AMENDING CHAPTER 375 OF THE CODE OF THE CITY OF ALBANY (UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) CHANGING THE ZONING CLASSIFICATION OF 180 SHERIDAN AVENUE FROM “TOWNHOUSE” (R-T) TO “MIXED-USE COMMUNITY URBAN” (MU-CU) AND AMENDING THE ZONING MAP ACCORDINGLY**

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

Section 1. Chapter 375 of the Code of the City of Albany (Unified Sustainable Development Ordinance) and the Official Zoning Map are hereby amended to change the zoning classification of 180 Sheridan Avenue from Townhouse (R-T) to Mixed-Use Community Urban (MU-CU), 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:

Section: 65  
 Block: 81  
 Lot: 4  
 Sub Lot: 23

Said premises more commonly known as 180 Sheridan Avenue measuring approximately 24.66’ by 110’.

Section 2. This ordinance shall take effect immediately.

President Pro Tem Kimbrough referred Ordinance 10.61.20R to the Planning, Economic Development and Land Use Committee for further consideration.

Council Member Kimbrough noticed Ordinance 11.61.20R as follows, which was held for further consideration:

**ORDINANCE. 11.61.20**

**AN ORDINANCE AMENDING CHAPTER 375 (CITY OF ALBANY UNIFIED SUSTAINABLE DEVELOPMENT ORDINANCE) OF THE CODE OF THE CITY OF ALBANY IN RELATION TO PARKING LOTS IN MU-CU ZONE DISTRICTS**

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

Section 1. Subsection (B) (Permitted Use Table) of section 375-3 (Use Regulations) of Chapter 375 of the Code of the City of Albany is amended to read as follows:

<b>Table 375-1: Permitted Use Table</b>																		
<b>P=Permitted Use   C=Conditional Use   A=Accessory Use   T=Temporary Use   V=Vacant Property Use</b>																		
<b>Proposed Zoning District</b>	<b>Residential</b>						<b>Mixed-Use</b>						<b>Special Purpose</b>		<b>Use-Specific Standard in Section 375-3</b>			
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC		MU-FS	MU-FM	I-1
<b>LAND USE CATEGORY</b>																		
<b>COMMERCIAL USES</b>																		



**Table 375-1: Permitted Use Table**  
**P=Permitted Use | C=Conditional Use | A=Accessory Use | T=Temporary Use | V=Vacant Property Use**

Proposed Zoning District	Residential						Mixed-Use								Special Purpose			Use-Specific Standard in Section 375-3		
	R-1L	R-1M	R-2	R-T	R-M	R-V	MU-NE	MU-NC	MU-CU	MU-CH	MU-DT	MU-CI	MU-FW	MU-FC	MU-FS	MU-FM	I-1		I-2	LC
<b>LAND USE CATEGORY</b>																				
<b>Vehicles and Equipment</b>																				
Parking Lot	A	A	A	A	A	A	A	A	A	A	C	A	A	A	A	A	P	P	A	(C)(4)(g)(5)

Section 2. Clause (v) (Parking Lots) of subparagraph (g) (Vehicles and Equipment) of paragraph (4) (Commercial Uses) of subsection (C) (Use-Specific Standards) of section 375-3 (Use Regulations) of Chapter 375 of the Code of the City of Albany is amended by adding new items (B) and (C) to read as follows:

B. In those districts where a Conditional Use Permit is required, it shall be only in those cases where the parking lot use is to be established as the principal use of the land. A Conditional Use Permit shall not be required where parking is to be established as an accessory use.

C. In the MU-CU zone district, no Conditional Use Permit shall be approved unless it is determined that the proposed parking lot:

1. Responds to a demonstrable parking need of the use or uses to be served, as evidenced by factors including but not limited to whether the use has otherwise provided the minimum parking required pursuant to Section 375-4(E)(2)(a).
2. Is designed in such a way that it does not foreclosure the possibility of liner buildings being constructed along any street frontages, to the greatest degree practicable.
3. Does not result in the demolition of buildings or structures having an economically viable use or reuse, as determined pursuant to the provisions of 375-5(E)(17) (Demolition Review) or a 375-5(E)(19) Major Certificate of Appropriateness, whichever applies.

Section 3. Subparagraph (d) (Off-Site Parking) of paragraph (3) (Parking Alternatives and Adjustments) of subsection (E) (Parking and Loading) of section 375-4 (Development Standards) of Chapter 375 of the Code of the City of Albany is amended to read as follows:

(i) In the Mixed-Use zoning districts Where allowed as a permitted or conditional use in Table 375-3-1 (Permitted Use Table), and as an alternative to providing required on-site

parking, ~~required~~ parking spaces that are not required to be provided on-site by the Americans with Disabilities Act or state law may be provided at a location up to 1,000 feet walking distance from the development or redevelopment it serves.

~~(ii) Off-site parking for a nonresidential use shall not be located in a Residential zoning district unless the use for which the parking is provided is a permitted or conditional use in that Residential district.~~

~~(iii)~~ (ii) The applicant for approval of off-site parking shall provide evidence, at the Chief Planning Official's request, that the proposed off-site parking location will remain available for the proposed parking use for a period of at least two years.

Section 4. This ordinance shall take effect immediately.

President Pro Tem Kimbrough referred Ordinance 11.61.20R to the Planning, Economic Development and Land Use Committee for further consideration.

**President Pro Tem Kimbrough held the remaining Ordinances on the agenda for further consideration.**

## **CONSIDERATION OF RESOLUTIONS**

Council Member Conti noticed Resolution 45.61.20R as follows, which was held for further consideration:

### **Resolution Number 45.61.20R**

#### **RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF ALBANY AUTHORIZING THE EXECUTION OF A PAYMENT IN LIEU OF TAXES (“PILOT”) AGREEMENT BY AND BETWEEN THE CITY OF ALBANY, AND 25 DELAWARE HOUSING DEVELOPMENT FUND COMPANY, INC. AND 25 DELAWARE, LLC**

**WHEREAS**, the City of Albany (the “City”) desires to encourage a sufficient supply of adequate, safe and sanitary housing accommodations to persons and families of low income; and

**WHEREAS**, 25 Delaware Housing Development Fund Corp. (the “HDFC”) is a not-for-profit corporation established pursuant to Section 402 of the New York State Not-For-Profit Corporation Law and Article XI of the New York State Private Housing Finance Law (“PHFL”); and

**WHEREAS**, the HDFC has been organized exclusively for the charitable purpose of providing housing accommodations to persons and families of low income; and

**WHEREAS**, 25 Delaware, LLC (the “Company”) is a limited liability company founded under the laws of the State of New York, of which Company the HDFC is or will be the “HDFC Member”; and

**WHEREAS**, the Company’s and the HDFC’s plan for the use of the property consists of the construction of forty (40) one bedroom units and eleven (11) two bedroom units of new, affordable housing, with parking, for families earning between 50% and 90% of the Area Median Income in a five story elevator building that will preserve the historic edifice currently occupying the property; and

**WHEREAS**, the HDFC will be the nominal fee owner of the Property; and

**WHEREAS**, the HDFC has acquired or will acquire fee title to the Property as nominee for the Company, and has conveyed or will convey its equitable and beneficial interest in the Property to the Company in furtherance of the development of the Project; and

**WHEREAS**, the HDFC is a “Housing development fund company” as the term is defined in Section 572 of the PHFL; and

**WHEREAS**, section 577 of the PHFL authorizes the Common Council of the City of Albany to exempt the Project from real property taxes; and

**WHEREAS**, the Company and the HDFC will be willing to enter into a PILOT Agreement whereby they will make annual payments in lieu of taxes to the City as set forth in the PILOT Agreement presented to this Common Council for its approval, a copy of which is annexed hereto as Exhibit “A”;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City Of Albany hereby exempts the Project and the property more particularly identified in Exhibit A attached hereto and made part hereof from real property taxes to the extent authorized by Section 577 of the PHFL and approves the proposed PILOT Agreement between the City of Albany, the Company and the HDFC, in substantially the form attached hereto as Exhibit B, providing for annual payments as set forth in such agreement; and

**BE IT FURTHER RESOLVED**, that a fully executed copy of the PILOT Agreement will be filed immediately in the Office of the Assessor of the City of Albany and the Office of the Treasurer of the City of Albany; and

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

President Pro Tem Kimbrough referred Resolution 45.61.20R to the Finance, Assessment and Taxation Committee for further consideration.

Council Member Conti noticed Resolution 46.61.20R as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 46.61.20R**

**RESOLUTION OF THE COMMON COUNCIL RECOGNIZING AND CELEBRATING JUNE AS LGBTQ PRIDE MONTH IN THE CITY OF ALBANY**

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

**WHEREAS**, the Stonewall Uprising also gave a new birth to local LGBTQ political activism and visibility throughout the country including, in 1970, the founding of the Tri-Cities Gay Liberation Front 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 which is celebrating its 50<sup>th</sup> anniversary this year; and

**WHEREAS**, Albany is the home of the oldest continuously operating LGBTQ 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**, the City of Albany and the Albany Common Council in particular, has been in the forefront of governments recognizing and affirming the basic civil and human rights of the LGBTQ community; and

**WHEREAS**, June would ordinarily feature a month of LGBTQ Pride parades, festivals and celebrations throughout the country, including the Capital Pride Parade and Festival and “*Say it Loud! Black and Latino Gay Pride*” both in Washington Park; and

**WHEREAS**, due to the COVID-19 Pandemic these physical celebrations have been postponed, but the celebration of LGBTQ Pride during the month of June cannot be postponed and lives on within the LGBTQ community as a special time of the year to pause, celebrate and reflect on the diversity of the LGBTQ community and the strides and achievements that have been made since the 1969 Stonewall Uprising; and

**WHEREAS**, the City of Albany is home to two important organizations that provide important services to the Capital Regions LGBTQ community – the Pride Center of the Capital Region and, In Our Own Voices serving the LGBTQ People of Color community; and

**WHEREAS**, it is appropriate for this body to pause in its deliberations to recognize and celebrate the month of June as LGBTQ Pride month, and to recognize the Pride Center and In Our Own Voices for the important work they do.

**NOW, THEREFORE BE IT REOLVED**, that the Common Council of the City of Albany does hereby recognize and celebrate the contributions of the LGBTQ community to our city and does further recognize and celebrate the month of June as LGBTQ Pride Month in the City of Albany; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution, suitably engrossed, be transmitted to the Pride Center of the Capital Region and In Our Own Voices upon its adoption.

\* Council Member Conti spoke on the Resolution prior to passage.

*\* Resolution 46.61.20 was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson*

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Anane noticed Resolution 47.61.20R as follows, asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 47.61.20R**

**RESOLUTION OF THE COMMON COUNCIL DECLARING JUNE 5<sup>th</sup>, 2020 TO BE NATIONAL GUN VIOLENCE AWARENESS DAY**

**WHEREAS**, protecting public safety in the communities we serve is the Common Council's highest responsibility; and

**WHEREAS**, every day 100 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year, and Americans are 25 times more likely to be killed with guns than people in other high-income countries; and

**WHEREAS**, cities across the nation, including Albany, are working to end the senseless violence with evidence-based solutions; and

**WHEREAS**, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

**WHEREAS**, locally elected officials and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it and are best positioned to understand how to keep their citizens safe; and

**WHEREAS**, the pandemic facing America has drastically impacted communities and individuals sheltering in place which may result in situations where access to firearms results in increased risk in intimidated partner violence gun deaths, suicide by gun, and unintentional shootings; and

**WHEREAS**, In 2007, the Albany Common Council passed legislation establishing a Gun Violence Task Force to investigate ways to combat gun-related violence in our City; and

**WHEREAS**, to help honor the more than 100 Americans whose lives are cut short and the countless survivors who are injured by the shootings every day, a national coalition of organizations has designated the first Friday of June 2020 (June 5, 2020) as the 6<sup>th</sup> National Gun Violence Awareness Day and anyone can join this campaign by pledging to Wear Orange on June 5, 2020, to help raise awareness about gun violence;

**NOW, THEREFORE BE IT RESOLVED**, that the Common Council of the City of Albany, New York renews its commitment to reduce gun violence and pledges to do all it can to keep firearms out of the wrong hands and to help keep our children safe and encourages the citizens of Albany to support efforts to prevent the tragic effects of gun violence and to honor and value human lives; and

**BE IT FURTHER RESOLVED**, that the Albany Common Council declares June 5, 2020 to be National Gun Violence Awareness Day.

\* Council Member Anane spoke on the Resolution prior to passage.

*Resolution 47.61.20 was co-sponsored by Council Members Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson*

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

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

Affirmative – Anane, Balarin, Conti, Doesschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

Council Member Anane noticed Resolution 48.61.20R as follows, which was held for further consideration:

#### **RESOLUTION NUMBER 48.61.20R**

#### **RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL DEMANDING THE UNITED STATES FOOD AND DRUG ADMINISTRATION (FDA) CONSIDER A BLOOD DONATION DEFERAL POLICY NOT BASED ON SEXUAL ORIENTATION OR GENDER IDENTITY**

**WHEREAS**, in our State there have been 300,000 confirmed COVID-19 cases and 19,425 confirmed deaths as of May 2020, which is roughly one-third of all confirmed coronavirus cases in the United States; and

**WHEREAS**, as a result of the unprecedented scale of devastation this virus caused, an urgent plea for blood donations was made; and

**WHEREAS**, it is well documented that gay men and transgender men desperately want to give blood to the community; and

**WHEREAS**, the FDA originally had a 12 month deferral on blood donations from gay and transgender men and in April 2020 reduced the deferral to 3 months; and

**WHEREAS**, creating policy based on identity as opposed to risk is irrational and given the current COVID-19 crisis, it is more critical than ever to prioritize science and facts over fear and bias, and;

**WHEREAS**, it is critical that deferral be based on information that is within the personal knowledge and control of the prospective donor, and not on the sexual orientation or gender identity of the donor, the sexual orientation, gender identity, or activities of one's sexual partners, or on perceived monogamy. By focusing on the activities that present an unacceptable degree of risk (e.g., receptive anal sex without a condom), the need to identify the gender of the donor or the gender of the donor's sexual partner is eliminated. A policy focused on the prospective donor's activity, rather than identity, will not only be safer but rational;

**NOW THEREFORE BE IT RESOLVED**, that the City of Albany Common Council, in the wake of COVID-19, demands the United States Food and Drug Administration consider a blood donation deferral policy based on prospective donor's activity and not based on sexual orientation or gender identity; and

**BE IT FURTHER RESOLVED**, a copy of this resolution shall be transmitted to Alex Azar, Secretary of U.S. Health and Human Services; Dr. Stephen M. Hahn, U.S. Food and Drug Administration Commissioner; Charles Schumer, United States Senator of New York; Kirsten Gillibrand, United States Senator of New York; Paul Tonko, Member of the United States House of Representatives; Capital Pride Center; and In Our Own Voices.

President Pro Tem Kimbrough referred Resolution 48.61.20R to the Human Resources and Human Rights Committee for further consideration.

Council Member Anane noticed Resolution 49.61.20R as follows, which was held for further consideration:

**RESOLUTION NUMBER 49.61.20R**

**A RESOLUTION CALLING ON THE FEDERAL GOVERNMENT TO IMPLEMENT A PROGRAM TO FORGIVE STUDENT LOANS FOR ALL CURRENT BORROWS AND IMPLEMENT A PROGRAM TO ENSURE THAT ALL STUDENTS CAN ATTEND ACCREDITED PUBLIC COLLEGES AND UNIVERSITIES AT NO CHARGE**

**WHEREAS**, 45 million borrowers collectively owe nearly \$1.6 trillion in student loan debt in the U.S. as of 2020; and

**WHEREAS**, student loan debt is now the second-highest consumer debt category – behind only mortgage debt – and higher than both credit cards and auto loans; and

**WHEREAS**, the average borrower has over \$33,000 in student debt with the average student loan payment being \$393 a month, which represents a substantial financial burden that prevents millions from affording housing, transportation, and other key expenses; and

**WHEREAS**, the continuing growth of this debt, if left unchecked will be a long-term barrier of economic advancement for current and future generations; and

**WHEREAS**, multiple studies show that the forgiveness of student debt will likely lead to economic growth as millions of borrowers will be able to put more of their money into the economy rather than to a debt servicer; and

**WHEREAS**, the cost of forgiving all current student debt is less than the cost of the 2017 Tax Cuts and Jobs Act, which economists have stated as having a minimal impact on the economy, and substantially less than the cost of the CARES Act that was recently signed into law; and

**WHEREAS**, in the wake of the unprecedented economic challenges caused by the COVID-19 pandemic, forgiving student debt for all borrowers would act as a powerful economic stimulus;

**NOW, THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany calls on the federal government to implement a program to forgive student loans for all current borrowers as well as to implement a program to ensure that all students can attend accredited public colleges and universities at no charge; and

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be transmitted to Betsy DeVos, Secretary of the U.S. Department of Education; Dr. Kristina Johnson, Chancellor of the State University of New York; Charles Schumer, United States Senator of New York; Kirsten Gillibrand, United States Senator of New York; and Paul Tonko, Member of the United States House of Representatives.

President Pro Tem Kimbrough made a motion, which was duly seconded, requesting Majority Consent to add Resolution 50.61.20R to the agenda. There being no discussion, the motion was adopted by voice vote.

Council Member Robinson noticed Resolution 50.61.20R(MC) as follows, which was held for further consideration:

**RESOLUTION NUMBER 50.61.20R (MC)**

**A RESOLUTION OF THE CITY OF ALBANY COMMON COUNCIL CALLING ON ALL AREA LAW ENFORCEMENT TO MAKE SURE THAT STANDARDIZED FIELD SOBRIETY TESTS (SFST) BE ADMINISTERED IN ALL LANGUAGES**

**WHEREAS**, the City of Albany with 98,468 residents, 28.3 percent are black, 9.6 percent are Hispanic / Latino, 7 percent are Asian, and 3.5 percent of the city's population identify as two or more races; and

**WHEREAS**, many residents speak more than one language in their household and some do not speak English at all; and



**WHEREAS**, the SFST requires a subject to listen and follow instructions while performing simple physical movements. A person may fail these tests simply by not following instructions as given by an officer. Which means that solely by not understanding the instructions presented in English, a non-English speaker may fail these tests, be presumed to be intoxicated, and charged criminally with a class A misdemeanor.

**WHEREAS**, our Court system recognizes that there is a need for translation services at all proceedings of a case but stops short of requiring it for Field Sobriety Tests; and

**WHEREAS**, in *People of the State of New York v Jose Aviles*, 23 N.Y.3d 497 (2016) the Court of Appeals of the State of New York upheld the NYPD's practice of not administering coordination tests to non-English speakers from an equal protection challenge under a rational basis review. The Court found that the NYPD policy was based on a person's ability to speak and understand English, not on any of the suspect classification of race, religion, or national origin and therefore facially neutral; and

**WHEREAS**, in that same decision the Court allowed for the language barrier in the administration and stated that the NYPD has an interest in avoiding the "heavy financial and administrative burdens of employing translation services or multilingual officers qualified to administer coordination tests in the myriad of languages spoken in this State"; and

**WHEREAS**, No matter a person's proficiency in English, all people should be able to participate in the judicial system: meaningfully, fully, and fairly, and irrespective of the cost; and

**WHEREAS**, Dr. Martin Luther King is quoted saying "Justice denied anywhere, diminishes Justice everywhere"; and

**NOW THEREFORE, BE IT RESOLVED**, that the Common Council of the City of Albany hereby calls upon all Law Enforcement to administer Standardized Field Sobriety Tests (SFST) in all languages and let justice be truly for ALL.

Council Member Anane noticed Resolution 44.52.20R *As Amended* asked passage and a roll call vote thereon:

**RESOLUTION NUMBER 44.52.20R (As Amended 06/01/2020)**

**RESOLUTION THANKING THE STATE LEGISLATURE AND GOVERNOR OF NEW YORK FOR PASSING AND SIGNING LAW THAT CREATES A PUBLIC EMPLOYEE DEATH BENEFIT RELATED TO COVID-19**

**WHEREAS**, In 2019 and 2020, the disease COVID-19, also known as coronavirus, spread rapidly worldwide, leading the President of the United States to declare a national emergency, and the World Health Organization to declare the outbreak a global pandemic; and

**WHEREAS**, The impact of the coronavirus pandemic has been especially severe in the State of New York, which reports over 300,000 confirmed COVID-19 cases and 19,415 confirmed COVID-19 fatalities as of May 6, 2020, constituting roughly one-third of all confirmed coronavirus cases in the United States; and

**WHEREAS**, the City of Albany is reliant on a municipal workforce that totals over hundreds of employees; and

**WHEREAS**, Assembly Bill A10528 and Senate Bill S8427 provides protection for the statutory beneficiaries of public employees who died of COVID-19. The Bill provides that any public employee enrolled in the New York State Employees' Retirement System (NYSERS), the New York State Police and Fire Retirement System (NYSPFR), New York State Teachers' Retirement System (NYSTRS), Metropolitan Transportation Authority Police Retirement Plan, and all New York City Equivalences will receive an accidental death benefit with the following limited proof: 1) The Employee worked on or after March 1, 2020; 2) The employee worked in person, whether at the normal place of work or at another assigned place of work; 3) The employee contracted COVID-19; 4) The Employee died on or before December 31, 2020; 5) COVID-19 caused or contributed to the member's death; and,

**WHEREAS**, Classifying the deaths of municipal workers who have died from COVID-19 as line-of-duty deaths would grant additional benefits and resources to families of the deceased, and would alleviate the burden of having to prove a family member's death was attributable to their workplace; and

**WHEREAS**, Classifying the deaths of municipal workers who have died from COVID-19 as line-of-duty deaths serves as a form of recognition for the sacrifices of municipal employees who lost their lives while serving their government and community during a time of crisis; and

**NOW, THEREFORE, BE IT RESOLVED**, the Common Council of the City Of Albany, thanks the Governor and the State Legislature for this line of duty benefit to those affected by COVID-19. The Clerk is to send a copy of this resolution to our Assembly and State Senate representatives, the Governor of the State of New York, and the Comptroller of the State of New York.

\* Council Member Anane and Balarin spoke on the Resolution prior to passage.

*Resolution 44.52.20 As Amended was co-sponsored by Council Members Anane, Balarin, Conti, Doeschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson*

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

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

Affirmative – Anane, Balarin, Conti, Doeschate, Fahey, Farrell, Flynn, Frederick, Hoey, Igoe, Kimbrough, Love, O'Brien, and Robinson

Affirmative 14 Negative 0 Abstain 0

**President Pro Tem Kimbrough held the pending Resolution on the agenda for further consideration.**

## **MISCELLENOUS**

Council Member Frederick made a motion, which was duly seconded, to declare the Common Council a lead agency for the State Environmental Quality Review Act (SEQRA). Council Member Conti and Doesschate spoke on motion. There being no further discussion, the motion was adopted by a unanimous voice vote.

## **COMMON COUNCIL COMMENTS**

Council Member Robinson (Resolution 50.61.20R(MC))

Council Member Flynn (Defer Comment)

Council Member Anane (Saturday's Event)

Council Member Hoey (Public Comment)

Council Member Balarin (Protest)

Council President Ellis (Thank Council Member, & Provide Update)

Council President Ellis led a moment of silence for Council Member Johnson and his family.

## **ADJOURNMENT**

There being no further business, President Pro Tem Kimbrough made a motion to adjourn, which was duly seconded and adopted by unanimous voice vote. President Ellis declared the meeting adjourned at approximately 8:44pm.

**MICHELE ANDRE**

**Senior Legislative Aide to the Council**