

***Meeting Agenda***  
**State College Borough Council**  
**Work Session**  
**Friday, March 18, 2011**  
**12 Noon**

The State College Borough Council met on Friday, March 18, 2011, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Council President Filippelli called the meeting to order at 12:00 p.m.

Present: Elizabeth A. Goreham, Mayor  
Thomas E. Daubert  
Ronald L. Filippelli, President of Council  
Donald M. Hahn  
Theresa D. Lafer  
Silvi Lawrence  
Peter Morris  
Absent: James L. Rosenberger

Also present: Thomas J. Fountaine, II, Borough Manager; Amy R. Miller, Recording Secretary; Carl Hess, Planning Director; Roger Dunlap, Assistant Manager; Ben Pugh, UPUA Representative, Anne Messner, Zoning Officer; Charles DeBow, Parking Manager; Terry Williams, Solicitor; members of the media; and other interested observers.

**Public Hour**

Members of the Tavern Association of State College presented a petition and requested Council reconsider a resolution to take over noise ordinance enforcement. Council will consider this request at their April 18 meeting.

John Cocolin, owner of Indigo, Zeno's and Bill Pickles Tap Room, has spoken to local tavern owners regarding the noise ordinance and they are in agreement that the State College Police should regulate the noise ordinance at the local level rather than the PA Liquor Control Board (PLCB).

Mr. Hahn requested an opportunity to discuss this issue. Ms. Lawrence agreed and said she would like to hear where PLCB stands on this issue.

Gerald (Duke) Gastiger, owner of Spats and Rathskeller, said the Tavern Association has been working with PLCB on liquor control and liquor control enforcement. He said the liquor control and noise are independent entities and the noise ordinance is unjustly being enforced by PLCB.

Pat Daugherty, owner of the Tavern, would like Council to determine what is best for the community, keeping in mind that the PLCB ordinance was established in 1930. He added that Harris Township enforcement is done at the local level.

## **Reports**

Fraser Centre Quarterly Report. Jack Kay, President of Susquehanna Realty, provided Council with a quarterly update on the Fraser Centre project. Tim Fulton, Associate at Susquehanna Realty, was also in attendance.

Mr. Kay said office commitments are awaiting finalization and the cinema component has changed, creating a larger amount of community space. He added that retailers will have more interest once other tenants are in place, and fewer condominiums and less theatre space signify added space for parking.

Ms. Lawrence said she was disappointed in how slow the project has progressed and would like to see more action taking place.

Mr. Pugh asked the timeline of construction. Mr. Kay said construction is expected to be 22-24 months.

## **General Policy and Administration**

Design Review Board's Powers and Duties. A request was made by the Chair of the Design Review Board (DRB) to have the Borough submit plans for Borough projects, such as the South Atherton Street fencing, to the DRB for review and comment. The current policy, developed in consultation with the Solicitor, states that plans and projects of the municipality are not submitted to local ABC's for review.

After discussion and suggestions from the Solicitor, Council decided that the request not move forward for a formal vote. Council members Morris, Hahn and Lawrence were in favor of sending plans to the DRB for review.

Ordinance Amendment for Firearms in Parks. Staff requested the Solicitor review the restrictions in the Parks and Recreation section of the Borough Code and how it relates to the possession of firearms in the Borough's parks. After a careful review, the Solicitor recommended amending Section 102(f) with respect to State and Federal Laws for firearms control in municipal buildings and parks. Mr. Williams said Council should consider adding a preemption clause without removing existing language to modify state law to treat municipal property like schools in this regard. He added that until this state law is adopted, the Borough cannot enforce gun control in the parks.

Carol Gold, 134 East Doris Avenue, said there are sixteen parks in the Borough and knowing there are exceptions to this law, she wants to keep guns out of the parks. Ms. Gold asked if the Borough could have the same exception with state law as schools do.

Dick Gold, 134 East Doris Avenue, said he agreed with the previous speaker. He said gun control in parks should be enforced. Mr. Gold added that there are all kinds of enforcement, but citizens should carry out the responsibilities of caring for one another. He said that State College is welcoming and semi-automatic weapons should not be allowed in our buildings and parks.

Peter Shaw, 221 Ellen Avenue, asked for clarification of the law. Staff explained that as regulated by the state of Pennsylvania, a gun can be taken in to a local park.

Staff explained this request came from a letter received by Firearms Owners Against Crime (FOAC), whose mission is to aggressively oppose legislators who want to restrict the legitimate use of firearms, including personal and property protection as guaranteed by the Constitutions of the United States and the Commonwealth of Pennsylvania

Josephine Dumas, 516 North Atherton Street, thanked the FAOC for their letter; however, her family feels protected by this ordinance. She said to take a stand because of this offensive letter is not necessary. Ms. Dumas recommends that the Borough leave the ordinance as is.

After discussion and comments from Council members on the safety of gun control, Council agreed to dismiss the request and leave the law at its stands. Additionally, Mr. Fountaine suggests PLCM look into this law.

Mr. Williams suggested citizens write to state legislators to examine this law further.

Rezoning Request for 507 Easterly Parkway. Property owners of 507 Easterly Parkway requested to rezone their property from R2 to R3 to enable the redevelopment of six townhouses, similar to the townhouses on their adjacent property.

The Planning Commission recommended to amend the zoning code and a public hearing was held to receive public comment.

Mr. Hahn expressed his concerns regarding spot zoning. Staff replied that the rezoning is an expansion of the current zoning, not spot zoning.

Council agreed to move the request for rezoning forward for a vote on April 21.

## **Adjournment**

There being no further business, the meeting adjourned to an executive session to discuss personnel matter at 1:38 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary

Prepared by Amy R. Miller