

**Meeting Agenda**  
**State College Borough Council**  
**Special Meeting**  
**Monday, May 9, 2011**

The State College Borough Council met on Monday, May 9, 2011, in the State College Municipal Building, 243 South Allen Street, Room 304, State College, PA. Mayor Goreham called the meeting to order at 7:00 p.m.

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

Also present: Thomas J. Fountaine, II, Borough Manager; Amy R. Miller, Recording Secretary; Carl Hess, Planning Director; Roger Dunlap, Assistant Manager; Brendan McNally, UPUA Representative; Charles DeBow, Parking Manager; Michael Groff, Finance Director; Thomas Hart, Assistant Police Chief; Mark Whitfield, Public Works Director; Norma Crater, Accounting Supervisor; Terry Williams, Borough Solicitor, Amy Story, Borough Engineer; members of the media; and other interested observers.

**President's Report.** Mr. Filippelli reported that Council met in an Executive Session on Monday, May 2, and again on Tuesday, May 3, to discuss threatened litigation.

**Public Hour - Hearing of Citizens.** There were no comments from the public for items not appearing on the agenda.

**General Policy and Administration.**

Mayor Goreham explained the public would have three minutes each to speak on either the resolution and/or the ordinance but would only have one opportunity to speak.

A Resolution Calling on the Pennsylvania General Assembly to Amend the Laws of the Commonwealth to Authorize Municipalities to Prohibit the Possession of Firearms in Municipality Owned Parks and Municipal Buildings. Solicitor Williams briefed Council on the history and the law pertaining to the ordinance and resolution. Staff recommended Council enact the Resolution asking the Pennsylvania General Assembly to amend Title 18 to permit municipal governments to prohibit firearms in local parks and buildings owned by the Municipality.

Timothy Havener, Lock Haven, PA, spoke from a philosophical standpoint. Mr. Havener told a story regarding gun-free zones, specifically about a University of Utah student named Amanda Collins. He said Ms. Collins was raped and left defenseless without the right to carry a gun on campus. He said women carrying guns are more likely to survive a sexual assault than those who cannot defend themselves. Council should not disarm law abiding citizens.

Barbara Ward, 500 East Marilyn Avenue, said guns do not have any place in parks and parks are places of nature and peace. She added that children play in parks where there might be gun fights is wrong.

Cork Byers, Centre Hall, PA, told Council of a woman in Texas who was a law abiding citizen and because she could not take her gun into a diner where she was dining with her parents, her parents were killed as a result of a mad man who came into the diner on a killing spree. She felt she could have saved other people as well as her parents, had she been able to carry her gun with her. He added that people will abide by law; however, bad people will not and you cannot stop the bad people. He said his job as a parent is to protect his children.

Tom Brown, Ferguson Township, agreed with Mr. Byers and said the fear of guns being carried in parks will not stop the evil people from carrying guns illegally in the parks. He added law abiding citizens do not run around carefree waving guns around.

Thomas Thwaites, 500 East Marilyn Avenue, said his awareness of law came into experience this week when he visited a park and started to look around at people very closely trying to decide who was armed. He added that people will get more paranoid and this will erode any tax support for these parks.

End of Public Comment.

A motion was made by Mr. Filippelli and seconded by Mr. Rosenberger to approve a Resolution to ask the Pennsylvania General Assembly to amend Title 18 to permit municipal governments to prohibit firearms in local parks and buildings owned by the Municipality. The motion passed unanimously.

**Ordinance Amendment for Firearms in Parks.** Because Solicitor Williams already overviewed the ordinance in the earlier section, Council went directly to public comment. Staff recommended the ordinance be adopted to repeal Chapter XII, Part A, Section 103.f regulating firearms in local parks, and approving a new regulation for radio controlled or tethered aircraft.

John Best, 617 East Waring Avenue, said the ordinance is tricky because Council may become personally liable, but hopes that Council will take measures to keep parks free of guns. He also reminded attendees that State College is not Texas or Utah and said there is a need to balance what is right in order to feel safe and said parks are gun free zone as well as Council Chambers.

Robert Seely, Pleasant Gap, PA, can understand the mixed feeling towards firearms. He said a decade ago on the Penn State campus a deranged man opened fire on campus, committing murder. He added that the problem is the enforcement of this ordinance. He said the ordinance is “feel good” at best, but unenforceable. He added that he does not feel a need to carry a gun in State College, but asked Council to remember that it is not possible to stop evil.

Doug Hartman, Halfmoon Township, said there is no way to stop evil and a shooting rampage. He would hope people would prepare themselves and become ready to act. He added it is ironic that shooting rampages often occur in schools and universities where there is no one who is able to stop them. He believes we are forced to be unarmed.

Carol Gold, 143 E. Doris Avenue, feels strongly that guns should be banned from parks. She said parks are for having fun and guns are inappropriate where people are recreating and elevating their spirits. She closed saying parks should be gentle and without guns.

Alex Wyckoff, resident of the Borough for four year. He said he lived in Seoul Korea where they have a nationwide ban on guns and he never felt safer. He added that parks are peaceful places and not the place for guns. He noted that the ordinance may not be enforceable but it is an important message to send to the public.

Dick Gold, 134 E. Doris Avenue, said he is strongly opposed to guns in this room, in this building, and in parks. He added that if we knew that one another were armed, these meetings would be very different. He asks Council to not allow guns in a public room nor in the parks.

Kaitlyn Sanders, Patton Township, said she carries a weapon for personal protection. She said just like have a smoke detector or fire extinguisher in a home, a gun is there just in case. She hopes she will never have to use it, but is glad she has it just in case.

End of Public Comment; Council then provided their comments.

Mr. Daubert said he intends to vote for the ordinance. He added that his time and Council’s time would be better spent to lobby with state legislatures to amend the State law.

Mr. Morris stated he is taking no position on the radio controlled aircraft. He said he is strongly in favor of repealing the ordinance and feels that there is no place for guns in State parks, State buildings, nor in local parks or local buildings. He added that voters can disagree with him via the primary or general election in November.

Mr. Hahn said the Firearms Owners Against Crime states that the ordinance is not enforceable and they may be correct. He noted that the State bans guns in State parks

and State buildings, but ironically not in local parks and local buildings. Mr. Hahn agreed with Mr. Morris and will vote against the repeal.

Mr. Filippelli said he supports the control of firearms in the municipality and parks. He said as Council member he swore to uphold the constitution and will vote for this ordinance.

Ms. Lawrence said she questions why a 1972 law would become an issue in 2011. She noted that to her knowledge no one has received a citation in a park and feels that it is inappropriate to take a gun in a park where children are playing. She also said that as a sworn-in public official it is her duty to uphold the law of state and will vote for this ordinance.

Mr. Rosenberger noted that since 1974 this item has not been an issue, and he is puzzled at the need for people to carry a gun for personal security. He added that the State College Police officers are trained to carry and protect the citizens and he is planning to vote for this change. He also strongly supports the resolution just passed.

Ms. Lafer said many antidotes have been heard this evening. She added that she found the gentleman who spoke to Council last week was angry and a bully; however, tonight was quite and reasonable. Ms. Lafer said State College has been voted one of the safest communities in the country and that is something people should remember.

#### **ACTION ITEM - ORDINANCE**

Motion was made by Mr. Filippelli and seconded by Ms. Lafer to adopt an ordinance to repeal Chapter XII, Part A, Section 103.f regulating firearms in local parks, and approving a new regulation for radio controlled or tethered aircraft. After a roll call vote, the motion carried 4-3 with Council Members Hahn, Lafer and Morris opposing.

There being no further business, the meeting adjourned to a work session at 7:48 p.m.

Respectfully submitted,

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Sharon K. Ergler  
Assistant Borough Secretary

Prepared by Amy R. Miller