

City of New Castle, Delaware
Public Hearing on Ordinance 513 at Town Hall
201 Delaware Street – New Castle
Tuesday, January 9, 2018 – 7:00 p.m.

Roll Call: 6:30pm

Councilperson Valarie Leary
Councilperson Michael Quaranta
Council President Linda Ratchford
Councilperson Michael Platt
Councilperson John A. Di Mondì

Also present:

Jimmy Gambacorta, Mayor
Janet Carlin, City Treasurer
William Barthel, City Administrator
Daniel Losco, City Solicitor
Jamie Rogers, Chief of Police
Jeff Bergstrom, Building Official and Fire Marshal

A Public Hearing concerning Ordinance 513; an Ordinance to amend Section 230-37 of the City Code to add a new subsection L prohibiting certain signage and other obstructions in public rights-of-way.

Council President Ratchford advised that the purpose of this meeting is a public hearing on Ordinance 513, An Ordinance to amend Section 230-37 of the City Code to add a new subsection L prohibiting certain signage and other obstructions in public rights-of-way (posted 1/2/2018).

There was no public comment on the Ordinance.

Councilperson Di Mondì moved that the penalty be reduced from \$500 to \$100.

City Solicitor Losco stated that the motion would best be made at the actual City Council meeting.

Councilperson Quaranta asked City Solicitor Losco for the rationale behind the \$500 fine, as well as Mr. Losco's thoughts on the inconsistency between that \$500 and the state fine amount of \$100.

City Solicitor Losco stated that the higher fee would be a greater disincentive against repeated violations.

Councilperson Quaranta asked for thoughts related to enforcement of the Ordinance, and how challenging it might be to collect fines. City Administrator Barthel expressed the opinion that

some people would pay the fine and others would not. For those who did not, enforced collection would have to happen through the courts.

Council President Ratchford advised that Mayor Gambacorta initiated this Ordinance.

Councilperson Platt pointed out that the wording is “up to \$500,” so it is not really a \$500 fine, as it could be less.

Councilperson Di Mondì stated that the people who post the “We Buy Houses” signs list the phone number of an answering service, who then forwards the calls to the company. Therefore, these people are unable to be located and fined for their violations.

City Solicitor Losco reiterated the verbiage in the Ordinance related to requirements to remove certain temporary signs, such as open houses and garage sales.

Council President Ratchford stated a preference that the allowance for 30 days to take down temporary signs be changed to 10 days, and that this be discussed in the regular meeting.

Councilmember Di Mondì stated that the city is not authorized to remove signs from DelDOT rights of way. City Solicitor Losco reported that DelDOT has advised that the city can remove signs from DelDOT’s right of way, if they have an Ordinance such as proposed Ordinance 513.

Councilmember Di Mondì asked how it might be established that violating signs be removed by garbage collectors while on their routes.

City Administrator Barthel suggested changing the wording related to “controlled by the city” to “within the city limits.”

In response to a question from Council President Ratchford, City Solicitor Losco advised that the right to remove the signs is inherent in the fact that they are prohibited.

In response to a question from Councilperson Quaranta, City Solicitor Losco advised that the authorization from DelDOT referred to earlier is in an email. Councilperson Quaranta would like that authorization to be included in the record.

Council President Ratchford summarized the discussion as follows, to be addressed and considered at the regular Council meeting:

- Change to “within the city,” from “controlled by the city.”
- Change to the requirement of removal of political signs to within ten days, following the election.
- Lower the fine amount from \$500 to \$100.

In response to a question from Councilperson Quaranta, City Solicitor Losco advised that each sign is a violation.

Council President Ratchford expressed that the idea behind the ordinance is to encourage people to not violate, as opposed to the purpose being to fine people.

Councilperson Di Mondì expressed concern for restaurants who place signs on the sidewalk. City Solicitor Losco advised that such signs are not covered in the proposed Ordinance, and he will add such wording for consideration at the regular City Council meeting. Discussion followed as to what exactly that wording would be.

Meeting adjourned. Motion made and seconded to adjourn.

Adjournment motion carried at 6:52 pm

Respectfully submitted,

Brian G. Whitaker

Clerk of the City of New Castle, Delaware