



EXHIBIT A



EXHIBIT B



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EXHIBIT C

SERGOVIC CARMEAN WEIDMAN



McCARTNEY & OWENS, P.A.



John A. Sergovic, Jr.
David J. Weidman
Shannon R. Owens
Elizabeth L. Soucek

Website: www.sussexattorney.com
Email: seth@sussexattorney.com

Shannon Carmean Burton
Deirdre A. McCartney
Seth L. Thompson
George B. Smith, of Counsel

March 7, 2017

✓
VIA CERTIFIED AND REGULAR MAIL

Penny Nickerson
407 Union Street
Milton, DE 19968

RE: 407 UNION STREET, MILTON, DELAWARE 19968; SIGNS

Dear Ms. Nickerson:

Thank you for your note to Mr. Trotta, the Town of Milton's Code Enforcement Officer. The Town has asked that I provide my input as Town Solicitor on whether the Town's signage regulations pass muster in application to your current signs. I have concluded that they do.

As you mentioned, there are numerous Supreme Court cases on signage and free speech implications. One such case is *City of Ladue v. Gilleo*, 512 U.S. 43 (1994). The Court in that case indicated that a municipality has a valid interest in minimizing visual clutter. Similarly, in *Reed v. Town of Gilbert*, the Court indicated that a city might reasonably view the general regulation of signs as necessary because signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. 576 U.S. ____ (2015) (finding that strict scrutiny applies to content-based regulations.) Thus, Milton's signage regulations serve purposes acknowledged by the U.S. Supreme Court as legitimate, and the Town Council recently amended the Town Code to move to content-neutrality last year.

Thus, the sole remaining question is one of degree. The *Ladue* Court held that the municipality could not almost completely foreclose an important and distinct medium of expression to political, religious, or personal messages. Milton's sign ordinance does not almost completely foreclose the medium. Rather, there are time, manner, and place restrictions, such as political signs being posted for a lengthy time period around contested elections. Currently, we are outside that time period. Therefore, your signs do not meet the Town Code on political signs at present. If you did not remove them promptly, the Town may elect to issue a notice of violation and fine(s). You may place the signs again when the time period for political signs re-opens, assuming they meet all other elements of the sign regulations.

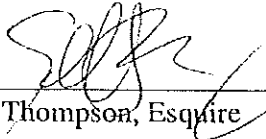
406 South Bedford Street, Suite 1, Georgetown, Delaware 19947

• Phone (302) 855-0551 • Fax (302) 855-0553
• Phone (302) 855-1260 • Fax (302) 855-1270

Thank you for your time and attention in this matter. Feel free to call me and ask any questions, if that is the easiest method of communication. However, if you have an attorney representing you on this matter, please forward this letter to your counsel for your counsel to respond, rather than you responding directly.

Sincerely,

SERGOVIC CARMEAN WEIDMAN
MCCARTNEY & OWENS, P.A.



Seth L. Thompson, Esquire

c: Mike Trotta, Town of Milton (via email)

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EXHIBIT D

SERGOVIC CARMEAN WEIDMAN



McCARTNEY & OWENS, P.A.



John A. Sergovic, Jr.
David J. Weidman
Shannon R. Owens
Elizabeth L. Soucek

Website: www.sussexattorney.com
Email: seth@sussexattorney.com

Shannon Carnean Burton
Deirdre A. McCartney
Seth L. Thompson
George B. Smith, of Counsel

April 5, 2017

VIA REGULAR MAIL

Penny Nickerson
407 Union Street
Milton, DE 19968

RE: 407 UNION STREET, MILTON, DELAWARE 19968; SIGNS

Dear Ms. Nickerson:

Thank you for your response letter dated March 15, 2017 to me, as well as for temporarily removing your signs. I hope to better explain the scope of the Town's recent changes to the Town Code's regulation of signs, which are not yet reflected on the Town Code version on the Town's website. Thus, a copy of the recent ordinance is enclosed. Your understanding of the scope may be at the root of your belief that the sign regulations suppress too much free speech.

The recent changes removed the regulation of the message on a "political sign" by removing from the definition "intended to advance a political statement, cause or candidate for office." Thus, the restrictions in Milton are distinguishable from those in *Reed v. Town of Gilbert* 576 U.S. ___ (2015).

The time, manner, and place restrictions were essentially unchanged. The result is that a "political sign" does not have to advance a political statement, cause or candidate; however, political signs, whatever the message, are still limited in size and location, as well as in number and time. Specifically, the Code allows for one sign per lot for each office in the contested election or per issue on the referendum, with the sign(s) erected no sooner than 90 days prior to any contested election or referendum involving Milton voters and removed within 14 days following the election or referendum.

In light of the above, I believe your reliance on *City of Ladue v. Gilleo*, 512 U.S. 43 (1994) is misplaced. As the Court noted in that matter, the ordinance then at issue "totally foreclosed that medium to political, religious, or personal messages." That is not the case in Milton. As the *Ladue* Court also noted, "While signs are a form of expression protected by the Free Speech Clause, they pose distinctive problems that are subject to municipalities' police

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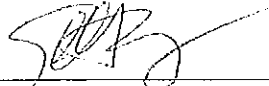
powers. Unlike oral speech, signs take up space and may obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation.”

Under the Town Code, as revised, assuming size and placement compliance, you will be permitted to display your prior signs (or other signs) beginning 90 days prior to the next contested election or referendum involving Milton voters, with the total number of signs being dependent on the number of contested offices and referendum issues.

Thank you for your time and attention in this matter. If you have any questions on what other types of signs are permitted in your zoning district and their associated limitations, please feel free to contact Town Hall.

Sincerely,

SERGOVIC CARMEAN WEIDMAN
MCCARTNEY & OWENS, P.A.



Seth L. Thompson, Esquire

Enc

c: Mike Trotta, Town of Milton (w/o enc) (via email)

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EXHIBIT E

ZONING
 220 Attachment 2
 Town of Milton

