



# TOWN of MOORESVILLE

4 East Harrison Street

Mooresville, Indiana 46158

Telephone (317) 831-1608

Fax (317) 831-9559

## TOWN OF MOORESVILLE, INDIANA - PUBLIC RECORDS REQUEST FORM:

TO: Street Department X

Clerk's Office X

Police Department \_\_\_\_\_

Fire Department \_\_\_\_\_

Sewer Department \_\_\_\_\_



Pursuant to the Access to Public Records Act (Indiana Code 5-14-3, I would like to obtain copies of the following public records:

1. All signage removed by town employees, officials, or agents due to Unified Development Ordinance (UDO) infractions, including their locations, since 1/1/2019
2. All external communications requesting the removal of signage due to UDO infractions since 1/1/2019
3. All internal communications regarding the removal of signage due to UDO infractions since 1/1/2019
- 4.

(Please be sure to describe the records sought with enough detail for the public agency to be able to respond.)

I understand that if I seek copies of these records; there may be a copying fee. Could you please inform me of that cost prior to making the copies? I can be reached at [Danny.Lundy@MorganLPIN.org](mailto:Danny.Lundy@MorganLPIN.org)

According to statute, we have seven (7) days **to respond** to the request if delivered by email, fax or U.S. Mail. If hand delivered, we have 24 hours **to respond**. If we choose to deny the request, we are required to respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial. Thank you for your assistance on this matter.

REQUESTERS NAME Danny Lundy

DATE OF REQUEST July 9th, 2020

ADDRESS 133 W Harrison St, Mooresville, IN 46158

PHONE # 317-440-1745

E-MAIL Danny.Lundy@MorganLPIN.org

REQUEST COMPLETED BY David Moore DATE 7-14-20

## Dianna Wamsley

---

**From:** Danny Lundy <danny.lundy@morganlpin.org>  
**Sent:** Thursday, July 9, 2020 11:57 AM  
**To:** Dianna Wamsley  
**Subject:** Freedom of Information Act Request

Dianna,

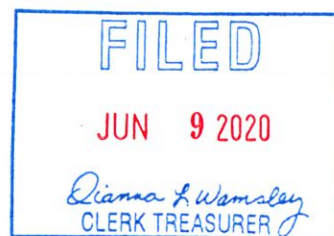
This is a request under the Indiana Access to Public Records Act § 5-14-3-1 et seq., I am requesting an opportunity to inspect and obtain copies of the following documents [or documents containing the following information]:

- All signage removed by town employees, officials, or agents due to Unified Development Ordinance (UDO) infractions, including their locations, since 1/1/2019;
- All external communications requesting the removal of signage due to UDO infractions since 1/1/2019;
- All internal communications regarding the removal of signage due to UDO infractions since 1/1/2019.

Electronic copies such as PDF would be preferred, but I am ok with whatever format is easiest for you.

Thank you for your prompt attention to this request.  
Sincerely,

Danny Lundy  
Libertarian Party of Morgan County, Chair  
317-440-1745



## David Moore

---

**From:** David Moore  
**Sent:** Tuesday, July 14, 2020 8:40 AM  
**To:** 'Justin Sprinkle'  
**Subject:** RE: Bidding for medians

Mr. Sprinkle,

I met with the president of the town council yesterday afternoon (Shane Williams) and he directed me to begin the process of removing unpermitted signs in town right of ways.

Thank you for your inquiry.

Dave.

**From:** Justin Sprinkle [<mailto:gutensprenkle@gmail.com>]  
**Sent:** Monday, July 13, 2020 4:37 PM  
**To:** David Moore  
**Subject:** Re: Bidding for medians

Hello Mr. Moore,

As of 4:30 on July 13th, 2020, have you received any official communication from any town officials directing the removal of signage from any town properties?

Thank you,

Justin Sprinkle

On Thu, May 28, 2020, 9:14 AM David Moore <[DMoore@mooreville.in.gov](mailto:DMoore@mooreville.in.gov)> wrote:

Hello Mr. Sprinkle,

The bid specs are posted on the town web site. I have to fix a mistake I made and re post it. It states 10 p.m. and I need to change it to a.m. But anyway it's on there. I would be glad to answer any questions you may have if you want to call me@ 317 989 1777.

I would be happy to speak to you for various reasons.

Dave.

**From:** Justin Sprinkle [<mailto:gutensprenkle@gmail.com>]  
**Sent:** Wednesday, May 27, 2020 12:29 PM  
**To:** David Moore  
**Subject:** Bidding for medians

Hello, my name is Justin Sprinkle, I'm writing on behalf of some local citizens and myself that would like to bid on taking care of the medians in town.



## David Moore

---

**From:** David Moore  
**Sent:** Monday, July 13, 2020 3:28 PM  
**To:** 'dsimerl1966@trueband.com'  
**Subject:** RE: Sign placement

Ms. Simerl,

Feel free to place your signs as you described to me earlier, thank you for the information and I hope all goes well.  
Dave.

**From:** [dsimerl1966@trueband.com](mailto:dsimerl1966@trueband.com) [<mailto:dsimerl1966@trueband.com>]  
**Sent:** Monday, July 13, 2020 1:21 PM  
**To:** David Moore  
**Subject:** Sign placement

Hi Dave,

Delta Theta Tau Sorority has hosted the Flag Town 5K Run/Walk since 2016 when it was a selected Bicentennial event for Mooresville. This year, our 5th annual race, has been changed from hosting it in Pioneer Park to a Virtual race which will be held from August 8th to August 22nd. A Virtual race allows participants to run or walk any time or any place during the time period listed.

We have always asked for permission to place event advertising signs in various places in town. This event is to fund scholarships and other philanthropic projects in Mooresville. We will have a very limited number of signs (5-6) out this year as most advertising will be done digitally. The signs will be out about 3-4 weeks and picked up promptly at the end of the event.

We hope to have permission again for this event. Thank you for your help.

Sincerely,

Dee Simerl

Flag Town 5K Chairman

317-831-3797



We'd like to know what you would require of any bid to fully consider the bid, i.e. do they have to carry a certain type of insurance, does it have to be a corp or an old, questions of that nature.

At this point we are just exploring, any help you could provide would be greatly appreciated.

Thank you in advance.

Justin Sprinkle

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:23 AM  
**To:** David Moore  
**Categories:** Red Category

Yes

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:22 AM  
**To:** David Moore  
**Attachments:** Resized\_20200615\_145026.jpeg  
**Categories:** Red Category

As i was looking at the weed problem i noticed this is still there.  
Should I pull it?



## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:21 AM  
**To:** David Moore  
**Categories:** Red Category

Can't prove it but it is. Lol. There's no way to tie this sign to any owner. I think you could just take it down.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:20 AM  
**To:** David Moore  
**Categories:** Red Category

Are we positive that was Danny?

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:20 AM  
**To:** David Moore  
**Categories:** Red Category

Are we positive that was Danny?



## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:14 AM  
**To:** David Moore  
**Categories:** Red Category

I'll see what we do next per the ordinance and call him.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:14 AM  
**To:** David Moore  
**Categories:** Red Category

Lundy our out another sign.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:14 AM  
**To:** David Moore  
**Categories:** Red Category

I replied to Danny Lundy.





Shane Williams



Just now · 

The local Libertarian Party was contacted directly, along with all other major parties, regarding Mooresville's ordinance against putting political signs on public property. Other parties have honored the law and, quite frankly, the will of the majority of Mooresville tax payers.

The Libertarian Party should not be getting an unfair and unlawful advantage over other political parties. The town will respond per the UDO.



## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:13 AM  
**To:** David Moore  
**Attachments:** IMG\_5147.png  
**Categories:** Red Category

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:13 AM  
**To:** David Moore

**Categories:** Red Category

We will send a email and do it right.



## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:12 AM  
**To:** David Moore

**Categories:** Red Category

He'd go ballistic.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:12 AM  
**To:** David Moore  
**Categories:** Red Category

He's the chairman of the party.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:11 AM  
**To:** David Moore  
**Categories:** Red Category

But yes he received it.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:11 AM  
**To:** David Moore

**Categories:** Red Category

Fine!!!!

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:11 AM  
**To:** David Moore  
**Categories:** Red Category

Your initial letter went to him, correct?

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:10 AM  
**To:** David Moore

**Categories:** Red Category

Follow the UDO. That's always my directive. Danny Lundy is the Chairman.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:10 AM  
**To:** David Moore

**Categories:** Red Category

Okay, should we grab it? 😊..or call first?

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:10 AM  
**To:** David Moore

**Categories:** Red Category

I believe the Libertarian Party put a governor sign in the median in Indianapolis road.



## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:08 AM  
**To:** David Moore  
**Categories:** Red Category

I may try to catch you. He's calling me the king. Lol. He blocked me and didn't know I would find out about it. I never blocked them so they could respond if they chose to. It's very cowardly in my view.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:08 AM  
**To:** David Moore

**Categories:** Red Category

Is he calling you rhe"king"  
Or me?

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:07 AM  
**To:** David Moore

**Categories:** Red Category

Ill be available after the walk around tomorrow morning.

## David Moore

---

**From:** David Moore <1967pinkfloyd1985@gmail.com>  
**Sent:** Friday, July 10, 2020 11:06 AM  
**To:** David Moore

**Categories:** Red Category

Tony Langley posted this over the weekend.

Some of these signs belong to private property owners but the ones in the Gateway aren't allowed.

I'd like to sit down with you and figure out a process.

MOORESVILLE — The Mooresville Town Council approved...

Check out more posts from local pages in Mooresville.

See More

Thy King ordered thy removal of signage in thou public areas of thy Kingdom. Yet his royal subjects continue to mock his proclamation. Has thy King lost the power of thy throne? Whilst he strike-out against thy evil doers?



If you're talking about me here, why did you block me so I can't see it? I didn't write the UDO.

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**OPINION OF THE PUBLIC ACCESS COUNSELOR**

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DANNY LUNDY,  
*Complainant,*

v.

MOORESVILLE TOWN COUNCIL,  
*Respondent.*

---

Formal Complaint No.  
20-FC-42

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Luke H. Britt  
Public Access Counselor

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This advisory opinion is in response to a formal complaint alleging the Mooresville Town Council violated the Open Door Law.<sup>1</sup> Town attorney Beth A. Copeland filed an answer on behalf of the council. In accordance with Indiana Code § 5-14-5-10, I issue the following opinion to the formal complaint received by the Office of the Public Access Counselor on March 23, 2020.

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<sup>1</sup> Ind. Code § 5-14-1.5-1-8.

## **BACKGROUND**

This case involves a dispute about whether a series of text messages exchanged between members of a town council amount to a public meeting under the Open Door Law (ODL).

On March 20, 2020, Danny Lundy (Complainant) was notified via email that the placement of several political signs were in violation of the Town of Mooresville's unified development ordinance (UDO), which states that signs are not to be placed in the town right of way. Therefore, the signs in question would need to be removed from public spaces within three days or the town would dispose of them.

Lundy claims that this notice constitutes a change in policy, which is drastically different from prior rules as he understood them. In search of clarification, he reached out the council via Facebook. At this point the Council President, Shane Williams, stated that he gave the order and provided screenshots of text messages sent individually between the five council members demonstrating they had discussed the policy of removing the signs.

On March 23, 2020, Lundy filed a formal complaint with this office alleging the Council violated the Open Door Law (ODL). Specifically, he argues that the electronic communications constitute a "chain-meeting" and that the Council took final action outside of a public meeting since the decision to require the removal of political signs was never discussed publically at a council meeting and public comment was never solicited.

On April 1, 2020, the Council filed an answer with this office disputing Lundy's claims that it violated the ODL. According to attorney Beth Copeland, the Mooresville Public Works Superintendent, Dave Moore, sent Lundy the aforementioned email after being advised by the Town's attorney that the Town should enforce its UDO on signs placed on public property. The Council president followed Moore's email with a Facebook post to inform the public of the intention to enforce the ordinance. Furthermore, in an effort to be as transparent as possible Council president Williams shared the screenshots of his text messages sent to the other council members, to show that the Council was notified that he had asked Moore to enforce the UDO.

Moreover, Copeland argues that the Council could not have violated the ODL because the actions taken by the Council were all pursuant to the enforcement of an already existing ordinance. Pursuant to local ordinance 3(G)(1)(f)(i)(a) and (d), signs may not be installed "in any public right-of-way, unless specifically authorized by the legislative body or their designee." So, the Council argues, contrary to Lundy's assertions, there was never a new policy relating to political signs on public property; instead the town simply chose to enforce an already existing UDO.

The Council argues the matter of removing the signs was never discussed between the council members as a collective, they never recommended amending the ordinance or creating a new policy, and there was never a vote taken.



## ANALYSIS

### 1. The Open Door Law

The Open Door Law (ODL) requires public agencies to conduct and take official action openly, unless otherwise expressly provided by statute, so the people may be fully informed. Ind. Code § 5-14-1.5-1. As a result, the ODL requires all meetings of the governing bodies of public agencies to be open at all times to allow members of the public to observe and record the proceedings. *See* Ind. Code § 5-14-1.5-3(a).

The Town of Mooresville is a public agency for purposes of the ODL; and thus, subject to the law's requirements. Ind. Code § 5-14-1.5-2. The Mooresville Town Council (Council) is a governing body of the town for purposes of the ODL. *See* Ind. Code § 5-14-1.5-2(b). As a result, unless an exception applies, all meetings of the Council must be open at all times to allow members of the public to observe and record.

#### 1.1 Meeting

Under the ODL, a meeting is "a gathering of a majority of the governing body of a public agency for the purpose of taking official action upon public business." Ind. Code § 5-14-1.5-2(c). "Official action" means to: (1) receive information; (2) deliberate; (3) make recommendations; (4) establish policy; (5) make decisions; or (6) take final action. Ind. Code § 5-14-1.5-2(d).

Moreover, “public business” means “any function upon which the public agency is empowered or authorized to take official action.” Ind. Code § 5-14-1.5-2(e).

### **1.2 Majority and serial meetings**

Critically, under the ODL, a gathering must involve a numerical majority of board members to constitute a meeting. If so, the agency must give public notice and the discussion must be open to the public.<sup>2</sup>

This office has often opined on virtual communication as being “meetings of the minds” and can certainly qualify if there is simultaneous communication among board members meant to subvert the Open Door Law. *See Opinion of the Public Access Counselor*, 17-FC-11 (“Group text messages, listserv forums and instant messaging services are more likely to be considered simultaneous communications”).<sup>3</sup>

A crucial component of these communications is participation by a collective majority. One-on-one conversations about public business are not considered inappropriate unless the board has only three members because two would constitute a majority. Thus, the text messages referenced in the complaint do not qualify as a public meeting under the ODL.

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<sup>2</sup> Notably, there is a notice exception for town board’s called an “administrative function” meeting. Details can be found at Indiana Code section 5-14-1.5-4(f)(2). While this is not immediately relevant to this opinion, the subject matter would qualify for such a meeting.

<sup>3</sup> It should also be noted that these opinions preceded the COVID-19 events and the governor’s executive orders addressing public health, which temporarily alter the elements of virtual meetings.

Insofar as the allegation of a “chain-meeting” is concerned, no such construct exists in Indiana law. Presumably Lundy means a serial meeting. Serial meetings are continuous series of meetings by less than a majority of members. Serial meetings are prohibited by the ODL. *See* Ind. Code § 5-14-1.5-3.1.

Importantly, however, subsection 3.1(a) sets a condition precedent of three members as a prerequisite for a serial meeting. Because a meeting of three of five meetings of a town board is a numerical majority of membership, it is statutorily impossible for a town board to have a serial meeting. The gathering of three would just be a meeting.

Nonetheless, that does not appear to be the case here either. The text messages were not a serial meeting.

## **1.2 Actions outside a public meeting**

Under the ODL, “final action” means a vote by the governing body on any motion, proposal, resolution, rule, regulation, ordinance, or order. Ind. Code § 5-14-1.5-2(g). A final action must be taken at a meeting open to the public. Ind. Code § 5-14-1.5-6.1(c).

These provisions notwithstanding, not every action on public business requires a vote.

Although not explicitly addressed in the Indiana Code, this office takes no umbrage to the position that a town council president has the authority to tell a town’s public works superintendent to perform the duties of his job as it relates to existing ordinances and policies. Contrary to the complaint, there is no evidence the ordinance or policy was amended or

created as new. It appears as if the ordinance was in existence at the time of the controversy. The public works superintendent was simply urged to enforce it. This does not require a vote and does not connote a deviation from law, notions of transparency, or good governance.

**CONCLUSION**

Based on the foregoing, it is the opinion of this office that the Mooresville Town Council did not violate the Open Door Law.

A handwritten signature in black ink, appearing to read 'LH Britt', written in a cursive style.

Luke H. Britt  
Public Access Counselor

## David Moore

---

**From:** Shane Williams  
**Sent:** Monday, June 29, 2020 12:04 PM  
**To:** David Moore  
**Cc:** Dianna Wamsley  
**Subject:** Fw: 20-FC-42 Public Access Counselor Advisory Opinion  
**Attachments:** 20-FC-42.pdf

Total repudiation of the PAC complaint by Lundy. Please read the attached.

Shane B. Williams  
President  
Mooresville Town Council  
4 E Harrison Street  
Mooresville, IN 46158  
Phone: 317-538-4737  
Email: [swilliams@mooresville.in.gov](mailto:swilliams@mooresville.in.gov)

---

**From:** Holmecki, Kaitlyn <[KHolmecki@opac.in.gov](mailto:KHolmecki@opac.in.gov)>  
**Sent:** Monday, June 29, 2020 9:57:27 AM  
**To:** [BCopeland@taftlaw.com](mailto:BCopeland@taftlaw.com)  
**Cc:** Shane Williams  
**Subject:** 20-FC-42 Public Access Counselor Advisory Opinion

Dear Ms. Copeland,

Attached you will find Public Access Counselor's advisory opinion for the formal complaint titled 20-FC-42.

Please feel free to contact our office should you have any further questions.

Best regards,

**Kaitlyn Holmecki**  
Public Access Coordinator | Office of the Public Access Counselor | (317) 234-0906  
Indiana Government Center South, W470 | 402 W. Washington St, Indianapolis, IN 46204

## David Moore

---

**From:** Shane Williams  
**Sent:** Saturday, May 23, 2020 11:16 AM  
**To:** David Moore  
**Cc:** danny.lundy@morganlpin.org  
**Subject:** Re: signs

Danny,

As you know, there's been a pandemic.

Also, as you know, we take public comment at every meeting....multiple times. Every public meeting has been open to the public, even during the pandemic.

There's been nothing preventing you from coming before us during public comments over the last "two months." We do not turn any public comments away.

It is my personal view that the matter was settled when both a Planning Commission and former Council passed the UDO. I also think you're on the wrong side of public opinion.

I'm only one of five though.

Shane B. Williams  
President  
Mooresville Town Council  
4 E Harrison Street  
Mooresville, IN 46158  
Phone: 317-538-4737  
Email: [swilliams@mooresville.in.gov](mailto:swilliams@mooresville.in.gov)

---

**From:** David Moore  
**Sent:** Thursday, May 21, 2020 12:46:41 PM  
**To:** Shane Williams  
**Subject:** FW: signs

---

**From:** Danny Lundy [<mailto:danny.lundy@morganlpin.org>]  
**Sent:** Wednesday, May 20, 2020 2:48 PM  
**To:** David Moore  
**Cc:** [Info@MorganLPIN.org](mailto:Info@MorganLPIN.org)  
**Subject:** Re: signs

Dave,

Thank you for all your hard work as Public Works superintendent. We really appreciate all you and your team do for the Town of Mooresville. The Libertarian party of Morgan County wants to do our best to work within the city's guidelines. Unfortunately, the Town Council and the BZA have been refusing our requests

to be on the agenda for this issue for two months now. Therefore, we have been unable to ask for permission.

We would appreciate some guidance on how we can proceed when we are being stonewalled.

Danny Lundy  
Libertarian Party of Morgan County, Chair  
317-440-1745

On 2020-05-20 14:21, David Moore wrote:

Mr. Lundy,

It was brought to my attention that there is a sign placed in the towns' right of way at Indianapolis Road and Samuel Moore pkwy. I was asked to reach out to your party and remind you that the town U.D.O. prohibits this unless you have been granted permission by the Town Council.

Respectfully,

Dave Moore

Public Works Superintendent

4 E. Harrison St.

Mooresville, IN 46158

317-831-9547



## David Moore

---

**From:** Shane Williams  
**Sent:** Thursday, May 21, 2020 4:49 PM  
**To:** Lee, Chou-il; David Moore  
**Subject:** Re: signs

The applicable sign ordinance starts on page 76.

<https://www.mooresville.in.gov/download/227/unified-development-ordinance/1665/mooresville-udo-2019-01-01-2.pdf>

Shane B. Williams  
President  
Mooresville Town Council  
4 E Harrison Street  
Mooresville, IN 46158  
Phone: 317-538-4737  
Email: [swilliams@mooresville.in.gov](mailto:swilliams@mooresville.in.gov)

---

**From:** Lee, Chou-il <[CLee@taftlaw.com](mailto:CLee@taftlaw.com)>  
**Sent:** Thursday, May 21, 2020 4:38:06 PM  
**To:** Shane Williams; David Moore  
**Subject:** RE: signs

I think that Dave has sent this to me before, but can you send me the applicable sign ordinance?

Thanks

**Taft /** **Chou-il Lee**  
Partner  
[CLee@taftlaw.com](mailto:CLee@taftlaw.com)  
**Dir:** 317.713.3519  
**Tel:** 317.713.3500 | **Fax:** 317.713.3699  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204

[taftlaw.com](http://taftlaw.com)

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**From:** Shane Williams <[SWilliams@Mooresville.in.gov](mailto:SWilliams@Mooresville.in.gov)>  
**Sent:** Thursday, May 21, 2020 4:35 PM  
**To:** David Moore <[DMoore@Mooresville.in.gov](mailto:DMoore@Mooresville.in.gov)>  
**Cc:** Lee, Chou-il <[CLee@taftlaw.com](mailto:CLee@taftlaw.com)>  
**Subject:** Re: signs

Chou-il,

Could you respond to Mr. Lundy? He's willfully breaking the law.

I believe per our UDO, it says to go to the BZA to appeal.

Shane B. Williams  
President  
Mooresville Town Council  
4 E Harrison Street  
Mooresville, IN 46158  
Phone: 317-538-4737  
Email: [swilliams@mooresville.in.gov](mailto:swilliams@mooresville.in.gov)

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Danny Lundy  
Libertarian Party of Morgan County, Chair  
317-440-1745

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Respectfully,

Dave Moore

Public Works Superintendent

4 E. Harrison St.

Mooresville, IN 46158

317-831-9547

## David Moore

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**From:** Lee, Chou-il <CLee@taftlaw.com>  
**Sent:** Thursday, May 21, 2020 4:38 PM  
**To:** Shane Williams; David Moore  
**Subject:** RE: signs

I think that Dave has sent this to me before, but can you send me the applicable sign ordinance?

Thanks

**Taft /** **Chou-il Lee**  
Partner  
CLee@taftlaw.com  
**Dir:** 317.713.3519  
**Tel:** 317.713.3500 | **Fax:** 317.713.3699  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204

**taftlaw.com**

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---

**From:** Shane Williams <[SWilliams@Mooresville.in.gov](mailto:SWilliams@Mooresville.in.gov)>  
**Sent:** Thursday, May 21, 2020 4:35 PM  
**To:** David Moore <[DMoore@Mooresville.in.gov](mailto:DMoore@Mooresville.in.gov)>  
**Cc:** Lee, Chou-il <[CLee@taftlaw.com](mailto:CLee@taftlaw.com)>  
**Subject:** Re: signs

Chou-il,

Could you respond to Mr. Lundy? He's willfully breaking the law.

I believe per our UDO, it says to go to the BZA to appeal.

Shane B. Williams  
President  
Mooresville Town Council  
4 E Harrison Street  
Mooresville, IN 46158

Phone: 317-538-4737

Email: [swilliams@mooreville.in.gov](mailto:swilliams@mooreville.in.gov)

---

**From:** David Moore

**Sent:** Thursday, May 21, 2020 12:46:41 PM

**To:** Shane Williams

**Subject:** FW: signs

---

**From:** Danny Lundy [<mailto:danny.lundy@morganlpin.org>]

**Sent:** Wednesday, May 20, 2020 2:48 PM

**To:** David Moore

**Cc:** [Info@MorganLPIN.org](mailto:Info@MorganLPIN.org)

**Subject:** Re: signs

Dave,

Thank you for all your hard work as Public Works superintendent. We really appreciate all you and your team do for the Town of Mooresville. The Libertarian party of Morgan County wants to do our best to work within the city's guidelines. Unfortunately, the Town Council and the BZA have been refusing our requests to be on the agenda for this issue for two months now. Therefore, we have been unable to ask for permission.

We would appreciate some guidance on how we can proceed when we are being stonewalled.

Danny Lundy  
Libertarian Party of Morgan County, Chair  
317-440-1745

On 2020-05-20 14:21, David Moore wrote:

Mr. Lundy,

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Respectfully,

Dave Moore

Public Works Superintendent

4 E. Harrison St.

Mooresville, IN 46158

317-831-9547



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Respectfully,

Dave Moore

Public Works Superintendent

4 E. Harrison St.

Mooreville, IN 46158

317-831-9547



## David Moore

---

**From:** Virginia Perry <vfperry1036@aol.com>  
**Sent:** Wednesday, May 06, 2020 10:14 AM  
**To:** David Moore  
**Subject:** Re: Signs

Dave,

I was just getting ready to go speak to him, but glad you contacted him for me.

Thanks

Virginia Perry  
[vfperry1036@aol.com](mailto:vfperry1036@aol.com)

-----Original Message-----

**From:** David Moore <[DMoore@Mooresville.in.gov](mailto:DMoore@Mooresville.in.gov)>  
**To:** Virginia Perry <[vfperry1036@aol.com](mailto:vfperry1036@aol.com)>  
**Sent:** Wed, May 6, 2020 9:59 am  
**Subject:** RE: Signs

Virginia,

I spoke with Chief Julian and he is checking with his officers to see if anyone picked up your signs and he will get them to you or me if they had them. He didn't think they did but he is checking.

D.

**D.From:** Virginia Perry [<mailto:vfperry1036@aol.com>]  
**Sent:** Friday, May 01, 2020 3:33 PM  
**To:** David Moore  
**Subject:** Signs

Dave,

I was talking to Shane and Collier has signs on what looks like Town property at Bridge Street and Indianapolis Road and more on High Street. Both do not appear to be on private property

Thanks

Virginia Perry  
[vfperry1036@aol.com](mailto:vfperry1036@aol.com)

## David Moore

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**To:** David Moore  
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Virginia Perry  
[vfperry1036@aol.com](mailto:vfperry1036@aol.com)

## David Moore

---

**From:** Shane Williams  
**Sent:** Monday, March 23, 2020 7:16 PM  
**To:** David Moore  
**Subject:** FYI

Shane B. Williams  
President  
Mooresville Town Council  
4 E Harrison Street  
Mooresville, IN 46158  
Phone: 317-538-4737  
Email: [swilliams@mooresville.in.gov](mailto:swilliams@mooresville.in.gov)

---

**From:** Copeland, Beth A. <[BCopeland@taftlaw.com](mailto:BCopeland@taftlaw.com)>  
**Sent:** Monday, March 23, 2020 5:56:07 PM  
**To:** Lee, Chou-il; Shane Williams; Dustin Stanley  
**Subject:** RE: Mooresville

Gentlemen,

Below is my legal opinion based on the following legal question: does IC 36-1-3-11 require Mooresville to allow political signs on public property? The simple answer is no.

As you both know, Mooresville's UDO regulates signage. Specifically, Section G(i)(a) prohibits signs in any public right-of-way and Section G(i)(d) prohibits signs in any public park or other public property, with the exception of those signs specifically permitted in the UDO.

IC 36-1-3-11(c) states that any "ordinance or a regulation of a political subdivision relating to the number or size of signs is unenforceable" 60 days before and 6 days after an election. In other words, on properties where signs are permitted, Mooresville cannot tell politicians how big their signs can be or how many signs he/she can place on a property during that time frame. But, since Mooresville's ordinance clearly prohibits all signs, except those specifically permitted in the UDO, on public property, IC 36-1-3-11(c) doesn't apply.

Section K(i)(2) addresses how to remove temporary signs. I know there was a concern about asking persons to remove his/her signs given the current state of affairs. However, Governor Holcomb's most recent executive order doesn't go into effect until 11:59pm tomorrow night. So, the owners of the signs wouldn't be in violation of his order if they picked them up tonight or tomorrow.

Call me if you have further questions or concerns.

Thank you,  
Beth

**Taft /** **Beth A. Copeland**  
Of Counsel  
BCopeland@taftlaw.com  
**Dir:** 317.713.3592  
**Tel:** 317.713.3500 | **Fax:** 317.713.3699  
One Indiana Square, Suite 3500  
Indianapolis, Indiana 46204-2023

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**Sent:** Monday, March 23, 2020 4:00 PM  
**To:** Copeland, Beth A. <[BCopeland@taftlaw.com](mailto:BCopeland@taftlaw.com)>; Shane Williams <[SWilliams@Mooresville.in.gov](mailto:SWilliams@Mooresville.in.gov)>; Dustin Stanley <[dstanley@Mooresville.in.gov](mailto:dstanley@Mooresville.in.gov)>  
**Subject:** Mooresville

Beth, I have Council President Shane Williams on this email as well. He just sent me a text on the same issue. Can you please keep both he and Councilman Stanley updated on the sign issue?

Thanks

**Taft /** **Chou-il Lee**, Partner  
Litigation; Intellectual Property/Patent  
Direct: 317.713.3519 | Office Ext: 63519  
Taft Office: Indianapolis



## David Moore

---

**From:** Lee, Chou-il <CLee@taftlaw.com>  
**Sent:** Friday, March 20, 2020 12:55 PM  
**To:** Shane Williams  
**Cc:** Shane Williams; David Moore; Tim Bennett  
**Subject:** RE: Political Signs in Town Property

Then I would let them know that they will be removed in 3 days from the notice. Sorry. I did not read the UDO for the exact provisions.

---

**From:** Shane Williams <williamsrentalproperties@yahoo.com>  
**Sent:** Friday, March 20, 2020 12:53 PM  
**To:** Lee, Chou-il <CLee@taftlaw.com>  
**Cc:** Shane Williams <SWilliams@mooreville.in.gov>; David Moore <DMoore@mooreville.in.gov>; Tim Bennett <TBennett@mooreville.in.gov>  
**Subject:** Re: Political Signs in Town Property

I believe our UDO specifically gives 3 days notice so that more than covers the 24 hour notice.

Dave/Tim,

Please enforce the UDO.

Shane B. Williams  
Operating Manager/Owner  
Williams Rental Properties, LLC  
P. O. Box 959  
Mooresville, IN 46158  
Phone: 317-538-4737

On Mar 20, 2020, at 12:50 PM, Lee, Chou-il <[CLee@taftlaw.com](mailto:CLee@taftlaw.com)> wrote:

The best practice is to let the campaign know that the signs are in violation and that they have 24 hours to remove them, or that they will be removed and the signs disposed of. I would send them the citation to the sign ordinance that governs as well. This practice needs to be consistently followed so that we do not have any issue of due process or equal protection.

Thanks

Chou-il

**Taft /**

**Chou-il Lee**

Partner

CLee@taftlaw.com

Dir: 317.713.3519

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**Cc:** Lee, Chou-il <[CLee@taftlaw.com](mailto:CLee@taftlaw.com)>  
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Attorney Lee,

Should we follow the UDO on this? This comes up each election year. It's the issue of political signs on public property.

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Follow the UDO. If any campaign gives you grief, send them to me.

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Let me know,  
Dave.

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**Sent:** Friday, March 20, 2020 11:00 AM  
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Please provide the section of the UDO that governs this and your answer.

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Phone: 317-538-4737

Begin forwarded message:

**From:** Shane Williams <[williamsrentalproperties@yahoo.com](mailto:williamsrentalproperties@yahoo.com)>  
**Date:** March 20, 2020 at 10:58:17 AM EDT  
**To:** Tim Bennett <[TBennett@Mooresville.in.gov](mailto:TBennett@Mooresville.in.gov)>, Dave Moore <[dmoore@mooresville.in.gov](mailto:dmoore@mooresville.in.gov)>  
**Subject:** Political Signs in Town Property

Gentlemen:

During my election I was told I couldn't put signs on 67 and 144 or on the island at Indianapolis Road and Samuel Moore.

We need to be consistent on this.

Please provide the section of the UDO that governs this and your answer.

If we need to, we should have signs removed.

Shane B. Williams  
Operating Manager/Owner  
Williams Rental Properties, LLC  
P. O. Box 959  
Mooresville, IN 46158  
Phone: 317-538-4737



## David Moore

---

**From:** Shane Williams <williamsrentalproperties@yahoo.com>  
**Sent:** Friday, March 20, 2020 12:30 PM  
**To:** David Moore; Tim Bennett  
**Cc:** Shane Williams  
**Subject:** Re: Political Signs in Town Property

Follow the UDO. If any campaign gives you grief, send them to me.

Shane B. Williams  
Operating Manager/Owner  
Williams Rental Properties, LLC  
P. O. Box 959  
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On Mar 20, 2020, at 12:12 PM, David Moore <[DMoore@mooresville.in.gov](mailto:DMoore@mooresville.in.gov)> wrote:

Shane

We are consistent when enforcing the U.D.O. However, sometimes people don't consider the fact that regulations are in place and don't inquire. Sometimes people do inquire yet do as they want anyway. If this is a directive to remove the signs then I will reach out to each party headquarters to inform the candidates of this action.

Let me know,  
Dave.

---

**From:** Shane Williams [<mailto:williamsrentalproperties@yahoo.com>]  
**Sent:** Friday, March 20, 2020 11:00 AM  
**To:** Shane Williams  
**Cc:** Tim Bennett; David Moore  
**Subject:** Fwd: Political Signs in Town Property

Sorry for the duplicate email. It should have come from my town email. I copied my address to get it into the public record.

Shane B. Williams  
Operating Manager/Owner  
Williams Rental Properties, LLC  
P. O. Box 959  
Mooresville, IN 46158  
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**Date:** March 20, 2020 at 10:58:17 AM EDT  
**To:** Tim Bennett <[TBennett@Mooresville.in.gov](mailto:TBennett@Mooresville.in.gov)>, Dave Moore

<[dmoore@mooreville.in.gov](mailto:dmoore@mooreville.in.gov)>

**Subject: Political Signs in Town Property**

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Phone: 317-538-4737

## David Moore

---

**From:** Shane Williams <williamsrentalproperties@yahoo.com>  
**Sent:** Friday, March 20, 2020 12:26 PM  
**To:** Tim Bennett; David Moore  
**Subject:** Re: Political Signs in Town Property

Consistency means the signs aren't allowed and are not placed.

It appears that the administrator should be giving 3 day notice for the removal of the signs.

Has that been done?

Shane B. Williams  
Operating Manager/Owner  
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Phone: 317-538-4737

>> On Mar 20, 2020, at 11:22 AM, Tim Bennett <[TBennett@mooresville.in.gov](mailto:TBennett@mooresville.in.gov)> wrote:

> If the people that have the signs up would have ASK they would have been told the same as you. So we are very consistent. Chapter 3, sec. G, Location and Placement, under i-a.

>

> -----Original Message-----

> From: Shane Williams [<mailto:williamsrentalproperties@yahoo.com>]

> Sent: Friday, March 20, 2020 10:58 AM

> To: Tim Bennett; David Moore

> Subject: Political Signs in Town Property

>

> Gentlemen:

>

> During my election I was told I couldn't put signs on 67 and 144 or on the island at Indianapolis Road and Samuel Moore.

>

> We need to be consistent on this.

>

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> If we need to, we should have signs removed.

>

> Shane B. Williams

> Operating Manager/Owner

> Williams Rental Properties, LLC

> P. O. Box 959

> Mooresville, IN 46158

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## David Moore

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