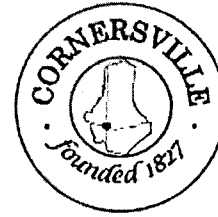


**Public Hearing and Meeting of  
the Cornersville Planning  
Commission  
November 26, 2024 6:30pm  
Minutes**



**Those Participating:** Chairperson Trina Rios, Mayor John Luna, Doris Arthur, Greg Venable, Sharon Pennington, Town Administrator Taylor Brandon, Police Chief Mark Chandler, and Police Sergeant Wesley Vick

Board Member Debbie Davis resigned from the Planning Commission prior to the meeting.

1. Chairperson Trina Rios called the Public Hearing to order regarding the Site Plan Review for a telecommunications tower on Parcel 092H A 092I 00900. She explained there will not be interruptions or disrespect toward any member of the Planning Commission. She stated she will call the names of the people who indicated on the sign-in sheet that they wanted to speak.
  - i. Brent Hieronymi 118 Lynnville Hwy stated he believes there is an overwhelming majority of citizens that are against a telecommunications tower in the neighborhood in which the tower is proposed. He stated there may be a need for a telecommunications tower but a different area of town would be better. He stated he understands health reasons are not a valid point and the purpose of zoning. He stated the placement of tower is a taking of property according to the U.S. Supreme Court.
  - ii. John Salsman 105 Terry Lane stated he is opposed to the proposed tower location. He stated he would lose \$100,000 value of his home should the tower be approved. He stated the tower location is 300 feet from Cornersville Elementary School property and 880 feet from the building. He stated as far as health concerns, he finds as many articles stating little to no risk as there are high risks. He stated everyone has seen reports regarding the danger of tobacco use, lead, asbestos, water at Camp Lejune, South Carolina, and many others. He stated Williamson County has an ordinance that stated a telecommunications tower cannot be located within 1,500 feet of a school. Time was called.
  - iii. Cam Harmon, property owner of parcels located within 750 feet of the parcel but not a Cornersville resident, asked Taylor Brandon why the town needs zoning. Brandon stated the Zoning Ordinance requires all parcels to be zoned. Harmon stated his research has found that one (1) in five (5) children are affected by radiation waves of telecommunications towers.
  - iv. Amanda Harmon, property owner of the adjoining tower parcel but not a resident of Cornersville, stated she is a nurse and there is cancer risk due to exposure to children. She stated she has two (2) children who will start Cornersville Elementary School in the Fall of 2025 and is concerned for their health. She stated her property stands to lose value if the tower is approved but her children are her main concern. She stated her father, Cam Harmon, has property on which a telecommunications tower can be placed.
  - v. Evon Bennett 101 Terry Lane stated he is a ten (10) year resident of Cornersville and works in the microwave energy industry. He stated Electromagnetic Field (EMF) will kill you eventually if proper precautions are not in place, such as shielding walls/rooms like radiology uses in hospitals and doctors' offices. He stated he is concerned about the

- children's health more than he is his own for his grandchildren will one day be at his home. He stated he is not very concerned about his property value.
- vi. Chris Kiser 210 Terry Lane stated there are three (3) things he is concerned about, time, distance, and shielding. He stated no one can shield a home. He stated radiation effects everyone. He stated he is not against a tower being placed in town, but he is opposed to the proposed tower location.
- vii. Taylor Pickett, 203 Terry Lane and newly elected Alderman, stated he was elected to represent the town's citizens. He stated radiation is more dangerous for children than adults. He stated he had hand written letters from children at the school and approximately ten (10) children from the school are attending the meeting. He stated the proposed tower is seventy-four (74) feet from his property line. He stated he is not against a telecommunications tower, but he is opposed to the proposed location. He stated there are several 5G towers in China. He stated birds die instantly when they fly around the towers. He stated there are two other people in the audience that have offered property for a telecommunications tower. He stated he had recently been to the University of Tennessee Knoxville and did not see any towers this close to a school or residential areas. He stated one of the reasons his family moved to Cornersville was due to the schools in Cornersville.
- viii. Alderman Janice Kerber 2499 Lynnville Hwy discussed different types of Electromagnetic Field (EMF) and their individual strengths and weaknesses. She stated the waves from the top of the tower to the school children is very small unless they are holding a cell phone to their ear or hand. She stated the radiation is much stronger farther from the tower and electronics. She stated the town needs better cell service because of areas that have very limited or no service, numerous dropped calls, Amber Alerts, Tornado Warning, and potential really bad weather conditions to name a few. She stated the EMF's bounce from tower to cell phone, tablet, Wi-Fi router, laptops, televisions, remote controls, etc. She stated there has been a radio tower on Fairview Ave at the water tower/tank for several years and still sends EMF waves. The Fairview Ave radio tower is 0.2 miles away, which is closer to the school than the proposed tower. She stated there is a tower on April Lane that is within 110 feet from homes on Polk Avenue. The April Lane tower was there for several years before lots on Polk Avenue and East Hill Avenue were subdivided. She explained the two (2) types of threats, ionizing and non-ionizing EMF. Kerber stated ionizing is the most dangerous. She stated that in order for a person's body to be damaged there must be over exposure. In order for the waves to damage a person or animal, the waves must heat molecules and cells in a living body. Kerber stated the biggest EMF transmitter is the sun. She stated she is appalled at the number of Facebook posts stating the Town of Cornersville is killing children.

At this point in the meeting everyone who wanted to talk had spoken, Chairman Rios asked if there was anyone else who would like to make a comment.

- ix. Marilu Clift 213 North Mulberry St stated the citizens of Cornersville elected the Board of Mayor and Aldermen to represent the people. She stated she is opposed to the tower.
- x. Mark Tolf 510 South Main St stated the school board is opposed to the location of the tower and Williamson County has moved them at least 1,500 feet from schools.
- xi. Andrea Pickett 203 Terry Lane stated her family had left Chapel Hill due to the growth and moved to Cornersville due to the slower pace, not because of the school system. She stated she has not had any communication problems with the Cornersville Elementary School, but she does realize there are dead spots on Lynnville Highway at the Church of Christ and on the very north end of town north of Quick Mart. The citizens have adjusted

- to it so why are we changing it? She stated she is very concerned about the health of her Tennessee Walking Horses on their property on Terry Lane. She stated sheep have been known to die on the spot. She stated if one of her animals dies because of the tower, she is coming after somebody. She stated parents are the ones responsible if their child has a cell phone in their hands, on their hip, or a tablet or laptop in front of them.
- xii. Jade Upton, property owner of property in town limits but not a resident of Cornersville, stated she has a cell phone tower on her farm on Underpass Road. She stated there are caution signs on the fence surrounding it and when she is mowing around it, she can feel the electricity from the tower and her horses will not go close to it.
  - xiii. Jeff Webster 114 Lynnville Highway stated the Planning Commission has a choice to err on the side of caution to protect the citizens.

Ralph Wyngarden of Faulk and Foster for Southern Towers stated he has read all the background and the Zoning Ordinance. He stated the application was completed on May 30, 2024, to go to the Board of Zoning Appeals for site plan and special use. He stated the Cornersville Board of Zoning Appeals met on June 4, 2024, and July 29, 2024. There were representatives of Faulk and Foster at each meeting. He stated the application was sent to the town on May 14, 2024, and the remainder was sent on May 30, 2024. He stated the Planning Commission should read and understand Article 5.1 (E)(2)(e) of Zoning Ordinance 22-274 pertaining to the sixty (60) days approval. There is really no reason to be holding this meeting. He stated Southern Tower does not waive their right of the sixty (60) day approval as per the ordinance. He stated in the comments from citizens he did not hear anything about a site plan, driveway, nor landscaping around the tower. He stated there is no exposure of the tower at its height of 195 feet. He stated the FCC approved it and stated the risk is very low. He stated the 1996 Telecommunications Act stated no state or local government may decide the site of a telecommunications tower. He stated the Planning Commission is not at this meeting to say yes or no to the tower. The Planning Commission is tasked only with site plan review. He stated the Emergency Services are better served for schools and the town citizens.

Mayor Luna asked Mr. Wyngarden for the name of the Act again and he stated 1996 Telecommunications Act 47 US Code 332 Section (c) (7) (B) (IV). Luna asked about the contract with Peggy Burrow and the wording of "50 x 50 foot compound" and the BZA application states a "60 x 60 foot leased area". Wyngarden stated the fence is 50 x 50 feet, but the leased area is 60 x 60 feet as a buffer and the fence will be surrounded by southern Magnolia trees.

Chairperson Trina Rios stated she needs clarification on some dates. She stated the June 4, 2024, BZA meeting was shut down due to the dollar store not being sent a notification as she understands it. Brandon stated that is correct. When the notices were sent, they were sent within 500 feet of the proposed tower location and not within 500 feet of the parcel on which the tower is proposed. The parcel is larger than the tower, but most residential property owners were sent notification. Rios asked who sent that notification, the town or the applicant. Brandon stated the town did. She asked Wyngarden when he sent notification. He stated that he sent notification for the second BZA meeting July 29, 2024 with a list from the town. Rios asked why the second BZA meeting was shut down. Brandon stated because there was an attorney representing a resident who provided case law. Brandon felt he needed to investigate the case law before going forward. Brandon stated between the June meeting and the July meeting he found a zoning issue of the proposed sight and most of the parcels in the town limits. He stated zoning determines the dimensional standards of the lot and how to move forward in the ordinance.

He stated if the property is zoned residentially, it will go before the Board of Zoning Appeals. If it is zoned commercially, the property will go before the Planning Commission. He stated the town needed to resolve the zoning issue before the town could go forward on the tower application. Rios questioned the August 9, 2024, sixty (60) day period. Brandon explained the application was completed on May 30, 2024. He explained if there had been missing information on the application, it would have suspended the sixty (60) day period. Brandon stated that the application was complete then, and it remains complete now. Luna questioned the notifications of residents/property owners within 500 or 750 feet from the parcel. Brandon stated the notices the town sent for the first BZA meeting were a distance from the tower and not the distance from the parcel. He stated the next set of notices sent were of 750 feet from the parcel of the proposed tower location. Luna and Rios asked several questions about the distance requirements to Brandon, who gave answers to the questions as asked. Brandon stated he has spent a lot of time speaking with counsel regarding the sixty (60) day rule, but he wanted to continue with a Site Plan Review to help give everyone a chance to speak about the proposed tower.

Chairperson Rios stated she does not believe the application was complete at the date of mailing, July 1, 2024, from the applicant because notices were not sent after the May 30, 2024, application date. She stated the application was not complete until the list of property owners, who received notice, was included with the application. Brandon stated the application was to schedule a meeting, which is what the applicant did. Rios stated the Affidavit of Mailing date for property owners was for July not May. Brandon stated it is still past the sixty (60) day period. Rios agreed to Brandon's statement. She stated the sixty (60) day period was up on August 9, 2024. She stated during that time, the Planning Commission was in process of zoning that area as undefined to commercial. The property upon which the tower is proposed was zoned C-1. She stated the C-1 zone matrix shows the property is still a Special Use and must go before the BZA. Brandon stated that it was after sixty (60) days and asked how do you apply the 5.1 (E) (2) (e) provision that approved the tower after sixty (60) days. Luna stated the application was sent to the BZA for the height requirement, but the meeting was canceled. Brandon stated that it was for residential zoning. Luna stated a vote should have gone on because it was only due to the height requirement. Brandon asked how the application is not complete because he still sees it as complete. Luna stated he is talking about the June 4<sup>th</sup> meeting. Rios asked when the zoning issue was as far as being undefined found. Brandon stated between the June and July meetings. Rios asked if there was any communication with the applicant regarding the zoning issues. Brandon confirmed that he had communicated the zoning issues with the applicant. Brandon stated the discussion, between he and the applicant, involved the resolution of zoning issues before the site plan was reviewed. He stated the Planning Commission recommended zoning the parcel C-1. The Board of Mayor and Aldermen passed an ordinance zoning the property as C-1. Rios stated the parcel should have been denied C-1 zoning.

Chairperson Rios stated a legal easement had not been provided for that property. Wyngarden stated there is an easement in the lease agreement. Rios stated the easement is not recorded with the Marshall County Register of Deeds and they are crossing over one parcel to another parcel, so that parcel is landlocked without a recorded easement. Wyngarden stated the easement is in the lease, and the lease has not been recorded yet. Member Greg Venable stated there seems to be several gates to go through to have processes executed. He stated the timing is not of benefit of the city. He stated the way the ordinance is currently written it just goes through the approval processes. Luna stated he had read state house and senate bills regarding the distance of telecommunications towers and schools and the bills passed both the house and the senate. Brandon stated the bills both died in committee. Luna stated the email he received from our state representative stated the bill passed the house but did not pass the senate.

Rios asked Wyngarden what area the tower would serve. He stated the service will connect south as far as I-65 at The Tennessean Travel, west to I-65, and north to Lewisburg. The applicant wants to make sure all of Highway 31A has coverage without any gaps and the entire Town of Cornersville. There should be no problems with calls being dropped, streaming, or any other type of communication. The applicant likes to provide all sectors of the town with service. Luna stated he absolutely agrees the Town of Cornersville needs a tower but at a different location. Wyngarden stated Southern Towers is a build to suit company. When Verizon finds a location that needs a tower, Southern Towers steps-in. Verizon did the original acquisition of this site, so Verizon does not want to change locations because it has chosen this location based on its transmission needs. Venable asked if there is any information where one location was denied and moved to another location. Wyngarden stated no there is not. Rios stated the parcel is six (6) acres and asked if the tower could be moved within the six (6) acres further from the school. Wyngarden stated due to the elevation of the parcel, the tower cannot be moved to work the way Verizon intends it to work for possible future developments is the area. Rios stated it is still a landlocked property. Wyngarden asked her to look at Exhibit E where the property owner had given them an easement to access the parcel from Lynnville Highway.

Chairperson Rios started going through a checklist provided by Brandon for site plan requirements from Zoning Ordinance 22-274. Rios asked if each article had been followed and all members agreed it had. Luna asked Venable if he had his zoning ordinance pulled up on his computer and he did. Luna asked him to read the definition of "tower". Venable read the definition as "Tower, Communications or Other: Towers and accessory buildings for transmitting and receiving radio, television, telephone, satellite, and other broadcast signals, including radar surveillance." Luna asked was that in the Zoning Ordinance and Venable stated yes on page 2-14. Rios stated it was under Article 5 starting on page 5.7. Luna read "towers include lattice style towers, monopoles, microwave dishes, antennas, and similar devices and structures for the purpose of transmitting or receiving any portion of the radio spectrum regardless of whether for public or private use." Luna read from page 5-12 Section 10 "Type: All new towers over sixty (60) feet in height shall be of mono pole type construction. No lattice type antennas or towers over 60 feet in height shall be permitted in residential districts or C-1 and C-3 commercial districts. Lattice type antennas or towers may be permitted upon approval by the Board of Zoning Appeals in C-2 and industrial districts only for towers exceeding a height of 60 feet." Luna stated it says "no lattice type towers" over 60 feet is permitted. Brandon stated the tower is not a lattice type tower. Luna stated it would have been permitted in C-2 without any question but not in C-1. Brandon stated on page 5-14 under exception of height that towers are exempt from the maximum height restriction of the districts where located and towers may be in excess of 150 feet in accordance with this subsection. Luna stated he interprets a property being zoned C-1 has to go before the BZA regardless. If it were C-2, the property would not have to.

Chairperson Rios went through more articles of the zoning ordinance regarding the sections pertaining to the Board of Zoning Appeals, two meetings were held, June 4<sup>th</sup> and July 29, 2024 but no vote was made. Section 2 (g) page 5-9 it states "If an application request is deemed approved because of a failure to timely approve or deny the request, the deemed approved remedy shall not become effective until the applicant notifies the Town in writing after the review period has expired that the application has been deemed approved." She stated since the BZA never voted on the tower, she does not agree it has passed the BZA nor the sixty-day period. Venable stated he is confused. If it is set up as an automatic approval, when was the Planning Commission granted an exception. Brandon stated he has read the ordinance multiple times and understands the language in the ordinance is not what people want, but the ordinance is written and has passed the Board of Mayor and Aldermen in March 2022. Corrections are needed for the ordinance. The town can later amend the ordinance, but the ordinance is in effect as written at this time.

Rios stated she does not feel the application was complete due to the zoning. Pennington asked Brandon if he had talked with the town attorney about the sixty-day rule. Brandon stated he had talked with counsel, and counsel agrees the sixty days is in effect. Rios asked if that was in writing and Brandon stated no it was a phone conversation. Brandon said further discussion is protected by attorney/client privilege.

Chairperson Rios stated there will be a Zoning Map Amendment showing the newly zoned properties along Highway 31A. She stated there was initially a request for Special Use but was prior to the new zoning. She stated it was initially zoned R-1. Luna stated the property was undefined but is now C-1. Rios continued reading the checklist for Article 6 and Article 7. All questions were answered as complying with Zoning Ordinance 22-274. Luna asked Brandon if the June and July BZA meetings were Public Hearings. Brandon stated the first meeting was not a public hearing, but the second meeting was.

Chairperson Rios read the recommendation from the Zoning Administrator/Town Administrator Taylor Brandon, "The information provided for the project meets the material provisions of the Zoning Ordinance relating to site plans. The tower height and location have been approved consistent with 5.1(E)(2)(e). Based on a review of the information provided by the applicant, the project's site plan should be approved. Further, a zoning compliance certificate should be authorized by the Planning Commission."

Member Doris Arthur made a motion to accept the application for the site plan and authorize Taylor Brandon to issue a Zoning Compliance Certificate. Motion died for lack of a second.

Mayor John Luna made a motion to send the application back to the Board of Zoning Appeals to review the height and special use exception on the matrix. The application was sent when the parcel was undefined and an exception should have been sent back to the applicant to receive the proper documentation. Venable seconded the motion. Rios asked if there was any discussion. Pennington asked if the Planning Commission could do that since the sixty (60) days have passed. Luna stated he believes they can. Brandon asked at what point does anything supersede the sixty (60) day rule. Venable stated he interprets the sixty (60) day rule has elapsed because the height was not approved by the BZA. Brandon stated the sixty (60) day rule supersedes and relieves the Planning Commission from going to the BZA. Brandon states the ordinance says it is approved. He stated the BZA is supposed to hear appeals from the Planning Commission relating to what is being done in the Planning Commission. He asked if you have sent it back to the BZA for height and location are you (the Planning Commission) going to send it to the BZA for an appeal from the Planning Commission. Pennington asked how the use applies to the zoning of undefined. Brandon stated zoning determines the permitted use of all parcels in town. If you do not have it zoned, then you have no use table or dimensional standards. He stated zoning dictates the use of property. On page two (2) of the zoning ordinance it states all properties must be zoned. Rios stated because the parcel was undefined, the Board of Zoning Appeals could not do their job. The Planning Commission cannot do their job. Venable asked when an extension of the application could have been requested. Rios stated an extension could not have been requested because it is now complete. Brandon stated Rios disagrees, but he saw the application as complete and still sees it as complete. Pennington asked if the town attorney sees it as complete. Brandon stated yes, he sees it as complete. Rios stated the application is not complete because the parcel was undefined zoning at the time of the application. Zoning needed to be straightened out first, and the sixty (60) day rule is just a catch-all. Pennington asked if they could make a motion to not accept the sixty (60) day rule for approval. Rios stated no they cannot. Brandon stated they need to find out when the sixty (60) day rule starts and ends. Arthur stated, "So we can't accept what our lawyer has told us?" There was no answer given. Brandon stated Article 7.7 discusses the BZA.

He stated the Board of Zoning Appeals can determine if the zoning administrator made an error. Pennington asked about the process of approving the application. Brandon read from page 5.9 again, "If an application request is deemed approved because of a failure to timely approve or deny the request, the deemed approval remedy shall not become effective until the applicant notifies the Town in writing after the review period has expired that the application has been deemed approved."

Brandon asked if the Planning Commission was doing anything else other than a motion to send the application to the BZA. Mayor Luna rescinded his motion to send back to the BZA. Mayor Luna made a motion to deny the site plan review and deny the application completely. Venable seconded the motion. A roll call vote was made as follows Pennington yes, Venable yes, Arthur no, Rios yes, and Luna yes. Motion passed in a vote of 4-1.

Luna made a motion to adjourn. Rios seconded the motion. All voted in favor of the motion.

*Irma Rios*

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Planning Commission Chairperson

Date; 12-23-24