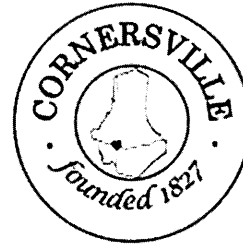


**Regular Meeting of the
Cornersville Board of Mayor
and Aldermen
December 5, 2024 at 6:00 p.m.**



Those Participating: Mayor John Luna, Alderman Doris Arthur, Alderman Mary Johnson, Alderman Janice Kerber, Town Attorney Billy Ostermann, Town Administrator Taylor Brandon, and Chief Mark Chandler. Alderman Sherry McClintock arrived at the end of the meeting.

- 1. Luna called the meeting to order**
- 2. Luna led the Pledge of Allegiance**
- 3. Arthur said the Invocation**
- 4. Approval of the Financials:** Kerber made a motion to approve the financials as presented. Johnson seconded the motion. Luna asked if there was any discussion, and there was none. Luna called for a vote, and all voted in favor of the motion.
- 5. Approval of the Minutes:** Arthur made a motion to approve the minutes as presented. Kerber seconded the motion. Luna asked if there was any discussion, and there was none. Luna called for a vote, and all voted in favor of the motion.
- 6. Luna administered the Oath of Office to newly elected Alderman Taylor Pickett.**
- 7. Citizens Comments:** There were none
- 8. Ordinance 24-334 Allowing Alternate Meeting Venues:** Kerber made a motion to accept Ordinance 24-334 Allowing Alternate Meeting Venues on second reading. Arthur seconded the motion. Luna asked if there was any discussion, and there was none. Luna called for a vote, and all voted in favor of the motion. Second Reading Passed 4-0.
- 9. Ordinance 24-335 Planning Commission and BZA Application Fees – First Reading:** Kerber asked Brandon if this was only application fees and Brandon stated yes. Kerber made a motion to accept Ordinance 24-335 Planning Commission and BZA Application Fees on First Reading. Johnson seconded the motion. Luna asked if there was any other discussion, and there was none. Luna called for a vote, and all voted in favor. First Reading Passed 4-0.
- 10. Attorney Billy Ostermann Contract:** Town Attorney, Billy Ostermann, stated he has had the same contract for the past decade, and it states it was a probationary period. However, a new contract was never adopted by the Board of Mayor and Aldermen. He stated since the contract was probationary, there is no contract. He stated a contract should have a renewal date/time frame and there is not one. He asked for a new contract starting January 2025.

Brandon stated he would like the contract to coincide with the fiscal year. Ostermann stated he did not have a problem with that whatsoever, so he will draft a contract from January 2025- June 30, 2025. Johnson made a motion to table this discussion until the January 2025 meeting. Arthur seconded the motion. All voted in favor of the motion.

- 11. Resolution 24-338 Interlocal Agreement with the Town of Lynnville, Tennessee:** Brandon stated he had received a telephone call from the Mayor of Lynnville. The town is having a very difficult time keeping employees in the office, even on a part-time basis. Brandon stated he has to firm-up the contract, but he had advised the mayor that he was not interested in doing anything with the water system at all. He stated that he told the Lynnville Mayor he will put the agreement before the Cornersville Board of Mayor and Aldermen for an undetermined fee amount at this time. Arthur asked if it would be a per hour rate, and Brandon stated that he wanted a flat fee. Kerber asked if the Cornersville Police Department will be patrolling Lynnville. Brandon stated Cornersville officers will stay within the Cornersville town limits at this time. He stated there will be no contract term, but the contract can be terminated at any time upon 30 days written notice. Johnson made a motion to adopt Resolution 24-338 to allow Taylor Brandon, Town Administrator, to enter into an Interlocal Agreement with the Town of Lynnville, TN. Kerber seconded the motion. Luna asked if there was any other discussion, and there was none. Luna called for a vote, and all voted in favor of the motion.

12. Other Business:

- a. **Employee Christmas Bonuses:** Brandon stated Christmas bonuses are budgeted in the amount of \$300.00 for full-time employees and \$150.00 for part-time employees. All aldermen agreed and permitted Brandon to write the Christmas Bonus checks to all employees.
- b. **Discuss lowering speed limit on Coleman Road:** Luna stated he would like to lower the speed limit on Coleman Road to 20 MPH within the town limits. Johnson made a motion to lower the speed limit to 20 MPH in the town limits on Coleman Road. Pickett seconded the motion. Luna asked if there was any more discussion, and there was none. Luna called for a vote, and all voted in favor of the motion.
- c. Kerber made a motion to suspend rules. Arthur seconded the motion. Luna called for a vote, and all voted in favor of the motion. Ostermann stated the motion needs to be articulated with a reason to suspend rules and have some specificity to the motion rather than just suspending the rules. Kerber made a motion to suspend rules to discuss the telecommunication tower issue and decisions that were made in the last Planning Commission Meeting on November 26, 2024. Arthur seconded the motion. Luna called for a vote, and all voted in favor of the motion. Kerber moved to vacate the Planning Commission's decision to deny the telecommunications tower application on November 26, 2024 because the Planning Commission did not follow the Zoning Ordinance, page 5.9, about the sixty (60) day rule. Arthur seconded the motion.

Luna asked why the decision is vacated. Kerber stated because the only item on the meeting agenda was for site plan requirements for the tower, the grounds around the tower, and the plants around the tower. Ostermann stated he felt he needed to interject before the board started discussing the motion. Ostermann stated the height and location of the tower is approved due to the sixty (60) day rule in the ordinance. He stated he brings that up because the motion was to vacate the decision of the Planning Commission.

He stated the denial of the tower application was not a decision before the Planning Commission. He stated the Planning Commission has the authority to deny the site plan, but the Planning Commission does not have authority to deny the tower application. The Planning Commission must provide a written reason for denial of the site plan. He stated from a legal point, he does not agree to reject everything the Planning Commission did because not everything was wrong. He stated it was incomplete, to the best of his knowledge, because there are no written reasons for denying the site plan as the Zoning Ordinance required.

Ostermann stated the site plan should be referred back to the Planning Commission to prepare the written reason for denial, which is included in the zoning ordinance because the applicant has a right to know why they were denied. Kerber stated the way the denial came out was to just deny the tower. Ostermann stated he thinks the denial was meant to deny the site plan, the application, the location, the entire tower but completely vacating everything the Planning Commission did would not be proper.

Anything outside of the site plan does not go before the Planning Commission. He stated they should be given the opportunity to give written reasons for the denial, and the denial must be legitimate reasons. Brandon stated a lot of time was spent with the Planning Commission discussing the sixty (60) day rule, the application is past that. He stated this is just the Site Plan and Ostermann agreed.

Kerber changed her motion. Kerber moved to require the Planning Commission to provide the Board of Mayor and Aldermen a written reason for the denial of the site plan. Luna stated the Planning Commission will send the issue back to the BZA (Board of Zoning Appeals), and let the BZA give a written statement as to why it did not vote on the tower and why it let the application go beyond the sixty (60) days.

Ostermann stated it is a requirement in the ordinance that the Planning Commission is to give written notice to the Board of Mayor and Aldermen, the reasons for the denial of the Site Plan, and the aldermen get to decide whether that is a proper denial or not. If the board decides the reasons for denial are not as the zoning ordinance deems appropriate, the Board of Mayor and Aldermen will make the final decision for the Site Plan. Luna asked if the Planning Commission is going to have to do this every time the Board of Mayor and Aldermen disagree with the Planning Commission. He stated we are opening a door now.

Ostermann stated written notice is in the ordinance and the Planning Commission has to follow the ordinance. Brandon asked if there needs to be a time frame as to how long the Planning Commission must give the written notice. Ostermann stated the written notice shall be available to the Board of Mayor and Aldermen by the next scheduled monthly meeting.

Johnson asked if some guidelines should be given to the Planning Commission. Luna stated the Planning Commission has the Zoning Ordinance. Johnson asked why it (the Zoning Ordinance) was not followed. Luna stated because the BZA never voted on the height of the tower being over 150 feet, and the Planning Commission did not vote on it because it was past the sixty (60) days. Luna stated that he believed the application was not complete because the BZA did not get to vote on the height of the tower. He stated by the ordinance the BZA is supposed to vote too.

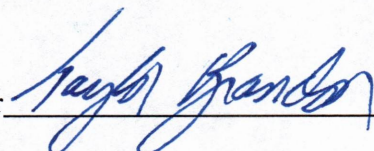
Johnson asked if that was brought up in the Planning Commission meeting. Luna stated it was discussed; the meeting lasted three (3) hours. Pickett asked if the sixty (60) day rule should not have begun until zoning was resolved on November 7, 2024. Ostermann stated there is no provision in the ordinance for unforeseen issues regarding the sixty (60) day rule. McClintock asked if the sixty (60) day rule applies to the BZA why they did not get to vote. Ostermann stated the sixty (60) day rule begins on the application date. McClintock asked by which entity. Ostermann stated none; it is automatically approved after sixty (60) days from the application date. Luna stated that it is also in Tennessee Code as well for he had checked into it. Arthur stated that everything in the Site Plan was approved by the Planning Commission from the checklist. Luna stated the BZA did not vote on the height of the tower, and the issue came to the Planning Commission after the sixty (60) days passed. Luna stated the ordinance states the BZA has to approve the height before the Site Plan goes to the Planning Commission. Arthur stated after the Planning Commission returns a written notice to the Board, then the Board will make the decision. Ostermann stated the ordinance must be followed, and to follow the ordinance, there has to be a written notice to the Board as to why the Site Plan was denied. The Board does not have that yet.

Luna asked Kerber what her motion was again. Kerber stated she moves to send the site plan back to the Planning Commission for a written reason of denial, which shall be provided prior to the next Board of Mayor and Aldermen meeting in January 2025. Pickett stated it sounds like the tower people can just run all over people. They should go through the proper channels for approval/denial instead of the sixty (60) days. He stated it has not been before the BZA, it has not been before the Planning Commission, but now the sixty (60) days is over. The tower is coming in. Brandon stated the simplest way to answer is that we have to follow the ordinance. Pickett stated he understands that. McClintock stated she thinks the ordinance is bad. Brandon stated he agrees. Brandon stated there are parts of the ordinance that need to be changed later, but at this time, we have to follow the ordinance as it is currently written. Luna stated in the old 1993 Zoning Ordinance, the tower would have just gone in without coming to the Planning Commission or Board. Ostermann agreed. Johnson seconded the motion. Luna asked if there was any other discussion, and there was none. Luna called for a vote, and all voted in favor of the motion.

Johnson made a motion to adjourn. Arthur seconded the motion. All voted in favor of the motion.

Mayor  _____

Date 1/2/25

Town Administrator/Recorder  _____

Date 1/2/25