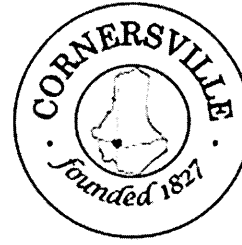


**Public Hearing and Regular
Meeting of the Cornersville
Board of Mayor and Aldermen
February 6, 2025 at 6:00 p.m.**



Those Participating: Mayor John Luna, Doris Arthur, Mary Johnson, Sherry McClintock, Janice Kerber, Taylor Pickett, Town Administrator Taylor Brandon, Town Attorney Billy Ostermann, Chief Mark Chandler, and Sergeant Wesley Vick

1. Mayor Luna called the Public Hearing to order.
 - a. Public Hearing regarding Please III Zoning Highway 31A from North Park Street to Spencer Alley.
 - i. Mark Tolf, 510 South Main Street, stated the map of parcel of 138 South Main Street is only showing the shed and does not include the house. Brandon stated the published map is not of aerial view. He stated the map shows the parcel boundaries.
2. Mayor Luna closed the Public Hearing
3. Mayor Luna called the Board of Mayor and Aldermen Meeting to order.
4. Mayor Luna led the Pledge of Allegiance
5. Arthur said the Invocation
6. **Financials:** Johnson made a motion to accept the financials 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.
7. **Minutes:** Johnson made a motion to approve the January 2025 Minutes as presented. 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.
8. **Citizens Comments:**
 - a. Pat Tozer, 2499 Lynnville Highway, stated she supports the telecommunications tower.
 - b. Jan Salsman, 105 Terry Lane, stated she has personal reasons for not wanting the tower in her backyard and knows some of the board members have personal reasons for wanting the telecommunications tower. She stated before a vote is cast, she would like each board member to think about her personal reasons as to why she does not want the tower.
 - c. Trina Rios, 250 Dayton Drive and Planning Commission Chairperson, stated some of the board members are in agreement the denial letter for the tower is not sufficient enough to overrule the sixty (60) day rule. She stated before a building permit can be issued for a residential area, a written notice should be mailed to all the property owners within 500

Kerber made a motion to approve the Planning Commission's recommendation of Ordinance 25-340 Phase III Highway 31A Zoning from North Park Street to Spencer Alley on first reading. Pickett 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. First reading passed unanimously.

- 11. Resolution 25-341 Approval of Transportation Planning Grant:** Pickett explained what the grant will do as far as safety for the citizens and visitors of Cornersville as well as somewhat of a cosmetic make over through the town. Kerber stated the lines on the highway will help slow traffic down. Luna stated the grant provides safer crosswalks, especially around Cornersville High School. Kerber made a motion to accept Resolution 25-341 Transportation Planning Grant. Pickett 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. Resolution 25-341 passed unanimously.

12. Other Business:

- a. Discuss proposed telecommunications tower application, height, location, special use, zoning compliance and reason for site plan denial from the Planning Commission:**

Pickett asked if there is a timeline from start to current time of information regarding the tower. Brandon stated he does not have a documented copy for the meeting. McClintock asked if the required certified mail documents were mailed prior to November 5, 2024 and how would the sixty (60) day rule apply to the application. Brandon stated the certified mail documents were mailed on July 1, 2024, by Faulk and Foster. Pickett asked if that was after the sixty (60) day mark. Brandon stated it was before the sixty (60) days.

Kerber made a motion to approve the application, height, location, and special use for the telecommunications tower as per the sixty (60) day rule in the Zoning Ordinance. Arthur seconded the motion. Luna asked how the Board of Mayor and Aldermen can approve the tower without seeing the minutes from the prior Planning Commission Meeting because the entire BOMA was not at the Planning Commission meeting. He stated the denial letter goes to the applicant and wants to know where it went. He stated the application needs to go back before the Board of Zoning Appeals. Ostermann asked for clarification, and if Luna was talking about the denial of site plan, the denial of the site plan was never given. Ostermann stated the ordinance states if the site plan is denied, the applicant is to receive written notice from the Planning Commission with the reasons for denial, and the applicant can make corrections to get it approved. The application does not need to be reviewed by anyone else, including the BZA. He stated the applicant must know the reasons for the denial of the site plan because an issue did not comply with the zoning ordinance and cannot be sent back to the BZA.

Luna stated the Planning Commission disagrees with the BOMA on their decision for denial and the ordinance states it must go back to the BZA for their decision. Ostermann asked what section of the zoning ordinance that is located and someone stated Section 7.7, Board of Zoning Appeals section. Brandon stated the applicant has the right to go back to BZA as an appeal for the denial of the site plan, but as council (Ostermann) stated there was never a written denial of the site plan itself given from the Planning Commission to go back to the BZA.

Kerber read the section of the ordinance regarding the application and the Zoning Administrator shall within 30 days, review the application and make sure the application is

complete. Pickett stated the application was received and presumed valid on May 24, 2024 and it references Exhibit A when there was no Exhibit A. He asked what was provided as Exhibit A because if nothing was provided that is falsification of documents. He stated zoning was not even done at the time of application. He stated when Mr. Andy Hoover came to a BZA meeting and he knew there was no zoning.

Brandon stated the application was completely received on May 30, 2024. He stated, like everyone, he assumed the parcel was zoned R-1 and would have to be C-1 or a C-2 zone to be approved. Brandon stated sometime between the June and July meeting, he started to verify the zoning of the property because he had to give the applicant notice. He started looking at all the Planning Commission Minutes to verify zoning of the parcel on which the tower was proposed. Brandon stated he learned the only properties that were zoned were property owners whom had actually gone before the Planning Commission to be zoned; therefore, a few parcels were zoned but for the most part, most parcels were never zoned by the Planning Commission. He stated at that point is when he realized the town had a zoning issue and it needed to be addressed.

Pickett asked what was Exhibit A, that was signed off on in May, when there was no zoning, so why was Exhibit A signed off on as part of the application. Brandon stated he did not know at that time there was no zoning. He stated the zoning issue was not the applicant's issue, it was the town's issue. Pickett stated it was signed off as being a complete application. Brandon stated it was a complete application as far as the telecommunications tower no matter what the zone was. Ostermann stated the ordinance clearly states, if the application is deemed not complete, it does not stop the sixty (60) day rule. The sixty (60) day rule states unless the applicant is notified in writing that the application is incomplete, there is no tolling of the sixty (60) day period. Pickett asked who did not do their job? He stated Mrs. Burrows was at the first meeting but with no disrespect, you (Ostermann) was not here for the first six (6) meetings because he was at a football game. He stated there were several meetings held that most people in the room tonight was not even here. He stated the sixty (60) days were here before meetings were held because someone in the Town of Cornersville did not do their job and falsified documents.

Brandon stated he would have liked to have had all the properties zoned prior to the application being submitted to the town. He stated the town was not in the position to do anything because he did not find out of the zoning issue until after the first BZA meeting. Pickett stated Brandon did know before the first BZA meeting the parcel was not zoned. Brandon stated he has assumed it was an R-1 and that is why a BZA meeting was scheduled, but as it turned out the parcel was not an R-1, it was a zone of undefined, and that is the problem. Pickett stated Mrs. Burrows did her part but when Brandon learned the parcel was not zoned, he pushed it out sixty (60) days. He stated the denial from the Planning Commission should have gone back to the BZA but a BZA member had resigned and no one knew anything about it. The BZA member resigned November 26, 2024. He stated it needed to go back to the BZA.

Pickett stated the town had a signed document on May 24, 2024 and as soon as legal came in and said there was no zoning, the sixty (60) day period was up. Brandon stated the final application was received and approved on May 30, 2024. Pickett stated he has the information in black and white and it was May 24, 2024.

Brandon stated there is a timeline in which notices must be sent and notices must be sent a minimum of fifteen (15) days prior to the meeting. Pickett asked why Brandon did not ask for an extension. Brandon stated he did not ask for an extension because he had a complete application. The application was complete then and remains complete now. Pickett stated he disagrees.

Luna asked the aldermen what their thoughts are on it, and Kerber stated she made a motion and has a second. Luna stated it is still under discussion. Pickett stated he had an attorney reach out to him and tell him he had a conflict of interest in voting for the telecommunications tower issue because his business could be at risk and the well-being of his family could be at risk, because he had mentioned in one of the meetings his home value could decrease if a telecommunications tower were placed that close to his property. He stated yes he has a personal interest and if he did not have a personal interest he would not be here putting up with this crap. He stated he does not need help from the town for he has two personal attorneys of his own. He stated he was voted in as aldermen and he is going to vote because he thinks he has been threatened.

Pickett stated he is not against the tower for service in Cornersville sucks. He stated if you need to call 911 you must call someone else to call 911 for you. He stated everyone who lives in Cornersville knows where the dead zones are with cell service. He stated nowhere else in Middle Tennessee is a cell tower allowed to be closer than 1500 feet from a school and it is the Board of Mayor and Aldermen's fault because they did not put that into the ordinance. Pickett stated there are four (4) lawsuits coming from citizens of this community that is going to hammer this board and they will make Verizon look like a little baby. He stated the attorney handling these lawsuits is sitting in the audience. Pickett stated we need better service so why not move the tower to another location. He stated he is not against the tower but is against the proposed location. He stated there are towers being removed that are too close to schools because some children are developing brain cancer. He stated the waves are coming from cell phones. We are all sitting here with them as well as microwaves, and televisions in our homes.

Pickett stated within five (5) years a middle school is going to be built, either behind the high school or the elementary school. If his son comes down with cancer, he is going to hammer the Town of Cornersville. Luna stated he feels like the town should get a third party to look at the Zoning Ordinance and study how and when all steps were taken. He stated the board should not hamper the citizens with this issue/problem when there is nothing in writing.

McClintock stated she understands and values Ostermann's opinion, but the BZA did not get a chance to vote and she does not like that. She stated she has always tried to do what is right for the most people in Cornersville. She stated the only people who are going to benefit from the tower at its proposed location are the people who have a financial interest in it, or people who are passing through town. She stated she does not feel the tower will benefit enough people to tear the town apart like it has, and is not good enough for most of the people to risk. Luna stated he would rather be sued by Verizon than the citizens of the town.

Kerber stated that Luna had called the ordinance trash at the prior meeting, and the ordinance was finalized/approved by the Board of Mayor and Aldermen on March 3, 2022, after the members of the Planning Commission recommended it in January of 2022. At that time, the members of the Planning Commission were Judy Stewart, Chairperson, Doris Arthur, Colleen Clift, Trina Rios, and Mayor John Luna. She stated the Planning Commission put the ordinance together before it went to the Board of Mayor and Aldermen and approved/recommended the adoption of the ordinance with the sixty (60) day rule included. Luna stated it took the Planning Commission a very long time to change/replace the 1993 Zoning Ordinance. McClintock stated she agrees it is a bad ordinance and with a 170-page document, the chances of an oversight being made in areas are inevitable. Kerber stated she understands there are issues/problems with the Zoning Ordinance, but the town is tied to the current ordinance.

Luna stated he had a motion and a second. Ostermann stated he waited to speak last, after the board discussion, to clarify some issues but nothing about his legal opinion. He stated no one could foresee this type of issue at the time the ordinance was written. Ostermann stated he does not agree the ordinance is bad, but he does agree some parts of the ordinance needs to be improved and rewritten, but three (3) years from now or five (5) years from now, there will probably be more things that need to be changed.

He stated he wants everyone to understand that he does not live within the town limits and has no general say in what he wants. He stated he is the town attorney and can only give legal advice and offer nothing personally. Ostermann stated Mr. Pickett had stated he (Ostermann) had missed 6 months of meetings because he was at football games, and he stated that is entirely inaccurate. He stated the first Planning Commission meeting he was asked to attend was December 17, 2024. He stated the town attorney has customarily never attended Planning Commission Meetings nor Board of Zoning Appeals meetings. He stated he only attends meetings he is asked to be at because the town does not want to pay their attorney every time the lights are on and racking up all the legal fees. He stated in December he was requested to be at the Planning Commission meeting. Pickett stated he was referring to the Board of Mayor and Aldermen meetings. Ostermann stated he has never missed six (6) months of aldermen meetings and has not missed six (6) aldermen meetings the entire time he has been the town attorney. He stated he has missed two (2) Board of Mayor and Aldermen meetings.

Luna asked Kerber to state the motion again. Kerber restated the motion as I move to approve the application, height, location, and special use of the tower on the Burrows Property as per the sixty (60) day rule of the Zoning Ordinance. Arthur seconded the motion. Luna stated there is no more discussion. Luna called for a vote, and Kerber, Arthur, and Johnson voted yes, McClintock and Pickett voted no. Motion passed 3-2.

Kerber made a motion to approve the Site Plan based on no sufficient justification from the Planning Commission for the reason of denial. Arthur seconded the motion. Luna asked if there was any discussion, and there was none. Luna called for a vote, and Kerber, Arthur, and Johnson voted yes. McClintock and Pickett voted no. Motion passed 3-2.

Kerber made a motion for Zoning Administrator/Town Administrator Taylor Brandon to issue the Zoning Compliance to Southern Towers. Arthur seconded the motion. Luna asked if there was any other discussion, and there was none. Luna called for a vote, and Kerber, Arthur, and Johnson voted yes. McClintock and Pickett voted no. Motion passed 3-2.

b. Discuss with Board of Mayor and Aldermen Public Works projects and ideas:

Brandon stated he wants the board to provide him with a list to prioritize projects they want to see completed and to schedule a workshop to discuss. Luna stated he wants to have a Budget Committee, and it needs to be at least 2 aldermen and the mayor. Brandon stated that is the minimum amount required but it has typically been all members of the board on the Budget Committee. Arthur agreed with Brandon. Luna stated there seems to be a problem with not following ordinances. The board agreed to a workshop on Thursday, March 20, 2025 at 6:30pm at Town Hall. Brandon stated he has already drafted a budget.

c. Discuss with Board of Mayor and Aldermen potential street light locations:

Luna stated there are some locations on Coleman Road that need streetlights. Brandon stated the lights should be placed strategically around curves, walkways, and cul-de-sacs. Arthur asked how many streetlights he wants. Brandon stated he would like to have five (5) new streetlights at this time. Brandon stated he does not want to have to install a lot of new poles due to the cost but would rather put lights on existing poles. McClintock asked if the Transportation Planning Grant addresses street lighting, and Brandon stated that no it is more for driving and walking along the main highway and getting to intersections safely. Brandon stated he would like to implement these by the end of the year.

d. Update/timeline CDBG Sidewalk Grant:

Brandon stated the South Central Tennessee Development District, administering the grant, is waiting on a couple of signatures before they can get the contract to the mayor to sign. The project will be ready for bids in the next few months.

e. Appointment/Confirmation for BZA vacancy:

Pickett stated he would like to nominate Michael Logelin. McClintock seconded the motion. Luna asked if anyone had anyone else to nominate, no one did. Luna asked if there was any discussion, and there was none. Luna called for a vote, and Pickett and McClintock voted yes. Kerber, Arthur, and Johnson voted no. Motion failed 2-3. Luna asked Steve Prosser if he would like to serve on the Board of Zoning Appeals, and Prosser declined. Pickett nominated Chris Kiser. Brandon stated he did not think that was allowed since there is already a Planning Commission member who is also on the Board of Zoning appeals, and asked this topic to be tabled so he can look into that nomination. Kerber made a motion to table. McClintock 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. Discussion was tabled for a later date.

f.

Luna stated he attended the Marshall County Commission meeting regarding ambulance service in Cornersville. He stated he was not allowed to speak at the Marshall County Commission Meeting because he was not aware he had to give them three (3) days' notice prior to speaking. He stated the contract the Town of Cornersville has with Marshall County EMS states the town will have 24/7 coverage. He stated in his last count, there

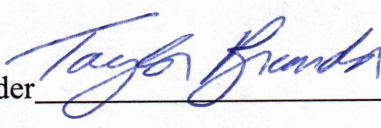
was an ambulance in Cornersville only eight (8) days out of thirty (30) and the county is only running three (3) ambulances.

- g. Luna stated he would like the board to approve an ordinance to have term limits within the Town of Cornersville.

Pickett made a motion to adjourn. Kerber seconded the motion.

Mayor 

Date 6 Mar 2025

Town Administrator/ Recorder 

Date March 6, 2025