

MURFREESBORO — Chancellor Robert Corlew III on Wednesday morning scheduled a trial for April 25 and 26 to determine if the Rutherford County government provided sufficient public notice before approving a mosque construction project.

Plaintiffs dispute that the county's public notice, which was presented in a free weekly publication on May 2, 2010, was sufficient to announce that the county's Regional Planning Commission would be meeting May 24, 2010.

Planning commissioners approved the Islamic Center of Murfreesboro's construction plans to build a 52,960-square-foot building with a mosque along Veals Road.

The 15-acre parcel is near Bradyville Pike, about half a mile from the city's southeast boundary. The ICM broke ground Sept. 28 and expects the first phase — about 12,000 square feet — to be complete by late July 2012.

“When you are dealing with an issue of prevailing pervasive public importance, there's a heightened level of notice required,” said the plaintiffs' lead Murfreesboro attorney, Joe Brandon Jr., after Wednesday's scheduling hearing.

Corlew also allowed The Murfreesboro Post, which was used to announce the planning commission meeting, to intervene in the case to assert its position that it is a paper of general circulation that can publish public notices from local governments.

The non-jury trial is set to begin at 1 p.m. April 25 on the third floor of the Rutherford County Judicial Building.

The chancellor and attorneys representing the 14 plaintiffs and the county government have acknowledged the residents' right to legally challenge if the open meeting law was followed.

The case was filed September 2010. Although the open meeting issue remains pending, Corlew so far has ruled that “Islam is in fact a religion” and recognized the ICM's First Amendment rights of freedom of religion as well as the congregation's property rights to build a place of worship, according to federal and state laws and the county's zoning resolution.

Corlew a year ago also rejected the plaintiffs' request to prevent the government from issuing more construction permits to the ICM.

The November ruling, though, did question if the public notice in The Post was sufficient.