



*Bradley County Commission*  
**Johnny Mull, Chairman**  
VOTING SESSION AGENDA  
July 1, 2019, at 7:00p.m.  
Bradley County Courthouse

1. Call to order
2. Pledge of Allegiance
3. Invocation – Pleasant Grove Baptist Church Pastor Ed Robinson
4. Roll Call
5. Approval of Minutes
6. Report from County Mayor
7. Consent Agenda (see page 3)
8. Reports from Committees and/or Districts
9. Unfinished Business
10. Approval of Agenda
11. Agenda Items
  - A. Resolution authorizing the County Mayor to execute an easement to Santek Environmental, LLC across the public right of way of Bancroft Road for an underground gas main for the transmission and distribution of methane gas from the landfill property to a connection with an existing pipeline (see page 4) – Commissioner Milan Blake
  - B. Resolution authorizing the County Mayor to execute a permanent drainage easement and temporary construction easement to the State of Tennessee Department of Transportation for highway project number NH-60(13) West and adjacent to the present right of way line of state route 60 (see page 5) – Commissioner Kevin Raper
  - C. Resolution authorizing the County Mayor to enter into a five year lease agreement with two additional optional renewal periods of five years each with the United States Postal Service for the facilities located at 155 Broad Street NW, Cleveland, Tennessee, for an amount

to be paid to Bradley County of \$25,480.00 per year for the initial five years of the agreement and \$26,754 per year for the first optional renewal period of five years and \$28,092 per year for the second optional renewal period of five years of the agreement (see pages 6-7) – Commissioner Mike Hughes

D. Resolution authorizing the County Mayor to enter into an annexation interlocal agreement between the City of Cleveland and Bradley County regarding the non-contiguous annexation of the property currently owned by James F. Williams, Diane Williams, Joseph Michael Montgomery, and Leslie Montgomery, tax map 05B group C parcel 11.00 (see pages 8-9) – Commissioner Kevin Raper

E. Motion to approve the FY 2019-2020 budget calendar (see page 10) – Commissioner Milan Blake

F. Resolution governing the use of right of ways (see pages 11-30) – Commissioner Kevin Raper

12. Communication from the audience
13. Announcements
14. Adjourn

Next meeting: Work Session – Monday, July 8, at 12:00p.m., Courthouse

Upcoming Events

\*County Offices closed July 4

\*Friday Festival, July 5, 7:00p.m.-9:30p.m., Courthouse square



*Bradley County Commission*  
**Johnny Mull, Chairman**  
CONSENT AGENDA  
July 1, 2019, at 7:00p.m.  
Bradley County Courthouse

NOTARY PUBLICS

1. Notary publics – Clerk will bring to the meeting



RESOLUTION 2019-\_\_\_\_\_

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO EXECUTE AN EASEMENT TO SANTEK ENVIRONMENTAL, INC. ACROSS THE PUBLIC RIGHT-OF-WAY OF BANCROFT ROAD FOR AN UNDERGROUND GAS MAIN FOR THE TRANSMISSION AND DISTRIBUTION OF METHANE GAS FROM THE LANDFILL PROPERTY TO A CONNECTION WITH AN EXISTING PIPELINE

WHEREAS, Bancroft Road is a Public Road located in Bradley County, Tennessee that was accepted by Bradley County into the County Road System and includes a sixty (60) foot right-of-way; and

WHEREAS, on June 17, 2019, Santek Environmental, Inc. officially explained the methane gas project and requested an easement from Bradley County across the public right-of-way of Bancroft Road;

WHEREAS, the Bradley County Road Superintendent has reviewed and approved the proposed easement; and

WHEREAS, based upon the methane gas project as presented on June 17, 2019, Bradley County believes it is in its best interest to authorize the requested easement.

**NOW, THEREFORE, BE IT RESOLVED** by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 1<sup>st</sup> day of July, 2019, that the Bradley County Mayor be and is hereby authorized to execute an easement to Santek Environmental, Inc. across the public right-of-way of Bancroft Road to construct, operate, maintain, protect, repair, upgrade, replace and remove an underground gas main for the transmission and distribution of methane gas from the landfill property to a connection with an existing pipeline.

ADOPTED this 1<sup>st</sup> day of July, 2019.

\_\_\_\_\_  
Johnny Mull, Chairman

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Donna A. Simpson, County Clerk

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D. Gary Davis, County Mayor



RESOLUTION 2019-\_\_\_\_\_

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO EXECUTE A PERMANENT DRAINAGE EASEMENT AND TEMPORARY CONSTRUCTION EASEMENT TO THE STATE OF TENNESSEE DEPARTMENT OF TRANSPORTATION FOR HIGHWAY PROJECT NO. NH-60(13) WEST OF AND ADJACENT TO THE PRESENT RIGHT-OF-WAY LINE OF STATE ROUTE 60

**WHEREAS**, Bradley County is the owner of property located at 5345 Georgetown Road, Cleveland, Tennessee identified as Map and Parcel Number 026 029.09; and

**WHEREAS**, on May 8, 2019, Bradley County was contacted by Kevin J. Layne with the State of Tennessee Department of Transportation (hereinafter "TDOT") and provided with right-of-way plans for Highway Project No. NH-60(13);

**WHEREAS**, following an appraisal by TDOT, Bradley County was provided with an approved offer of compensation of \$300.00 in exchange for the easement or asked to donate said easement to TDOT; and

**WHEREAS**, based upon the right-of-way plans provided by TDOT, Bradley County believes it is in its best interest to donate the requested permanent drainage easement and temporary construction easement to the TDOT.

**NOW, THEREFORE, BE IT RESOLVED** by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 1<sup>st</sup> day of July, 2019, that the Bradley County Mayor be and is hereby authorized to execute all necessary documents to donate a permanent drainage easement and temporary construction easement to the State of Tennessee Department of Transportation for Highway Project No. NH-60(13) west of and adjacent to the present right-of-way line of State Route 60 across Bradley County owned property located at 5345 Georgetown Road, Map and Parcel Number 026 029.09.

ADOPTED this 1<sup>st</sup> day of July, 2019.

\_\_\_\_\_  
Johnny Mull, Chairman

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Donna A. Simpson, County Clerk

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D. Gary Davis, County Mayor



RESOLUTION 2019-\_\_\_\_\_

RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO ENTER INTO A FIVE (5) YEAR LEASE AGREEMENT WITH TWO ADDITIONAL OPTIONAL RENEWAL PERIODS OF FIVE (5) YEARS EACH WITH THE UNITED STATES POSTAL SERVICE FOR THE FACILITIES LOCATED AT 155 BROAD STREET NW, CLEVELAND, TENNESSEE, FOR AN AMOUNT TO BE PAID TO BRADLEY COUNTY OF TWENTY FIVE THOUSAND FOUR HUNDRED EIGHTY DOLLARS (\$25,480.00) PER YEAR FOR THE INITIAL FIVE (5) YEARS OF THE AGREEMENT AND TWENTY SIX THOUSAND SEVEN HUNDRED FIFTY FOUR DOLLARS (\$26,754.00) PER YEAR FOR THE FIRST OPTIONAL RENEWAL PERIOD OF FIVE (5) YEARS AND TWENTY EIGHT THOUSAND AND NINETY TWO DOLLARS (\$28,092.00) PER YEAR FOR THE SECOND OPTIONAL RENEWAL PERIOD OF FIVE (5) YEARS OF THE AGREEMENT

WHEREAS, Bradley County owns the property located at 155 Broad Street NW, Cleveland, Tennessee, which is more commonly known as the Bradley County Annex Building; and

WHEREAS, the United States Postal Service (hereinafter "USPS") is currently leasing approximately 2,116 square feet of net interior space in said facilities; and

WHEREAS, USPS desires to execute a new lease agreement for said facilities for a period up to fifteen (15) years; and

WHEREAS, the Bradley County Mayor and USPS (through Jones Lang LaSalle Americas, Inc.) have negotiated the proposed terms of an five (5) year Lease Agreement with two optional five (5) year renewal periods.

**NOW, THEREFORE, BE IT RESOLVED** by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee on this 1<sup>st</sup> day of July, 2019, that the Bradley County Mayor be and is hereby authorized to enter into five (5) year Lease Agreement with two additional optional renewal periods of five (5) years each with the United States Postal Service for the facilities located at 155 Broad Street NW, Cleveland, Tennessee, for an amount to be paid to Bradley County of twenty five thousand four hundred eighty dollars (\$25,480.00) per year for the first optional renewal period of five (5) years and twenty eight thousand ninety two dollars (\$28,092.00) per year for the second optional renewal period of five (5) years of the Agreement.

**BE IT FURTHER RESOLVED** that the Mayor is authorized to execute a Commission Agreement with Jones Lang LaSalle Americas, Inc. (hereinafter "JLL") as the real estate broker

for the USPS requiring payment by Bradley County to JLL in the amount of two thousand five hundred and forty eight dollars (\$2,548.00) upon execution of the Lease Agreement with USPS.

ADOPTED this 1st day of July, 2019.

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Johnny Mull, Chairman

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Donna A. Simpson, County Clerk

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D. Gary Davis, County Mayor



RESOLUTION 2019-\_\_\_\_\_

**RESOLUTION AUTHORIZING BRADLEY COUNTY MAYOR TO ENTER INTO AN ANNEXATION INTERLOCAL AGREEMENT BETWEEN THE CITY OF CLEVELAND AND BRADLEY COUNTY REGARDING THE NON-CONTIGUOUS ANNEXATION OF THE PROPERTY CURRENTLY OWNED BY JAMES F. WILLIAMS, DIANE WILLIAMS, JOSEPH MICHAEL MONTGOMERY AND LESLIE MONTGOMERY, TAX MAP 058B GROUP C PARCEL 11.00**

**WHEREAS**, Tennessee Code Annotated § 6-51-104 (d) allows for a municipality to annex by Resolution territory that does not adjoin the boundary of the municipality provided that the area is within the Urban Growth Boundary of the municipality, and

**WHEREAS**, Tennessee Code Annotated § 6-51-104 (d) (4) provides that the plan of services for said annexation include a plan of services adopted under Tennessee Code Annotated § 6-51-102, and that the plan be prepared by the municipality in cooperation with the county in which the territory is located; and

**WHEREAS**, Tennessee Code Annotated § 6-51-104 (d) (4) further provides that the municipality and the county shall enter into an interlocal agreement pursuant to Tennessee Code Annotated § 5-1-113 to address emergency services for any interceding properties and to provide for maintenance of county roads and bridges comprising the primary route to the area annexed; and

**WHEREAS**, the property to be annexed and as described in the Annexation Interlocal Agreement is not contiguous to the existing City boundary, but is within the City's Urban Growth Boundary; and

**WHEREAS**, the owners of this property have petitioned the City for annexation and desires to obtain city services necessary to support the proposed development of his property; and

**WHEREAS**, the City and the County desire to cooperate with one another and to address the issues contemplated by Tennessee Code Annotated § 6-51-104 (d)(4) which include the provision of emergency services for any interceding properties, if any, and to assign responsibility for the maintenance of county roads and bridges comprising the primary route between the current City boundary to the area to be annexed into the City.

**NOW, THEREFORE, BE IT RESOLVED** by the Bradley County Legislative Body meeting in regular session at Cleveland, Tennessee, on this 1<sup>ST</sup> day of July, 2019, that the Bradley County Mayor is hereby authorized to enter into an Annexation Interlocal Agreement between the City of Cleveland and Bradley County regarding the non-contiguous annexation of the property currently owned by James F.

Williams, Diane Williams, Joseph Michael Montgomery and Leslie Montgomery, tax map 058B group C parcel 11.00.

ADOPTED this 1<sup>st</sup> day of July, 2019.

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Johnny Mull, Chairman

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Donna A. Simpson, County Clerk

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D. Gary Davis, County Mayor

BRADLEY COUNTY, TENNESSEE  
2019/2020 BUDGET PREPARATION CALENDAR

1/7/2019

<u>DATE</u>		<u>TIME</u>
2/28/2019 Th	MEETING IN COMMISSION ROOM WITH <u>ALL</u> DEPARTMENT HEADS/BOOKKEEPERS TO EXPLAIN BUDGET PROCESS AND DISTRIBUTE BUDGET WORK PAPERS TO BE COMPLETED BY DEPARTMENTS.	2:00 PM
3/21/2019 Th	BUDGET REQUEST DOCUMENTS DUE FROM <u>ALL</u> DEPARTMENTS. BRING TO COUNTY MAYOR'S OFFICE NO LATER THAN:	12:00 PM
3/25/2019 M	COPIES or Thumb Drives OF BUDGET REQUEST DOCUMENTS FORWARDED BY COUNTY MAYOR'S OFFICE TO COUNTY COMMISSION	7:00 PM
4/15/2019	FINANCE COMMITTEE TO MEET AND GO OVER BUDGET REQUESTS AND SCHEDULE DEPARTMENT HEADS FOR BUDGET HEARING.	1:00 PM
4/23/2019 T	BUDGET HEARINGS - DEPARTMENT HEADS, AS SCHEDULED (SPECIFIC TIMES TO BE ANNOUNCED) PRESENT & EXPLAIN BUDGET REQUESTS TO FINANCE COMMITTEE. FULL COMMISSION & PUBLIC ARE WELCOME TO ATTEND.	1:00 P.M.
4/25/2019 Th	BUDGET HEARINGS CONTINUED (IF NEEDED)	2:00 PM
5/10/2019 F	COUNTY FINANCE DIRECTOR AND COUNTY MAYOR BEGIN TO PREPARE REVENUE PROJECTIONS.	9:00 AM
5/10/2019 F	COPIES OF SCHOOL SYSTEM'S PRELIMINARY BUDGET REQUESTS FORWARDED BY DIRECTOR OF SCHOOL'S OFFICE TO COUNTY MAYOR'S OFFICE.	3:00 PM
5/13/2019 M	SCHOOLS BUDGET HEARINGS	12:00 NOON
6/3/2019 W	COUNTY MAYOR PRESENTS BUDGET PROPOSAL TO FULL COMMISSION	7:00 P.M.
6/5/2019 W	FINAL BUDGET AMENDMENTS TO FINANCE COMMITTEE ELECTRONICALLY	4:30 P.M.
6/6/2019 TH	FINANCE COMMITTEE MEETING TO REVIEW COUNTY MAYOR BUDGET PROPOSAL AND APPROVE FINAL BUDGET AMENDMENTS FOR 2018-2019.	12:00 NOON
6/10/2019 M	COPIES OF BUDGET AMENDMENTS AND PRELIMINARY BUDGET DISTRIBUTED TO COUNTY COMMISSION. INREGULAR SESSION	12:00 NOON
6/17/2019 M	COUNTY COMMISSION, IN REGULAR SESSION, TO APPROVE 2018-2019 BUDGET AMENDMENTS, REVIEW 2019-2020 PRELIMINARY BUDGET DOCUMENT, AND LISTEN TO ANY DEPARTMENT HEAD WHO WANTS TO APPEAL THEIR BUDGET BEFORE THE COUNTY COMMISSION. ALSO, COUNTY COMMISSION VOTES ON CONTINUING BUDGET RESOLUTION	12:00 NOON
6/19/2019 W	COPIES OF PROPOSED BUDGET GIVEN TO COMMISSION- IF CHANGES	7:00 PM
6/21/2019 F	PUBLISH PROPOSED BUDGET IN NEWSPAPER.	6
7/1/2019 M	COUNTY COMMISSION VOTES TO APPROVE THE 2019/2020 BUDGET DOCUMENT & TO SET THE NEW TAX RATE	7:00 PM
7/8/2019 M	County Public Hearing on Property Tax Increase	12:00 NOON
7/15/2019 M	COUNTY COMMISSION VOTES TO APPROVE THE 2019/2020 BUDGET DOCUMENT & TO SET THE NEW TAX RATE	12:00 NOON

**REMOVE**

BRADLEY COUNTY

RESOLUTION NO. \_\_\_\_\_

REGULATIONS GOVERNING THE USE OF THE COUNTY RIGHT-OF-WAY

(TCA Title 54, Chapter 7 - Tennessee County Uniform Highway Law)

WHEREAS, the Tennessee Code allows utilities to be placed within the county right-of-way, and

WHEREAS, the Tennessee Code, although varying in particulars concerning specific types of utilities, generally requires that permission be obtained from the county legislative body or the chief administrative officer of the highway department prior to entering upon the county right-of-way to perform work, (TCA 54-7-201(c) and (d), TCA 54-7-207) and

WHEREAS, the Tennessee Code authorizes the chief administrative officer of the highway department to remove or cause to be removed any obstruction from the roads, bridges and ditches of the county, (TCA 54-7-201(a) and 54-7-207) and

WHEREAS, citizens of the county require drive connections and postal receptacles on county right-of-way (TCA 54-7-207), and

WHEREAS, the Tennessee Code also generally requires that work performed within the county right-of-way be performed under the direction and control of the chief administrative officer of the county highway department, (TCA 54-7-201 and TCA 54-7-207) and

WHEREAS, it is impractical for permission to be granted on a case-by-case basis by the county legislative body (TCA 54-7-207(4)), and

WHEREAS, it is necessary to establish clear procedures and rules, to be administered and enforced by the chief administrative officer of the highway department, for the use of the county right-of-way by utilities and citizens, so as to minimize interference with vehicular traffic, minimize damage to the county right-of-way, minimize risks to the public safety and convenience, and minimize damage to utilities, (TCA 54-7-109, 54-7-201 and 54-7-207)

NOW THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Bradley County, Tennessee, meeting in regular session on this \_\_\_ day of \_\_\_\_\_, 20\_\_\_ that the following regulations shall apply to the use of county rights-of-way by utilities and citizens in Bradley County:

**PART I: UTILITIES**

SECTION 1. The following regulations apply to all utilities. "Utilities" includes any line, system or facility, either underground or overhead, used for producing, storing, conveying, transmitting or distributing communications, electricity, gas, petroleum, petroleum products, hazardous liquids, water, steam or sewerage and other underground or overhead facilities and appliances. The regulations apply to all persons performing work within the county right-of-way. "Persons" includes, but is not limited to,

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individuals, utility districts, authorities, governmental entities and companies. Public utilities and electric cooperatives are exempt from certain requirements. "Persons" may also be referred to herein as "applicants". The regulations apply to the installation, maintenance and removal of utilities unless otherwise provided. The maintenance of existing fences adjacent or parallel to the right-of-way are exempt from this requirement.

SECTION 2. Except in cases of an emergency as defined herein, persons must obtain a permit from the county highway department prior to performing any work within the county right-of-way (*TCA 54-7-207*). The permit request shall state the nature and purpose of the work to be performed, the date, location and estimated time of the beginning and end of the work at each site, and the name and contact information of the company or party to be performing the work. The permit request shall be accompanied by construction plans detailing the work to be performed. Applicants shall also provide copies of any permit(s) required by other governmental agencies. Persons, except public utilities and electric cooperatives, making requests to perform work in the county right-of-way shall use the permit request form designated as *Attachment A-1* to this resolution. Public utilities use the permit request form designated as *Attachment A-2*. Permit requests and plans may be emailed or mailed. The permit may include special conditions, as determined in the sole discretion of the chief administrative officer of the county highway department, for the protection of the county's property, roads and rights-of-way, as well as the welfare and safety of the general public. Acknowledgment of receipt of a copy of these regulations shall be a part of the permit request. The chief administrative officer of the county highway department or his/her appointed agent shall act on a permit application and provide comment or approval within seven (7) business days of receipt of *complete* permit application. If applicant has not received notice from the chief administrative officer of the county highway department or his/her appointed agent by the end of thirty (30) days, the applicant may proceed with the work.

By issuance of a permit, applicants will be required to conform to these regulations as well as any additional conditions set forth in writing by the chief administrative officer of the county highway department. Once physical work has commenced within the right-of-way, applicants, as recipients of a permit, agree to perform the work in accordance with these regulations and the permit issued hereunder, as well as all other applicable permits, regulations, laws, agency rules, resolutions and ordinances. Bradley County assumes no responsibility for any damage to utilities installed after the effective date of these regulations and that are not installed in accordance with the provisions and conditions of the permit and these regulations. Bradley County assumes no responsibility for any damage to utilities not maintained or removed in accordance with the provisions and conditions of the permit and these regulations.

SECTION 3. *Public Utilities and Electric Cooperatives* may apply for a blanket permit to cover restoration or maintenance of their services using the permit request form *Attachment A-2*. These may include tree trimming, meter sets, service line installation and repair, utility pole resets, repairs and updates to equipment and services located on or in conjunction with utility poles, fire and post hydrants, etc. Upon approval, blanket permit shall remain in effect for one year with an automatic renewal if there are no changes to the responsible/contact person(s). The chief administrative officer of the county highway department shall provide 90 days written notice to holders of blanket permits prior to the blanket permit being canceled or revoked.

SECTION 4. All utility installations, maintenance and removals shall be done in accordance with the applicable technical specifications set forth in *Attachment B* to this resolution and any subsequent specifications adopted by the county legislative body. Applicant is responsible for the replacement or repair of disturbed road facilities and rights-of-way for a period of twelve (12) months after completion of installations and acceptance by the chief administrative officer of the county highway department. Persons, except public utilities and electric cooperatives, shall pay the salary and expenses for any inspector(s) that the county highway department may see fit to place upon the work site to ensure compliance with such technical specifications while any such inspector(s) may be assigned to the work site. The chief administrative officer of the county highway department, before incurring any expenses expected to be charged to the applicant, shall advise the applicant in writing of this fact.

SECTION 5. The Department of Commerce and Insurance of the State of Tennessee (the "department") requires that all persons contracting to perform construction work within the state be qualified and licensed by the department if the work is equal to or in excess of twenty-five thousand dollars (\$25,000) (*TCA 62-6-102*). Requirements for obtaining such a license are determined by the commissioner of the department and may be obtained by contacting the Regulatory Boards Division. All persons and/or the company for which they are employed shall be duly licensed by the department, the state of Tennessee, and any other appropriate governmental agency. Proof of a currently valid Tennessee contractor's license shall be presented when request for a permit is made. Work performed by public utilities and electric cooperatives personnel are exempt from the requirements of this section.

SECTION 6. As a condition of the issuance of a permit, applicants, except public utilities and electric cooperatives, must provide proof of liability insurance with a minimum policy in the amount of one million dollars (\$1,000,000).

SECTION 7. If the work that is the subject of the permit request is not of an emergency nature, the chief administrative officer of the county highway department may refuse or delay approval of the permit request if approval would unduly interfere with the work of the county highway department or would cause undue inconvenience to the public. However, the chief administrative officer's approval of the permit request shall not be unreasonably withheld.

In the event of an emergency, persons will not be required to comply with the regular permitting requirements set forth herein. For purposes of these regulations, "emergency" means an imminent danger to life, health, property, environment, or the repair or restoration of service, which would likely develop into an emergency whenever there is a substantial likelihood that loss of life, health or property will result before the procedures in these regulations can be fully complied with. In the event of an emergency, notice of any work within the county right-of-way shall be given to the chief administrative officer of the county highway department in writing in the manner provided by Section 2 or by telephone, within twenty-four (24) hours of the beginning of any such activity or at the beginning of the next business day. If notice is given by telephone, the agent of the person making the call shall enter the date and time of the call, the nature, purpose, and location of the work to be performed, the estimated beginning and ending times of the work, and the name and contact information of the company or party to be performing the work, on a standard permit request form and deliver it to the chief administrative officer of the county highway department by the next business day.

SECTION 8. The chief administrative officer of the county highway department may require an applicant, with the exception of public utilities and electric cooperatives, to post collateral to ensure that

the county road and right-of-way will be repaired to the same quality as before the excavation or other work was performed. The chief administrative officer will determine the form, amount and sufficiency of the collateral. Should the chief administrative officer of the county highway department execute settlement of the collateral, the proceeds from such execution shall be payable to the Bradley County Highway Fund. In the event of an emergency, as defined herein, the chief administrative officer of the county highway department may require the person to post collateral as provided herein for non-emergency work as a condition for continuing work in the county right-of-way. In the event work is abandoned for a period of thirty (30) consecutive days or a time period specified in the permit, whichever is less, then the chief administrative officer of the county highway department shall be authorized to execute settlement of the collateral in his/her sole discretion. The proceeds from such execution shall be used to finish the project and to pay all other reasonable costs associated with the project. Any leftover proceeds will be returned to the applicant.

SECTION 9. (a) Persons shall replace or repair any portion of the pavement, shoulders, bridges, culverts, or any other part of the county right-of-way that may be disturbed or damaged as a result of their work performed in the right-of-way. The county right-of-way shall be repaired following installation, maintenance and/or removal of utilities. The right-of-way shall also be repaired if damaged as a result of future line failure or leakage. The chief administrative officer of the county highway department shall be notified a minimum of seven (7) days prior to the beginning of construction. In the event a person covers, conceals or obscures work in violation of these regulations or in violation of a directive from the chief administrative officer of the county highway department, such work shall be uncovered and displayed for the county's inspection upon request and shall be reworked at no cost in time or money to the county. The requirements under this item shall not apply to public utilities and electric cooperatives.

(b) Whenever practical, the chief administrative officer of the county highway department, upon the county highway department receiving a permit request, shall inspect the site before the work begins and shall inspect the site after the work is completed. Inspection by an engineering firm, paid for by the applicant, except public utilities and electric cooperatives, and hired or approved by the county, shall be required, at the discretion of the chief administrative officer of the county highway department, for extensive construction or work within the county right-of-way as a condition to issuance of the permit. Engineered plans provided by a developer will be accepted for the connection of a new road to the existing right-of-way. In addition, persons shall reimburse the county for all testing, inspections, reasonable attorney and professional fees, and other expenses incurred as a result of any deficient work within ninety (90) days of receipt of an invoice from the county highway department.

(c) After such inspection(s), if, in the opinion of the chief administrative officer of the county highway department, the condition of the roadway or right-of-way has been damaged and has not been properly repaired, the chief administrative officer of the county highway department shall determine the nature of the work necessary to return the roadway or right-of-way to a condition substantially equal to its condition before the work was performed, and shall give persons written notice of such deficiency in returning the roadway or right-of-way to its proper condition. As part of such notice, the chief administrative officer shall inform the persons as to whether he/she has elected, in his/her sole discretion, to issue a warning ten (10) business days before executing settlement of the collateral and use the proceeds to repair the damage or to allow the persons to repair the damage themselves. If the chief administrative officer elects to allow the persons to repair the damage themselves, such repairs must be

completed to the satisfaction of the chief administrative officer within thirty (30) days of receipt of the notice of deficiency. If the damage is not satisfactorily repaired within the thirty-day period, the chief administrative officer shall execute settlement of the collateral and use the proceeds to repair the damage. Regardless of which option is initially chosen by the chief administrative officer, if the collateral is not sufficient to complete the necessary repairs, the chief administrative officer shall facilitate the necessary repairs and persons shall reimburse the county highway department for the cost of such repairs within ninety (90) days of receipt of an invoice from the county highway department.

SECTION 10. Persons performing work within the county right-of-way shall be responsible for road damages, personal injury, property damages or any other damages caused by any negligence on their part, including but not limited to, the improper placing of or failure to display construction signs, danger signs and other required signage and will bear any expense proximately caused by their operation on the right-of-way. This applies whether the applicant or someone acting on the applicant's behalf performs the work. Persons shall provide proper signage, flaggers, barricades, flashing lights or other methods to warn the public of open trenches, obstructions or other impediments to travel. Signage shall conform to the most current edition of the Manual on Uniform Traffic Control Devices. Persons shall keep all traveled ways clear of obstructions and equipment not directly connected with the project or operation. Any inspection or control exercised by the chief administrative officer of the county highway department shall in no way relieve the applicant from any duty or responsibility to the general public nor shall such services and/or control by the chief administrative officer of the county highway department relieve the applicant from any liability for loss, damage, or injury to persons or adjacent properties.

SECTION 11. For all utilities located above ground, including location signage but excluding utility poles and fire and post hydrants, persons shall maintain sufficient weed and brush control within a 1-foot radius such that said utilities are easily visible. Bradley County assumes no responsibility for any damage to any utility that is improperly located, signed or maintained for visibility.

SECTION 12. If, at any future time, it should become necessary in the maintenance, construction or reconstruction of a county highway to have applicant's utilities removed in order that said highway may be properly maintained, constructed or reconstructed or in the event said utilities should, at any time, interfere with the use of said highway, the applicant agrees, upon being requested so to do by the highway department, to remove said utilities promptly, at its own expense and without cost to the highway department, unless any requested removal should be contrary to any law of the State.

SECTION 13. Applicant shall be responsible for any conflicts with other utilities or appurtenances that are on the county highway right-of-way and shall notify the respective owner(s) of any conflicts and secure the owner's permission for any alterations.

SECTION 14. By approving the applicant's permit request, the Bradley County Highway Department does not grant the applicant any right, title or claim to any highway right-of-way and in granting this permission to go upon the right-of-way does not, in any way, assume the maintenance of the applicant's utilities.

SECTION 15. Approval of an applicant's permit request shall become void if the work that is the subject of the request is not commenced within the time frame specified in the permit application.

SECTION 16. The chief administrative officer of the county highway department may employ the county attorney, or other attorney as provided in *Tennessee Code Annotated Section 54-7-110*, to seek an injunction against any party in violation of these regulations. The chief administrative officer of the county highway department may issue a *Stop Work Order, Attachment E*, if work is being performed in violation of these regulations. Any person violating these regulations, and not correcting OR having an approved plan of action submitted for appropriate repairs, within seven (7) business days shall also be subject to a fine of up to five hundred dollars (\$500) per violation, pursuant to *Tennessee Code Annotated Section 5-1-121*. A "violation" is defined as each day a person is in non-compliance with these regulations.

SECTION 17. A permit may be denied, suspended or revoked by the chief administrative officer of the county highway department when the chief administrative officer has determined that the operation is not being and/or will not be conducted in a manner as prescribed by applicable regulations, rules, resolutions, ordinances or laws. Any violations deemed of a significant nature by the chief administrative officer of the county highway department, or unwarranted damages done to the highway system, may result in a permit being denied, suspended or revoked. The chief administrative officer of the county highway department shall report all such actions to the county legislative body and county attorney. Failure to obtain a permit, abandoning the project, conducting work which is not in accordance with the plans approved by the chief administrative officer of the county highway department or obtaining a permit under the emergency provision when no emergency exists, may also be grounds for denial of future permit requests.

SECTION 18. Pursuant to the Competitive Cable and Video Services Act, *Tennessee Code Annotated Section 7-59-310*, as a condition of the issuance of a permit allowing for open trenching, the developer or property owner shall provide at least ten (10) days' notice prior to the initiation of any work in the county right-of-way to all providers of cable or video services within the county. The notice shall include the particular dates in which the trenches will be available for such cable or video service providers for the installation of conduit, pedestals or vaults, and laterals. This requirement shall be limited to new construction or property development in which utilities will be laid in the county right-of-way. This section specifically does not apply to public utility construction in existing county right-of-way.

## **PART II: DRIVE CONNECTIONS & POSTAL RECEPTACLES**

SECTION 19: Procedures for Construction & Placement of Drives & Mailboxes. These instructions are to assist the contractor and general public as to the correct manner of installing a driveway and mailboxes according to the regulations of Bradley County. Placing an obstacle or obstruction on the right-of-way of a County Road is a Class C misdemeanor. (*TN Code Annotated 54-7-201*)

A monetary penalty not to exceed five hundred dollars (\$500) may be assessed for each violation. (*TN Code Annotated 5-1-121*)

Anytime work is to be done on the County right-of-way, a permit must be obtained from the Bradley County Road Department before work is to begin. This includes a drive, curb cut, tile installation, permanent mailboxes, underground utilities, above ground utilities, etc., anything placed on the County right-of-way. The placing or replacing of a mailbox on an approved break-away post would be exempt.

SECTION 20: Mailboxes and Other Structures. Only *breakaway* mailboxes will be allowed on the County right-of-way. Permanent, brick, masonry, or any other no-break away mailbox, driveway entrance columns, fencing etc. must be on private property, not on the County right-of-way (*TCA 54-7-201*). They are considered to be permanent structures and cannot be placed on the County's right-of-way. Property owners must provide access to a mailbox whether it is a breakaway mailbox on right-of-way or a permanent structure placed on the property as shown in drawings *Attachment C-1*. Post shall not be placed in ditch lines or drainage ways.

Postal guidelines can be viewed at <https://www.usps.com/manage/mailboxes.htm>

Brick and/or masonry mailboxes in subdivisions with curbs and a speed limit of 20 mph or less may be placed a minimum of twelve inches (12") from the backside of the curb, with permit only. Roads with speed limit greater than 20 mph (with curb or without curb) must be off the right-of-way. Shown in detail drawings *Attachments C-2 and C-3*.

SECTION 21: Driveways and Connections. A driveway connection request must be submitted for all connections to county maintained roads. Application for Driveway Entrance *Attachment D-1*. A driveway must be constructed with the provided illustrations, *Attachment D*, in order to conform to the established regulations. The purpose for these regulations is to prevent water problems for the County and property owners.

*Illustration 1B* must have six (6") to eight (8") inches of fall from the property line to edge of County pavement. This prevents water flowing down the private driveway. Must have crown in center (2" to 4") so water will flow into ditch and not County road.

*Illustration 1A* must be flat for approximately 6' to 8' from edge of pavement of County road and have three (3") to five (5") inches of crown from center of driveway to both sides before sloping upward. This allows water to flow into ditch line and not onto County road and prevents cars from dragging on the pavement. The front edge of all tiles must be a minimum of three feet (3') from edge of pavement of County road.

*Illustration 1C* must be flat to one percent (1%) slope for approximately six (6') to eight (8') feet from edge of pavement to prevent cars from dragging and to slow the water before flowing onto the County road.

*Illustration 2C* must have six (6") to eight (8") inches of fall from property line to edge of County pavement. This prevents water flowing down the private driveway.

### **PART 3:**

SECTION 22: In addition to complying with the regulations set forth herein, applicants shall also comply with any and all applicable subdivision and storm water regulations.

SECTION 23: In the event of the occurrence of extraordinary circumstances, the chief administrative officer of the county highway department may modify provisions of these regulations to address the particular situation. The burden of proving such extraordinary circumstances rests with the individual seeking relief. Monetary hardship shall not constitute extraordinary circumstances. Any such

approval of a variance from these regulations and any modified conditions or specifications issued by the chief administrative officer shall be in writing.

SECTION 24: These regulations shall be effective from and after \_\_\_\_\_, 20\_\_.  
Acknowledgment of receipt of a copy of these regulations shall be a part of the permit request. The provisions of this resolution do not apply to permit applications submitted or approved before this effective date.

SECTION 25: This resolution shall be effective from and after its passage, the public welfare requiring it.

APPROVED: \_\_\_\_\_, \_\_\_\_\_ County Mayor

ATTEST: \_\_\_\_\_, \_\_\_\_\_ County Clerk

DATE: \_\_\_\_\_

ATTACHMENT A-1  
BRADLEY COUNTY HIGHWAY DEPARTMENT

COUNTY CONTACT INFORMATION:

Staff Contact: Road Department Office

Phone Number: 423-728-7006

E-Mail: [jhayes@bradleycountyttn.gov](mailto:jhayes@bradleycountyttn.gov), [hholcomb@bradleycountyttn.gov](mailto:hholcomb@bradleycountyttn.gov)

PERMIT REQUEST TO WORK WITHIN THE COUNTY RIGHT- OF-WAY

Date and Time of Permit Request: \_\_\_\_\_

Request is being made by (applicant):

\_\_\_\_\_

[Please provide name, address and contact information]

Applicant seeks permission to install, maintain, and/or remove the following described utilities within the county right-of-way:

\_\_\_\_\_

At the Following Described Location:

GPS Location: \_\_\_\_\_

Log Miles (beginning/ending): \_\_\_\_\_

Type of work to be performed:

\_\_\_\_\_

Expected starting date: \_\_\_\_\_

Expected completion date: \_\_\_\_\_

Contractor, Subcontractor, or Party to Perform Work:

\_\_\_\_\_

Address and Telephone Number of Company or party to perform work:

\_\_\_\_\_

Is this an emergency? \_\_\_\_ If yes, why?

\_\_\_\_\_

IF EMERGENCY TELEPHONE CALL MADE:

Date and Time of Emergency Call \_\_\_\_\_

Name of Agent of applicant who made Call  
\_\_\_\_\_

\*If an emergency call is made, the REGULATIONS GOVERNING THE USE OF THE COUNTY RIGHT-OF-WAY still require that certain information be provided to the chief administrative officer, using the permit request form, by the next business day.

Please select one of the following options:

\_\_\_\_ Option #1

Applicant is to deliver collateral in the form of a surety bond to the chief administrative officer of the highway department to guarantee that applicant's work within the right-of-way is done in accordance with the construction plan, applicable regulations, and any special conditions specified herein. The collateral is to be in the amount of \$\_\_\_\_\_. Applicant will be informed by the chief administrative officer in writing of any other requirements or conditions related to the collateral.

\_\_\_\_ Option #2

Applicant is not required to post collateral.

The Department of Commerce and Insurance of the State of Tennessee (the "department") requires that all persons contracting to perform construction work within the state be qualified and licensed by the department if the work is equal to or in excess of \$25,000.

Has applicant supplied the chief administrative officer with proof of a currently valid contractor's license?  Yes  No  N.A.

As a condition of the issuance of a permit, applicants must provide proof of liability insurance with a minimum policy in the amount of one million dollars (\$1,000,000).

Has applicant supplied sufficient proof of required liability insurance?  
 Yes  No

Pursuant to the Competitive Cable and Video Services Act, Tennessee Code Annotated Section 7-59-310, as a condition of the issuance of a permit allowing for open trenching, the applicant shall provide at least fifteen (15) days' notice prior to the initiation of any work in the county right-of-way to all providers of cable or video services within the county. The notice shall include the particular

dates in which the trenches will be available for such cable or video service providers for the installation of conduit, pedestals or vaults, and laterals. This requirement is limited to new construction or property development in which utilities will be laid in the county right-of-way.

Has applicant provided the required notice? \_\_\_ Yes \_\_\_ No \_\_\_ N.A.

\*If yes, applicant shall provide a copy of the notice sent to providers.

**Applicant in applying for this permit agrees to the following:**

1. Applicant agrees to perform all work in accordance with the attached construction plans, the REGULATIONS GOVERNING THE USE OF THE COUNTY RIGHT-OF-WAY, adopted by the county legislative body by Resolution No. \_\_\_\_\_ on \_\_\_\_\_(DATE), and any special conditions set forth herein.

Special Conditions:

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In the case of extraordinary circumstances, whereby the chief administrative officer modifies any provisions of the regulations to address such circumstances, any such approval of a variance from these regulations and any modified conditions or specifications issued by the chief administrative officer shall be in writing and incorporated as part of this permit request.

2. Applicant, before commencing any work, shall submit to the chief administrative officer of the county highway department detailed construction plans sealed by a registered professional engineer licensed in the state of Tennessee showing the location, type and scope of all work to be done in order that the chief administrative officer may review and approve the proposed work. No work other than that specifically described in the construction plans and approved by the chief administrative officer is authorized.

3. Applicant shall be responsible for road damages, personal injury, property damages or any other damages caused by any negligence on its part, including but not limited to, the improper placing of or failure to display construction signs, danger signs and other required signage and will bear any expense proximately caused by its operation on the right-of-way. This applies whether the applicant or someone acting on the applicant's behalf performs the work.

4. Applicant shall pay the salary and expenses of any inspector(s) that the chief administrative officer may see fit to place upon the work site while such

inspector(s) is/are assigned to the work site. The chief administrative officer, before incurring any expenses expected to be charged to the applicant, shall advise the applicant in writing of this fact.

5. Applicant shall replace or repair any portion of the pavement, shoulders, bridges, culverts, or any other part of the county right-of-way that may be disturbed or damaged as a result of its work performed in the right-of-way. Replacement and repairs shall be made in accordance with the REGULATIONS GOVERNING THE USE OF THE COUNTY RIGHT-OF-WAY issued by Bradley County and any additional instructions issued by the chief administrative officer. In the event that the replacement or repairs made by applicant are not satisfactory to the chief administrative officer, such deficiencies shall be remedied in accordance with the REGULATIONS GOVERNING THE USE OF THE COUNTY RIGHT-OF-WAY issued by Bradley County.

6. In the event work is abandoned for a period of 30 consecutive days, the chief administrative officer shall be authorized to execute settlement of the collateral in his/her sole discretion. The proceeds from such execution shall be used to finish the project and to pay all other reasonable costs associated with the project. Any leftover proceeds will be returned to the applicant.

7. If, at any future time, it should become necessary in the maintenance, construction, or reconstruction of said highway to have applicant's utilities removed in order that said highway may be properly maintained, constructed or reconstructed or in the event said utilities should, at any time, interfere with the use of said highway, the applicant agrees upon being requested to do so by the chief administrative officer to remove said utilities as promptly as the magnitude of the work to be accomplished will permit, at its own expense and without cost to the county highway department, unless any requested removal should be contrary to any law of the State of Tennessee.

8. Applicant shall be responsible for any conflicts with other utilities or appurtenances that are on the county highway right-of-way and shall notify the respective owner(s) of any conflicts and secure the owner's permission for any alterations.

9. Applicant agrees to indemnify and hold harmless the county as well as its employees, officers and agents from and against any and all claims, liabilities, losses, and causes of action which may arise, accrue, or result to any person, firm, corporation, or other entity which may be injured or damaged as a result of acts, omissions, or negligence on the part of the applicant, its employees, its contractors, or any person acting for or on its or their behalf in the performance of the work related to this permit. Applicant further agrees it shall be liable for

the reasonable cost of attorneys for the county highway department in the event such services are necessitated to enforce the terms of this permit or otherwise enforce the obligations of the applicant to the county highway department. In the event of any such suit or claim, applicant shall give the county highway department immediate notice thereof and shall provide all assistance required by the county highway department in the county highway department's defense. The county highway department shall give applicant written notice of any such claim or suit, and applicant shall have full right and obligation to conduct applicant's own defense thereof. Nothing contained herein shall be deemed to accord to applicant, through its attorney(s), the right to represent the county highway department in any legal matter.

10. The county highway department does not grant applicant any right, title or claim on any highway right-of-way and in granting this permission to go upon the right-of-way does not, in any way, assume the maintenance of applicant's facility.

11. The permit shall become void if work is not commenced within thirty (30) days from the date of the permit request.

**The requesting party (applicant), by the undersigned agent, agrees to comply with the Bradley County regulations, a copy of which I have received, in carrying out the work proposed above.**

\_\_\_\_\_  
Signature of Agent and Date

**Approval of Permit:**

Request approved as presented \_\_\_ (check if applicable)

Request approved subject to the following conditions: \_\_\_\_\_  
\_\_\_\_\_

Request rejected \_\_\_ (check if applicable)

Reason for rejection: \_\_\_\_\_

By \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

**PERMIT NUMBER ASSIGNED:** \_\_\_\_\_





Attachment A-2

PERMIT NUMBER NO  
APPLICANT \_\_\_\_\_  
DATE \_\_\_\_\_  
PRIORITY \_\_\_\_\_

**BRADLEY COUNTY HIGHWAY DEPARTMENT PERMIT**

**FOR PUBLIC UTILITIES TO WORK WITHIN THE RIGHT OF WAY OF A BRADLEY COUNTY ROAD**

Name and Address of Applicant \_\_\_\_\_  
\_\_\_\_\_

Project Location \_\_\_\_\_

Nature of Project:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Plans Attached  Other Required Permits Attached   
Expected Starting Date \_\_\_\_\_ Expected Completion \_\_\_\_\_  
Proposed Contractor \_\_\_\_\_  
License Number \_\_\_\_\_

**I AGREE TO COMPLY WITH THE  
BRADLEY COUNTY HIGHWAY DEPARTMENT'S REGULATIONS**

NAME OF UTILITY \_\_\_\_\_ CONTACT INFO:  
BY AGENT \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
DATE \_\_\_\_\_ E-MAIL \_\_\_\_\_

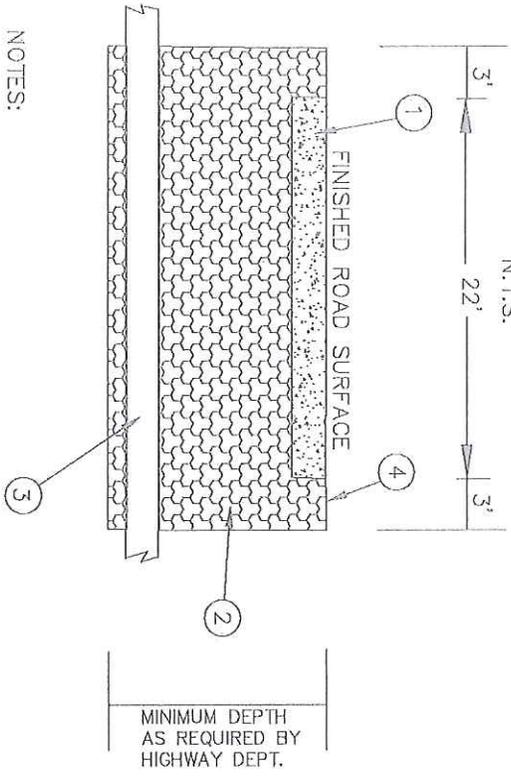
APPROVAL OF PERMIT:

CONDITIONS AND COMMENTS:

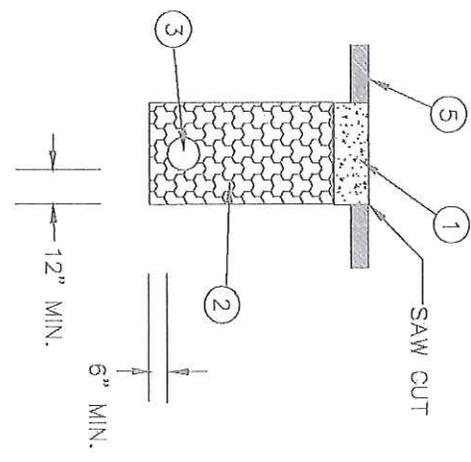
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

BY: \_\_\_\_\_  
TITLE: \_\_\_\_\_  
DATE: \_\_\_\_\_

REPLACED PAVEMENT CROSS-SECTION  
FOLLOWING UTILITY TRENCH CUT  
N.T.S.



UTILITY TRENCH CUT



NOTES:

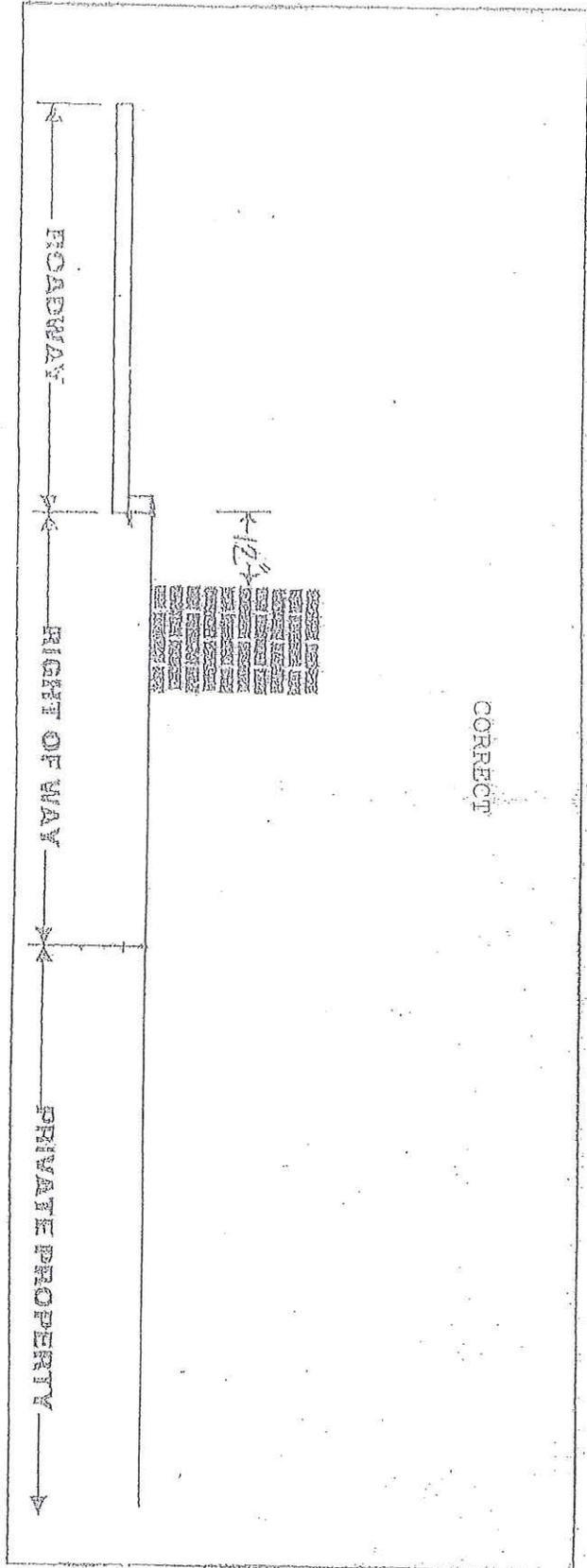
1. PORTLAND CEMENT CONCRETE PAVEMENT (3500 psi MIN) 12" MIN THICKNESS, SMOOTHED TO EXISTING SAW CUT PAVEMENT OR 4" MIN THICKNESS ASPHALT BINDER COMPACTED.
2. MINERAL AGGREGATE TYPE 303.01 PUG MIX TO BE COMPACTED IN TWELVE (12") INTERVALS, EACH INTERVAL TO BE COMPACTED WITH A MOTORIZED TAMPING MACHINE. AGGREGATE TO FILL TRENCH CUT FROM BOTTOM OF CUT TO FOUR OR TWELVE INCHES (4" OR 12") BELOW EXISTING ROAD SURFACE TO ALLOW FOR ASPHALT OR CONCRETE PAVEMENT. (NOTE 1)
3. UTILITY LOCATION
4. COMPACTED THREE FOOT (3') WIDE GRAVEL SHOULDER OUTSIDE OF THE ROAD BED.
5. ORIGINAL ROADWAY SURFACE (DBST, ASPHALT, CONCRETE, ETC) TO BE SAW CUT.



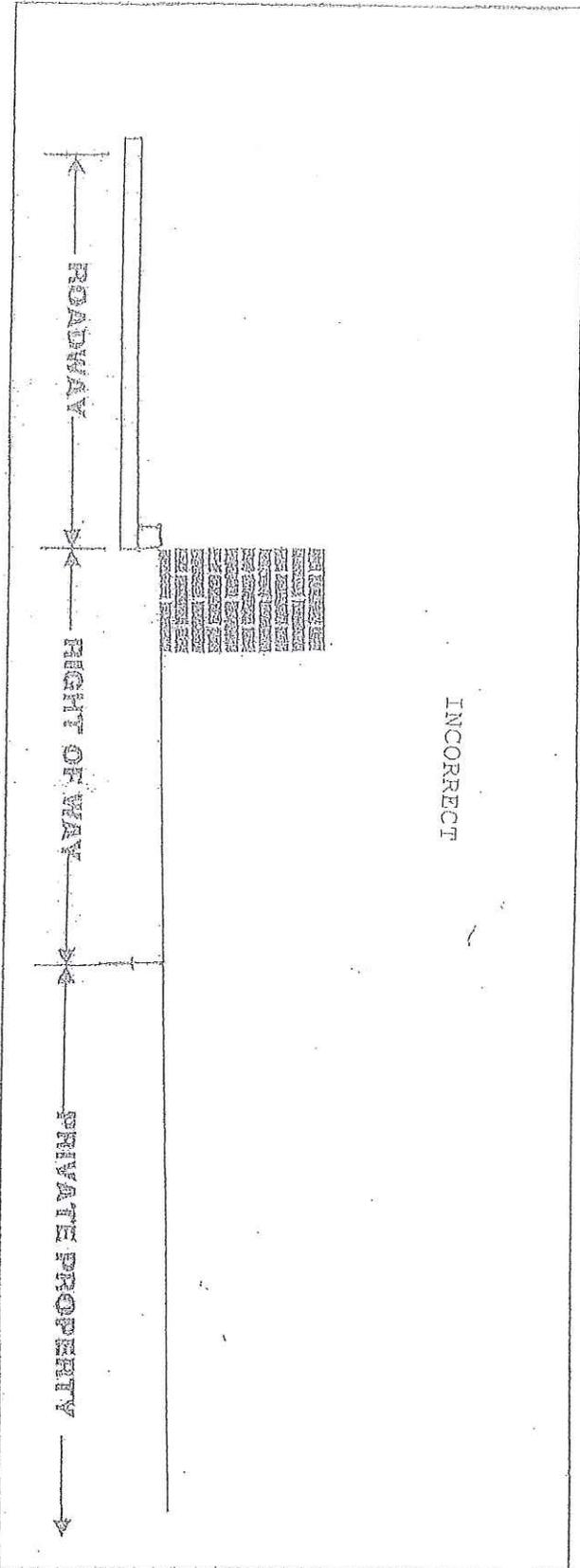
# PERMANENT STRUCTURE

For streets with curbs and speed limit of 20 MPH or less

CORRECT



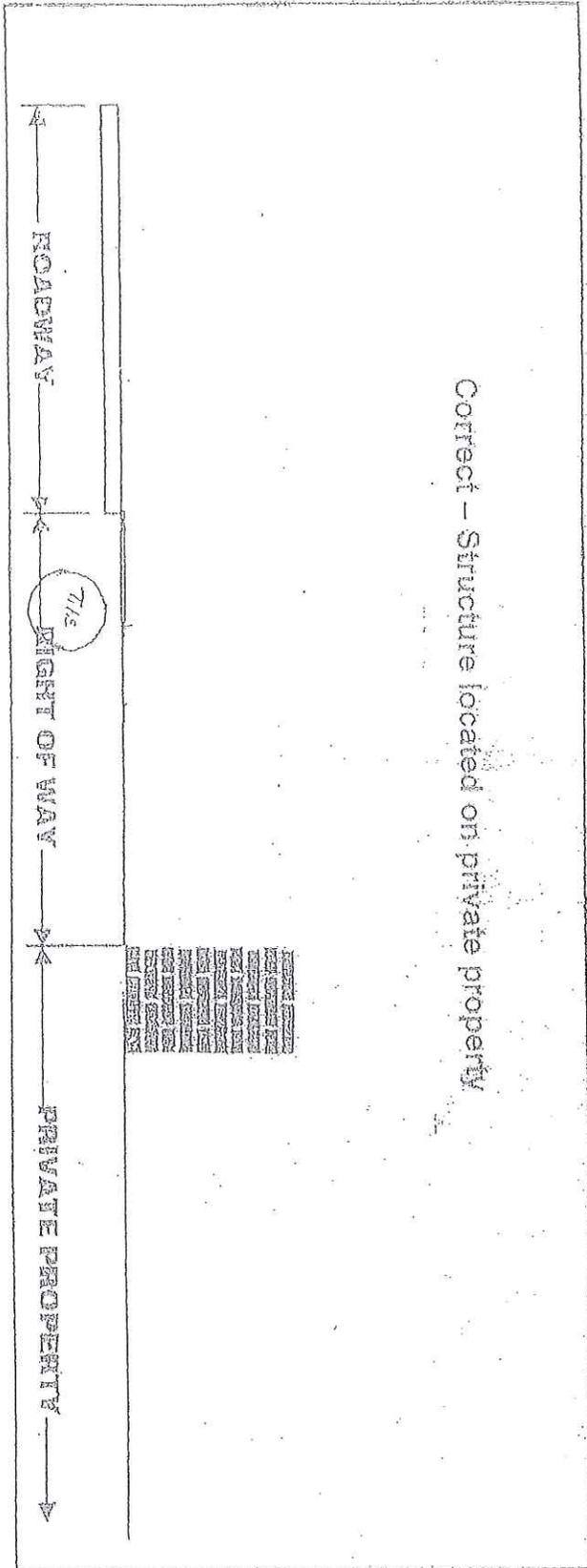
INCORRECT



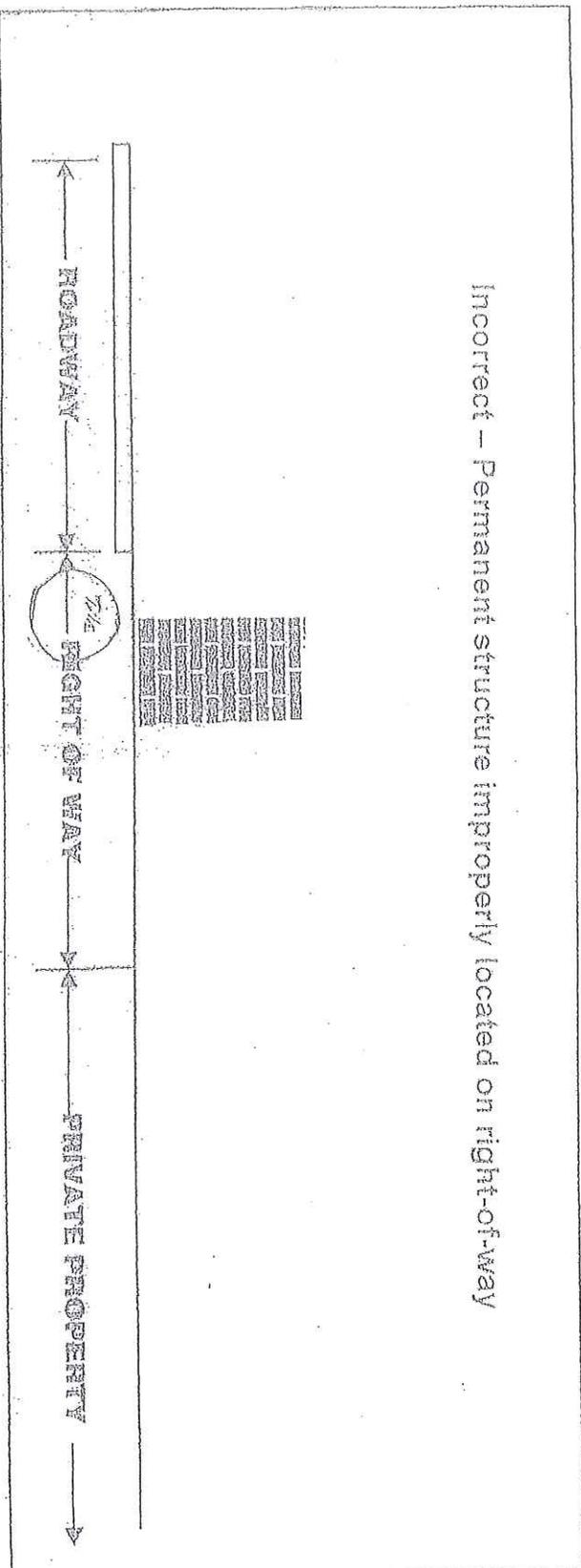
# PERMANENT STRUCTURE

Ditched Street

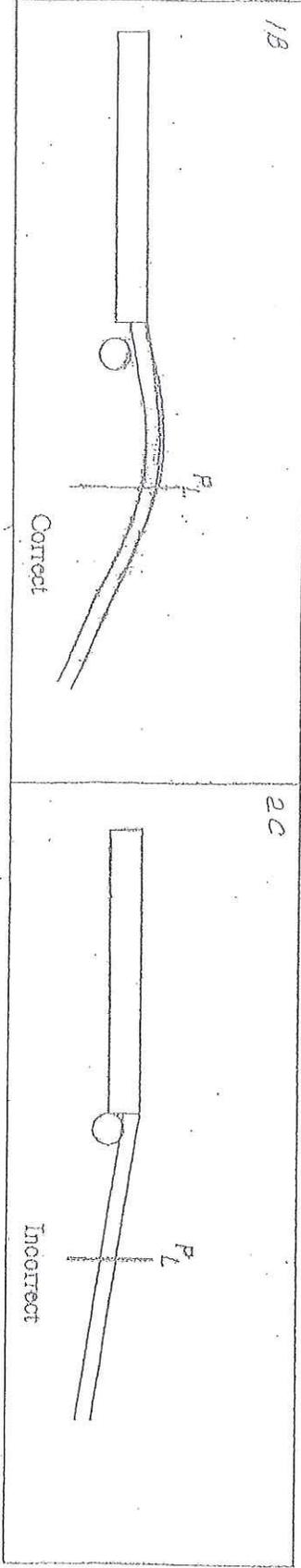
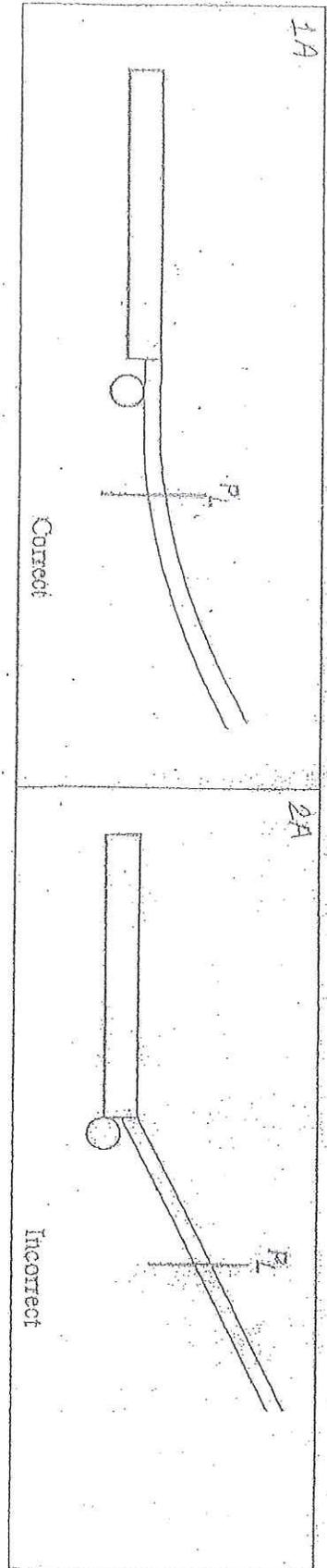
Correct - Structure located on private property



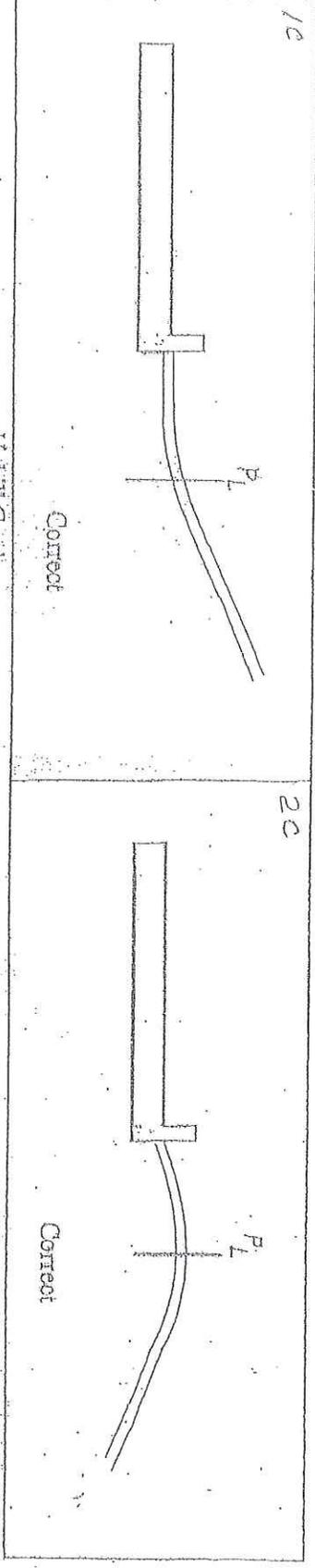
Incorrect - Permanent structure improperly located on right-of-way



Ditched Street



Curbed Street



Uphill Grade

Down Hill Grade

BRADLEY COUNTY  
Stop Work Order

**STOP WORK ORDER**

Project Name: \_\_\_\_\_

Address: \_\_\_\_\_

Inspection Date: \_\_\_\_\_ Time: \_\_\_\_\_

This work is in violation of Bradley County Resolution \_\_\_\_\_ Regulations Governing the use of the County Right-of-Way. This site has been inspected and all work must stop until Order has been released by the Bradley County Road Department and/or proper permits are obtained. Corrections to the site may be performed if stated in the comments below. Any other work being performed after the Order is placed can result in additional violations and/or penalties.

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Representative of Bradley County Road Department

DO NOT REMOVE THIS NOTICE