

**PRE-MEETING AGENDA  
MOUNTAIN BROOK CITY COUNCIL**

**CITY HALL PRE-COUNCIL ROOM (A106)  
56 CHURCH STREET  
MOUNTAIN BROOK, AL 35213**

**AUGUST 26, 2019 6:15 P.M.**

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1. Feral cat issues in Crestline- John Allen Roberts (See attached information.)
2. Transit system update-Richard Goldstein
3. Concerns about low hanging utility lines on Salisbury Road-Richard Walthall (See attached information.)

## ARTICLE I. IN GENERAL

### Sec. 6-1. Noisy animals or fowl.

It shall be unlawful to confine, harbor or keep on a lot, place or premises any animal or fowl that habitually, continuously or intermittently makes or emits sounds or noises of such volume, nature or extent so as to be a public nuisance by reason of being obnoxious or annoying to the ordinary persons in that neighborhood.

(Code 1996, § 3-1; Ord. No. 50, § 40)

### Sec. 6-2. Wild animals.

#### (a) *Keeping or harboring.*

(1) *Prohibited.* It shall be unlawful for any person to keep or harbor at any place within the city any wild animal, regardless of the age or size of any such animal, and regardless of whether or not such animal was born and/or raised in captivity.

(2) *Violation.* Any person violating the provisions of this section shall, upon conviction, be punished by a fine not to exceed \$500.00, or by imprisonment not to exceed 90 days, or by both such fine and imprisonment.

#### (b) *Feeding.*

(1) *Definitions.* For purposes of this subsection, the following words and their derivations shall have the meaning given herein:

*Wild animal* means any animal of a species that in its natural life is usually untamed and undomesticated, including animals that, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies.

(2) *Prohibited.* Except as otherwise provided in this subsection, it shall be unlawful for any person to knowingly feed, offer food, or in any manner provide food to any wild animal on private or public property within the city limits for the purpose of attracting or harboring such animals. For purposes of this subsection, living food sources

such as trees and other live vegetation shall not be considered food for wild animals. This prohibition does not apply to any of the following:

- a. The feeding of wild birds or squirrels;
  - b. Employees or agents of the city, county, state, and federal government or veterinarians who, in the course of their official duties, have wild animals in their custody or under their management;
  - c. The provision of food to domesticated dogs or cats that are household pets and that are owned by or whose care and feeding has been entrusted to the person providing the food;
  - d. The provision of food that is incidental to other lawful activities and that is not intended to attract wild animals as defined herein; and
  - e. The provision of food in connection with the human trapping of wild animals for the purposes of relocating said animals to nonresidential areas.
- (3) *Violation.* Persons believed to have committed an offense shall first be given three days' written notice by the city or its duly authorized representative to cease and desist the activities that constitute an actual or suspected violation of subsection (b)(2) of this section. Such notice may be sent by United States mail, by personal delivery, or by other customary and generally accepted means of transmittal and delivery. If additional evidence that the recipient of the notice heretofore described has violated subsection (b)(2) of this section on or after the fourth business day following mailing of the notice, the person shall be guilty of a misdemeanor.
- (Code 1996, §§ 3-1.1, 3-1.2; Ord. No. 1032, §§ 1, 2, 12-10-1990; Ord. No. 1692, § 1, 11-28-2005)

### Sec. 6-3. Impoundment of stray, feral, or abandoned cats and felines.

(a) The City of Mountain Brook or its representatives, including the dog warden, animal control officer, or person serving in like capacity, or

such persons or firms as may be designated or employed by the city or with whom the city may contract for such purposes, shall have the authority to trap or collect by humane means and impound any cat or member of the feline family that appears to be stray, abandoned, feral, undomesticated, or uncared for based on the behavior or physical condition of the cat, and the absence of any collar, tag, microchip, or other means of identifying the name, address, or telephone number of the owner of the cat.

(b) If the impounded cat is not redeemed by its owner or placed with a new owner, the city or its representatives shall be authorized to euthanize and/or dispose of the cat in a merciful manner after following the process prescribed by section 6-110 of this Code.

(c) The collection, care, and disposition of any impounded cat shall be subject to state law governing such practices, including but not limited to sterilization requirements set forth in the Code of Ala. 1975, § 3-9-2.

(d) If the impounded cat is determined by reasonable means to be infected with rabies, the cat shall be deemed a public nuisance and a danger to the health and safety of the community and shall be euthanized in a merciful manner.

(e) A cat that is trapped and impounded pursuant to subsection (a) herein may be released into the general area from which it was trapped subject to the following requirements:

- (1) The cat is determined by reasonable means to be feral or undomesticated and not suitable for adoption;
- (2) The cat is determined by reasonable means to be healthy and without disease or infection of any kind, including not falling within the purview of subsection (d) herein;
- (3) The cat is sterilized pursuant to the sterilization requirements set forth in the Code of Ala. 1975, § 3-9-2 and other state law governing such practices;
- (4) The cat is vaccinated for rabies; and
- (5) The cat is marked with ear tags, a clipped ear, or other means to identify that said cat has been sterilized.

(f) The purpose of this section is to authorize the humane trapping, collection, and sterilization and/or disposal of cats that are reasonably believed not to be owned or under the care of any person and which, by virtue of such status and other indicia, are deemed to represent an actual or potential threat to the health, safety, and welfare of the public. Nothing herein shall be deemed to prevent the city and its employees or agents from using reasonable discretion in discharging the functions and activities hereby authorized. Nothing herein shall be interpreted or deemed to create or to impose on the city, its agents, employees, persons, or entities acting on behalf thereof any duty, standard of care, or liability to the public generally or to any member thereof with respect to the collection, care, or disposition of cats impounded under the authority hereof.

(Ord. No. 1741, § I, 8-27-2007)

**Secs. 6-4—6-22. Reserved.**

## ARTICLE II. RABIES CONTROL

### **Sec. 6-23. Confinement of animal that has bitten or injured a human being.**

It shall be the duty of the owner or person in charge of any dog, cat or other animal, which has bitten or otherwise injured a human being to immediately notify the city clerk of such fact upon learning thereof, and it shall thereupon be the duty of such owner or person in charge to securely confine such animal, so as to prevent its disappearance or escape, for not less than 14 days or until such time as such animal shall have been examined by the county health officer and discharged by him from confinement.

(Code 1996, § 3-18; Ord. No. 50, § 43)

### **Sec. 6-24. Confinement of animal that is rabid or thought to be rabid.**

It shall be unlawful for any person to keep, harbor or maintain on or about any place or premises a dog or other animal, which is known to have or reasonably suspected of having rabies, unless such animal is securely confined in such a manner as to effectually prevent contact with or

## Sam Gaston

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**From:** MCWHIRTER, JEFFREY A  
**Sent:** Monday, August 19, 2019 11:20 AM  
**To:** WILLIAMS, TERRI Q  
**Cc:** Sam Gaston  
**Subject:** RE: Mt Brook

Mystery has been resolved. We followed this cable back down Monclair/Country Club Rd and finally found an ID tag on it . This cable is a 24 fiber cable and belongs to Century Link (# on tag is 1-800-9290420.

I have given this information to Mr. Walthall.

Please call if I can be further assistance.

Jeff

**Jeffrey A. McWhirter**  
Manager Construction & Engrg.  
ALMSLA

**AT&T**  
3420 Lorna Lane, Hoover, Al. 35216  
m 205.960.3339 | [JM0134@att.com](mailto:JM0134@att.com)  
o 205.822 0914  
f 205.979 2111

### MOBILIZING YOUR WORLD.

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**From:** MCWHIRTER, JEFFREY A <jm0134@att.com>  
**Sent:** Saturday, August 17, 2019 4:14 PM  
**To:** WILLIAMS, TERRI Q <tg2790@att.com>  
**Cc:** Sam Gaston <gastons@mtnbrook.org>  
**Subject:** Re: Mt Brook

I have been trying to identify who this cable belongs to for Mr. Walthall. I spoke with him last week and he told me his concerns about some other issues, that I have not had time to address. I will go to his property again with some techs on Monday and look at the other lines that he told me about last week. Sorry for some of the delay, but I took a couple of days off last week. I will also call Mr Walthall on Monday.

Please call me if you have any questions.

## Sam Gaston

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**From:** Walthall, Robert  
**Sent:** Monday, August 19, 2019 7:56 AM  
**To:** Sam Gaston  
**Cc:** Vice, Taylor C; tg2790@att.com  
**Subject:** Re: [EXTERNAL] RE:  
**Attachments:** image001.png; image002.png; image003.png

Yes

Please put me on the agenda.

I have not heard from whatever cable company is responsible —owns the low hanging cable on my property, unless you have some different understanding of this matter ?

Robert

Sent from my iPhone

On Aug 19, 2019, at 7:27 AM, Sam Gaston <gastons@mtnbrook.org<mailto:gastons@mtnbrook.org>> wrote:

The city council meets on Monday, August 26th. Would you like to be on the pre-meeting agenda?

I am disappointed in your comments that the city will not act on this matter. I have responded and coordinated with the three utility companies on this, plus they all have been in touch with you. As I told you the first time we talked, it might take a little while, but in all most all cases, the utility companies will get the lines removed or raised.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

P.O. Box 130009

Mountain Brook AL. 35213

(205) 802-3803 Phone

(205) 870-3577 Fax

From: Walthall, Robert [mailto:rwalthall@joneswalker.com<mailto:rwalthall@joneswalker.com>]

Sent: Friday, August 16, 2019 12:42 PM

To: Sam Gaston

Cc: Vice, Taylor C; tg2790@att.com<mailto:tg2790@att.com>

Subject:

Sam:

Another week has passed with no action taken to correct the illegal and unsafe low hanging cable line on my property nor the ground-low hanging cable lines on the adjacent Property.

Both AT&T and Charter state that the low hanging cable line on my property is not theirs; so it must be owned by some rogue cable company operating in the City which the City has no knowledge of, etc.

Also, AT&T states that the ground-low hanging lines on the adjacent property are theirs but they have taken no action to correct these problems.

It appears that the City either has no authority to monitor-oversee that cable companies operating in the City comply with applicable safety codes and other legal standards for cable lines or that the City simply will not act on these serious matters.

So, I want to present this matter to the City Council and I hereby request that you notify me of a meeting in which I can make such presentation to the Council.

robert

Robert C. Walthall | Partner  
D: 205.244.5272 | M: 205.218.4365  
RWalthall@joneswalker.com<mailto:RWalthall@joneswalker.com>

<image001.png><http://www.joneswalker.com/professionals/robert-c-walthall.html><image002.png><http://www.joneswalker.com/professionals/robert-c-walthall/vcard.vcf>

<image003.png>

Jones Walker LLP  
420 20th St N, Ste 1100  
Birmingham, AL 35203  
joneswalker.com<http://www.joneswalker.com/>

## Sam Gaston

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**From:** Howell, Alison Dyan  
**Sent:** Friday, August 16, 2019 2:49 PM  
**To:** Sam Gaston (gastons@mtnbrook.org)  
**Cc:** Rocker, Telra Shanae  
**Subject:** Fwd: Low hanging line at 3522 Salisbury Road  
**Attachments:** file-7.jpeg; file1.jpeg; file3.jpeg

Sam,

Our engineers went out and did a field visit and determined that the lines belong to AT&T and Comcast. AT&T being the lowest. Our lines are on the top. We plan to raise our system neutral to make more room.

See detailed email below from our supervising engineer and please let me know if you have any questions.

Thanks and have a great weekend!

Alison

Alison Howell Steineker  
Alabama Power Company  
C: 205-983-0209

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**From:** Lowman, Wade <rwlowman@southernco.com>  
**Sent:** Friday, August 16, 2019 2:37 PM  
**To:** Howell, Alison Dyan  
**Cc:** Rocker, Telra Shanae; Ware, Megan  
**Subject:** FW: Low hanging line at 3522 Salisbury Road

Alison,

After a field visit to this location we have been able to identify that the low cables in question do belong to AT&T and Comcast, with AT&T being the lowest. It appears that for some reason along this pole route that these utilities have attached well below acceptable attachment points. APC specs say they can be attached at 40" below our system neutral and they are attached significantly lower than this in this area. At the mentioned address APC does have an opportunity to raise our system neutral to allow for the other utilities to be able to raise their facilities if they so choose. APC will move forward with getting this raised in the following weeks. If you have additional questions or concerns please let me know.

Thanks,

Wade Lowman | Metro Central | Office: 205.226.1155



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**From:** Ware, Megan <MWARE@SOUTHERNCO.COM>

**Sent:** Friday, August 16, 2019 2:26 PM

**To:** Lowman, Wade <rwloman@southernco.com>

**Subject:** RE: Low hanging line at 3522 Salisbury Road

Wade,

Sorry for the delayed response, I was in class Tuesday and Wednesday and busy with customer meeting yesterday. But after looking at line today there are several cables that are low but 2 of the 5 had tags that say AT&T and COMCAST. Our neutral is low so we could raise it to give cable/phone more attachment room but their attachments are low on every pole on this line. Let me know if I need to do anything else or contact customer.

Thanks,

Megan

Megan Ware | Distribution Engineer I

Metro Central | O : 205-226-1181

[mware@southernco.com](mailto:mware@southernco.com)



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**From:** Lowman, Wade <[rwwlowman@southernco.com](mailto:rwwlowman@southernco.com)>

**Sent:** Tuesday, August 13, 2019 3:40 PM

**To:** Ware, Megan <[MWARE@SOUTHERNCO.COM](mailto:MWARE@SOUTHERNCO.COM)>

**Cc:** Howell, Alison Dyan <[ADHOWELL@SOUTHERNCO.COM](mailto:ADHOWELL@SOUTHERNCO.COM)>; Clements, Jermaine Kordei <[JKCLEMEN@SOUTHERNCO.COM](mailto:JKCLEMEN@SOUTHERNCO.COM)>

**Subject:** FW: Low hanging line at 3522 Salisbury Road

Megan,

Will you please look at this situation tomorrow to see if we can identify the cable owner? I'm confident that this isn't an APC owned cable, however we may be able to get Osmose number and look at our DistGis maps to see who may have facilities in this area.

Thanks,

**Wade Lowman** | Metro Central | Office: 205.226.1155



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**From:** Howell, Alison Dyan <[ADHOWELL@SOUTHERNCO.COM](mailto:ADHOWELL@SOUTHERNCO.COM)>

**Sent:** Tuesday, August 13, 2019 3:28 PM

**To:** Lowman, Wade <[rwwlowman@southernco.com](mailto:rwwlowman@southernco.com)>

**Cc:** Rocker, Telra Shanae <[TSROCKER@southernco.com](mailto:TSROCKER@southernco.com)>

**Subject:** Low hanging line at 3522 Salisbury Road

Wade,

Sam Gaston has asked that we take a look at a low hanging line issue at **3522 Salisbury Road, Mountain Brook**. I believe this is 12<sup>th</sup> street territory, but it looked to be right on the line.

According to Sam, AT&T and Charter have both reviewed it and do not know who the cable belongs to. See email chain below. Seems the customer is pretty upset below. Sam is curious if any of the lines on the pole are ours as well.

Thanks so much for your help!

Alison

Alison Howell Steineker  
Alabama Power Company  
m: 205-983-0209  
o: 205-226-1742

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**From:** Sam Gaston <[gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)>  
**Sent:** Tuesday, August 13, 2019 3:07 PM  
**To:** Howell, Alison Dyan <[ADHOWELL@SOUTHERNCO.COM](mailto:ADHOWELL@SOUTHERNCO.COM)>  
**Subject:** FW:

Do you might having APCO check these lines at 3522 Salisbury Road and the house next door? ATT and Charter have reviewed it.

Sam S.Gaston  
City Manager  
City of Mountain Brook, AL.  
56 Church Street  
P.O. Box 130009  
Mountain Brook AL. 35213  
(205) 802-3803 Phone  
(205) 870-3577 Fax

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**From:** WILLIAMS, TERRI Q [mailto:[tg2790@att.com](mailto:tg2790@att.com)]  
**Sent:** Tuesday, August 13, 2019 2:46 PM  
**To:** Sam Gaston  
**Subject:** Fwd: mr Walthall

FYI...per Network manager, " I have talked to Mr.Walthall and made a visit to his property. I do not know who this cable belongs to, but I am having the turf engineer check with APCO about what companies have rights on this pole.

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Also Mr. Walthall understands that it may take a week or so to ID the cable.”

Terri Williams  
Regional Director of Legislative & External Affairs  
AT&T-Alabama

Sent from my iPhone

**From:** Walthall, Robert [mailto:[rwalthall@joneswalker.com](mailto:rwalthall@joneswalker.com)]  
**Sent:** Tuesday, August 13, 2019 8:31 AM  
**To:** Sam Gaston  
**Cc:** [tg2790@att.com](mailto:tg2790@att.com)  
**Subject:**

Sam:

This is a followup on our earlier communications regarding the AT&T ground –low hanging cables on the property adjacent to my home ( see attached photos sent earlier) and the low hanging cable behind my home ( see photos of me standing under such cable) and the fact that AT&T has not corrected its unlawful and unsafe cable lines and that charter has not responded-followed up on its illegal and unsafe cable line.

Please have the City legal counsel contact each of these public companied and demand that they immediately correct their illegal and unsafe cable lines.

If these problem continue I will file a formal complaint against AT&T and Charter with the APSC and also request an appearance before the City Council to address these problems.

robert

**Robert C. Walthall** | Partner

D: 205.244.5272 | M: 205.218.4365

[RWalthall@joneswalker.com](mailto:RWalthall@joneswalker.com)



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City of  
Mountain Brook

Sam Gaston <gastons@mtnbrook.org>

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## 3522 Salisbury Road

1 message

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Sam Gaston <gastons@mtnbrook.org>  
To: Terri Gualano <terri.gualano@att.com>  
Cc: Taylor Vice <taylor.vice@charter.com>

Fri, Jul 26, 2019 at 11:15 AM

The resident at this address, Robert Walthall, call and said there were some lines hanging low behind his house and think they are AT & T lines. Also, next door to him, the lines are on the ground, but behind some bushes. His number is 244-5272.

Can you check on these lines and get them put back up. Could be cable, but he thought they were phone.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

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