

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

**CITY HALL COUNCIL CHAMBER (A108)  
56 CHURCH STREET  
MOUNTAIN BROOK, AL 35213**

**OCTOBER 24, 2022, 6:15 P.M.**

**As a matter of convenience, members of the public are invited to listen, observe and participate in public meetings by Internet video conference. Presenters and others interested in a particular matter for discussion are encouraged to attend the meeting in-person. The City is not responsible for technical issues that may occur that interfere with the virtual meeting. The City Council, at its sole discretion, may proceed with its in-person business meeting regardless of whether virtual attendees can hear and/or observe the proceedings. The City intends to make the meeting available by way of the Zoom app (re: Meeting ID 801-559-1126, password 10242022).**

1. Agreement with Spire for relocation of their line in conjunction with Field #1 fill project-Sam Gaston (See attached information. This item may be added to the formal agenda.)
2. Update on Amwaste garbage/recycling/trash service-Rick Sweeney of Amwaste
3. Board of Zoning Adjustment (BZA) appointment-Tyler Slaten (See attached information. This item may be added to the formal agenda.)
4. Conditional Use approval for Rougaroux for a rear patio use located at 2716 Culver Road in Mountain Brook Village-Tyler Slaten and Lee Rhudy (See attached information. This item may be added to the formal agenda.)
5. Facilities Maintenance agreement for city buildings-Steve Boone (See attached information. This item may be added to the formal agenda.)
6. Property at 341 Overbrook Road-Glen Merchant (See attached information.)

**SPIRE ALABAMA INC.  
FACILITY RELOCATION AND ADJUSTMENT AGREEMENT**

**BILLING INFORMATION:**

Name: Samuel Gaston Project: 200610  
 Title: City Manager Work Order: N/A  
 Organization: City of Mountain Brook, AL  
 Address: 56 Church Street P.O. Box 130009  
 City, State, Zip: Mountain Brook, AL 35213  
 Phone: 205-802-3803

The undersigned parties agree that abandonment and/or relocation of existing SPIRE ALABAMA INC. facilities, as described below, is necessary as a result of unavoidable physical conflict with work proposed by the undersigned responsible party.

SPIRE ALABAMA INC. has estimated the total cost of adjustment required to resolve said conflict, which takes into account direct costs, including labor, equipment, and materials, plus applicable overheads and related charges. The estimated costs are as follows:

Construction of new facilities to replace those in conflict:	Mains --	\$	<u>236,590.69</u>
	Services --	\$	<u>-</u>
Abandonment of existing facilities:		\$	<u>13,591.81</u>
Estimated total cost of adjustment:		\$	<u>250,182.50</u>

The Responsible party shall pay SPIRE ALABAMA INC.'s actual total cost of adjustment in accordance with the following payment terms, regardless of the amount of time that elapses between the calculation of the estimate and completion of the adjustment and whether such actual cost is greater or less than the above estimate.

Terms of payment: Payment of the estimated cost prior to the start of work with the further agreement that after work is complete, to pay any additional charges based on actual cost; provided that any payment in excess of the actual costs will be refunded by SPIRE ALABAMA INC. Terms: Net 30 days after rendition of invoice. Spire will review the actual cost for refund, if any, based on an analysis of revenue, expenses, and investment associated with this project.

Execution of this agreement authorizes SPIRE ALABAMA INC. to proceed with the abandonment and relocation work described herein and obligates the Responsible Party to reimburse SPIRE ALABAMA INC. for its actual total costs (including overheads and related charges) related thereto in accordance with the above terms of payment.

For: <u>SPIRE ALABAMA INC.</u>	For: <u>City of Mountain Brook, AL</u>
By: _____	By: _____
Name: <u>Mark Lowe</u>	Name: <u>Samuel Gaston</u>
Title: <u>Vice President, Engineering &amp; Gas Operations</u>	Title: <u>City Manager</u>
Date: _____	Date: _____

RESPONSIBLE PARTY

## Sam Gaston

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**From:** Richards, Patrick <Patrick.Richards@spireenergy.com> on behalf of Richards, Patrick  
**Sent:** Friday, October 14, 2022 7:53 AM  
**To:** Sam Gaston; Cohron, Cam; Wright, Chase; Gorenflo, Mike; Peters, Ethan  
**Cc:** Rogers, Kyle; Wilcox, Jeff  
**Subject:** RE: Mountain Brook Field Relocation (Spire)

That will work.

Thank you,

Patrick Richards  
Construction Engineer II, Construction Engineering

605 Richard Arrington Jr. Blvd N  
Birmingham, AL 35203  
[SpireEnergy.com](http://SpireEnergy.com)



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**From:** Sam Gaston <gastons@mtnbrook.org>  
**Sent:** Thursday, October 13, 2022 4:01 PM  
**To:** Richards, Patrick <Patrick.Richards@spireenergy.com>; Cohron, Cam <Cam.Cohron@spireenergy.com>; Wright, Chase <Chase.Wright@spireenergy.com>; Gorenflo, Mike <Mike.Gorenflo@spireenergy.com>; Peters, Ethan <Ethan.Peters@spireenergy.com>  
**Cc:** Rogers, Kyle <Kyle.Rogers@spireenergy.com>; Wilcox, Jeff <Jeff.Wilcox@spireenergy.com>  
**Subject:** RE: Mountain Brook Field Relocation (Spire)

No, payment after the city finishes the fill and before Spire relocates their line.

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:** Richards, Patrick [mailto:[Patrick.Richards@spireenergy.com](mailto:Patrick.Richards@spireenergy.com)]  
**Sent:** Thursday, October 13, 2022 3:40 PM  
**To:** Sam Gaston; Cohron, Cam; Wright, Chase; Gorenflo, Mike; Peters, Ethan

**Cc:** Rogers, Kyle; Wilcox, Jeff  
**Subject:** RE: Mountain Brook Field Relocation (Spire)

Hello Sam,

I'm not sure I understand if that differs from our original plan. Are you asking to relocate after pavement?

Thank you,

Patrick Richards  
Construction Engineer II, Construction Engineering

605 Richard Arrington Jr. Blvd N  
Birmingham, AL 35203  
[SpireEnergy.com](http://SpireEnergy.com)



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**From:** Sam Gaston <[gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)>  
**Sent:** Thursday, October 13, 2022 3:36 PM  
**To:** Richards, Patrick <[Patrick.Richards@spireenergy.com](mailto:Patrick.Richards@spireenergy.com)>; Cohron, Cam <[Cam.Cohron@spireenergy.com](mailto:Cam.Cohron@spireenergy.com)>; Wright, Chase <[Chase.Wright@spireenergy.com](mailto:Chase.Wright@spireenergy.com)>; Gorenflo, Mike <[Mike.Gorenflo@spireenergy.com](mailto:Mike.Gorenflo@spireenergy.com)>; Peters, Ethan <[Ethan.Peters@spireenergy.com](mailto:Ethan.Peters@spireenergy.com)>  
**Cc:** Rogers, Kyle <[Kyle.Rogers@spireenergy.com](mailto:Kyle.Rogers@spireenergy.com)>; Wilcox, Jeff <[Jeff.Wilcox@spireenergy.com](mailto:Jeff.Wilcox@spireenergy.com)>  
**Subject:** RE: Mountain Brook Field Relocation (Spire)

The city council didn't adopt this Monday night. They would like to pay the \$250,000 after the fill project is completed, but before the line is relocated. Will this work for Spire?

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:** Sam Gaston [mailto:[gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)]  
**Sent:** Thursday, September 29, 2022 3:18 PM  
**To:** Richards, Patrick; Cohron, Cam; Wright, Chase; Gorenflo, Mike; Peters, Ethan  
**Cc:** Rogers, Kyle; Wilcox, Jeff  
**Subject:** RE: Mountain Brook Field Relocation (Spire)



**CITY OF MOUNTAIN BROOK**



**Tyler Slaten**  
**Senior Planner**  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3811  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

DATE: October 24, 2022

TO: Mayor, City Council & City Manager

FROM: Tyler Slaten, City Planner

RE: BZA Term Appointment

Scott Boomhover's BZA term expired on October 14, 2022; Mr. Boomhover has expressed a wish to continue to serve on BZA, and the BZA members have unanimously recommended that he renew for another term.

# E. Hunter Nichols, Esq.

205-613-3513 ehunternichols@gmail.com

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## **CAREER OBJECTIVE**

Results-driven professional with years of experience in nonprofit management, law, communications and business seeking an executive position. I have worked in many different areas of law, raised millions of dollars for local charities and have worked for national organizations to help craft and deliver a message. I have dealt with employees, logistics, budgeting, marketing, sales and other complex situations across the country. With years of experience in a number of different areas, I have the creativity and strategic thinking to be adaptable in the marketplace and bring results.

## **SKILLS**

Writing	Strategic Communications	Risk Management and Compliance
Recruitment	Public Speaking	Event Management
Leadership	Dispute Resolution	Project Management
Development	Litigation/Discovery	Fundraising

## **EDUCATION**

### **Cumberland School of Law, Samford University**

Juris Doctor

### **Auburn University**

Bachelor of Arts in Mass Communication, Business Concentration

## **EXPERIENCE**

### **Hunter Nichols Attorney at Law 2012-Present**

*Attorney/Consultant*

- Conduct large-scale trial discovery preparation for major companies and legal memoranda regarding various legal issues.
- Provide guidance on matters regarding Real Estate Commercial/Residential, Nonprofit Fundraising, Business, Compliance, Employment/Human Resources, Trial Discovery, and Alternative Dispute Resolution.

### **Equal Employment Opportunity Commission 2012-2013**

*Clerk, Mediation and Legal Division*

- Research and analysis of pending cases for Legal Division and participate in mediation with Charging Party and Respondent.

### **10th Judicial Circuit of Alabama State Court Summer 2011**

*Clerk, Judge Teresa Pulliam, Criminal Division*

- Performed legal research on capital murder punishment and Alabama Rules of Criminal Procedure Rule 32 motions.
- Analyzed various motions and relayed opinions to Judge while also observing pretrial practices and jury trials.

### **Alabama State Bar Summer 2010**

*Clerk, Volunteer Lawyers Program*

- Performed client interviews and evaluated cases for representation. Developed educational and promotional materials.

### **Laps for Cystic Fibrosis Foundation 2009-2010**

*Director, Splash for Cystic Fibrosis*

- Managed and recruited for nationwide fundraising and outreach campaign benefiting hospitals and children with cystic fibrosis and tailored regional campaigns to local economic conditions to optimize performance. Left to start law school.

### **National Multiple Sclerosis Society 2006-2009**

*Development Manager*

- Managed numerous fundraising events across Alabama raising millions of dollars. Responsible for organizing, community relations, logistics, media, event management, and public relations. Recruit staff. Participated in capital campaigns, grant development and major gifts.

**Appalachian University Systems 2003-2006**

*Quality Assurance Liaison*

- Liaison for development companies and supervised mass installation logistics at colleges throughout country to ensure adherence to deadlines.
- Managed, recruited and trained staff to effectively complete assignments.

**United States Golf Association 2002-2003**

*P.J. Boatwright Fellow*

- Chosen for selective one-year fellowship to organize and operate USGA tournaments.
- Implemented major website/electronic database overhaul, marketing campaign and increase in media participation.
- Managed staff for multiple statewide tournaments.

**CNN, Features Department 2001-2002**

*Unit Clerk, Sci/Tech and Environmental Unit*

- Involved in research, writing, video editing and filming of segments for Environmental and Technology feature shows.

**ACTIVITIES AND SERVICE**

Boy Scouts Troop 96 alumni and supporter  
Associate Deacon, Mountain Brook Baptist Church  
Birmingham Hospitality Network volunteer  
VSA of Alabama Special Needs Artist  
Youth Sports Coach

**Eagle Scout Award**



# BRADLEY J. CAIN

2916 Pump House Road, Birmingham, AL. 35243  
(p): 205.807.2430  
(e): bradleyjcain@gmail.com

## PROFESSIONAL EXPERIENCE

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**NAPHCARE, INC., BIRMINGHAM, AL.** **2007 to present**  
*Executive Vice President & Chief Legal Officer*

- ★ *Serve as chief legal officer, compliance officer, secretary and operational strategist for national 2000+ employee company transacting business and providing health services in over 30 states*
- ★ *Ensure compliance of all federal, state and local regulations governing the provision of health care, electronic health records, pharmaceutical distribution, governmental contracting, software services, intellectual property, employment, and general business practices*
- ★ *Assisted with significant growth of company's revenues over the last ten years by implementation of proactive policies and procedures, contract compliance measures, and risk and litigation management protocols*
- ★ *Direct responsibility for company's Legal, Employee Benefits, Insurance and Aviation Departments*
- ★ *Oversight of transactional matters, request for proposal responses, risk management, multi-jurisdiction litigation management, corporate compliance, traditional insurance coverage for business operations as well as captive insurance management*
- ★ *Provide daily strategic guidance to Operations, Sales, Marketing, Human Resources and IT Departments to ensure daily operational, risk management and contract compliance*
- ★ *Oversee all labor and employment matters including union collective bargaining agreement compliance*
- ★ *Oversight of company lobbying activities and lobbying compliance throughout the United States*

**CARR ALLISON, BIRMINGHAM, AL.** **2005 to 2007**  
*Attorney*

**WAINWRIGHT, POPE & McMEEKIN, BIRMINGHAM, AL.** **2003 to 2005**  
*Attorney*

**10<sup>TH</sup> JUDICIAL CIRCUIT, STATE OF ALABAMA, BIRMINGHAM, AL.** **2002 to 2003**  
*Law Clerk to the Hon. J. Scott Vowell, Presiding Judge*

## EDUCATION

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- |             |  |
|-------------|--|
| <b>2010</b> | <b>Graduate Certificate</b><br><i>The University of North Carolina at Chapel Hill, Kenan-Flagler Business School</i> |
| <b>2002</b> | <b>Juris Doctor</b><br><i>Birmingham School of Law</i>   |
| <b>1999</b> | <b>Bachelor of Science</b><br><i>Troy University</i>   |

## BAR ADMISSIONS

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- ★ *Alabama*
- ★ *District of Columbia*

## **ORGANIZATIONS AND MEMBERSHIPS**

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- ★ *Admitted to the United States District Court for the Northern District of Alabama*
- ★ *Admitted to the United States District Court for the Middle District of Alabama*
- ★ *Admitted to the United States District Court for the Southern District of Alabama*
- ★ *Admitted to the United States Circuit Court of Appeals, Eleventh Circuit*
- ★ *Registered Mediator with Alabama Center for Dispute Resolution*
- ★ *American Bar Association-Member*
  - ★ *Vice Chair-ABA YLD Corporate Counsel Committee, 2010-2012*
  - ★ *Chair-ABA YLD Health Law Committee, 2008-2009*
  - ★ *Vice Chair-ABA YLD Labor and Employment Committee, 2006-2008*
- ★ *Alabama State Bar Judicial Liaison Committee, 2009-2010*
- ★ *Birmingham Bar Association-Member*
  - ★ *Birmingham Bar Association Grievance Committee, 2016, 2017, 2018*
  - ★ *Birmingham Bar Association Medical Liaison Committee, 2006, 2009-2011, 2014, 2015*
  - ★ *Birmingham Bar Association Fee Arbitration Committee, 2013*
  - ★ *Birmingham Bar Association Crisis Relief Committee, 2012*
  - ★ *Birmingham Bar Association Attorney Transition Committee, 2011*
  - ★ *Birmingham Bar Association Future Leaders Task Force, 2010*
  - ★ *Birmingham Bar Association Joint Services Activities Task Force, 2010*
  - ★ *Birmingham Bar Association Fee Arbitration Committee, 2007*
  - ★ *Birmingham Bar Association Membership Committee, 2005*
- ★ *Defense Research Institute-Member*
  - ★ *Defense Research Institute-Liaison for YL Workers' Compensation Committee, 2005*
  - ★ *Council on Litigation Management Professional Liability Committee, 2009-2013*
- ★ *Alabama Defense Lawyers Association-Member*

## **ACCOMPLISHMENTS & COMMUNITY ACTIVITIES**

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- ★ *Alabama Electronic Overseas Voting Advisory Committee Member-Appointed by Governor*
- ★ *Named C-Suite award winner by Birmingham Business Journal*
- ★ *Named Outstanding Corporate Counsel by Birmingham Business Journal*
- ★ *Named Top Attorney in health care category by Birmingham Magazine*
- ★ *Martindale-Hubbell AV Preeminent Rating*
- ★ *Children's Hospital of Alabama Committee for the Future Class of 2015-Member*
- ★ *UAB Leadership Class of 2011-Member*
- ★ *UAB Professional Advisory Council-Member 2011-2013*
- ★ *Jefferson-Blount-St. Clair Mental Health Authority-Board Member*
- ★ *Birmingham MS Leadership Class Advisory Council-Member*
- ★ *Birmingham MS Leadership Class of 2010-Member*
- ★ *Birmingham Bar Association Future Leaders Forum, Inaugural Class of 2009*
- ★ *Birmingham Volunteer Lawyers Program-Pro Bono Volunteer*
- ★ *Kid One Transport-Board Member and current Board President*
- ★ *Hand in Paw-Junior Board Member 2009-2014*
- ★ *Episcopal Diocese of Alabama Companion Diocese of Haiti Commission-Board Member*
- ★ *Episcopal Place-Board Member and current Board President*
- ★ *Episcopal Place Gumbo Gala Co-Chair for 2014 and Chair for 2015*



## Sam Gaston

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**From:** Christopher Mullins <mullinsc@mtnbrook.org> on behalf of Christopher Mullins  
**Sent:** Friday, October 21, 2022 12:00 PM  
**To:** Sam Gaston; Steve Boone; Stewart Welch; Alice Womack; VIRGINIA C SMITH; Gerald Garner; Billy Pritchard; Lloyd Shelton, Cpa; gsmithwlu@gmail.com  
**Cc:** Leland Rhudy; Jaye Loggins; Ronald Vaughn  
**Subject:** Fwd: Message from KM\_C558  
**Attachments:** Culver Alley - Emergency Access Lane & Parking Plan.pdf

Good morning everyone!

I am going to try and make a very long story as brief as possible.

Basically, Chief Rhudy and I have a plan to present that we believe to be a fair compromise for all (or at least most) parties. We have taken into account the need for parking, the request by Mr. Friedman for the rear patio and the overarching priority of access into the alleyway by public safety vehicles. We fully understand the NEED for parking spaces in the Village and have worked hard to maintain areas for parking in the alleyway.

We are proposing to have the entire ROW in the alley (with the exception for one parking space) designated as a fire lane and have it striped and marked accordingly (see attachment).

After discussions with Mr. Friedman, he agreed to re-visit his original plan for the patio. He and his architect (Andrew Taylor) worked with us to set the patio back from the property line several feet, which allowed us more flexibility with access. In doing so, it will provide enough clear width for one parallel parking space in the rear of Table Matters. This would be the only space allowed in the ROW. Please understand that this is an attempt at a FIX or work-around for an area that was probably never designed or built to code and it would be near impossible to bring this area up to current code. This fix is not pretty but it is rooted in common sense and gives us enough room to access the rear of the structures.

We drove one of our pumpers in the alleyway this week to confirm that the access is adequate and we feel comfortable that it is. I will forward an email with pictures for your review.

I spoke with Ronnie Vaughan and he said that he would help us with the ROW striping.

Please let me know if you have any questions or if I need to clarify anything.

Just a side note: Andrew Taylor provided the map with the ROW striping layout, which was very helpful. He included a layout for additional parking spaces but this is not part of our plan. I am only concerned with vehicles NOT parking in the ROW (with the one exception).

Thank you!





Proposed Plan

**CULVER ALLEY EMERGENCY ACCESS LANE & PARKING PLAN**

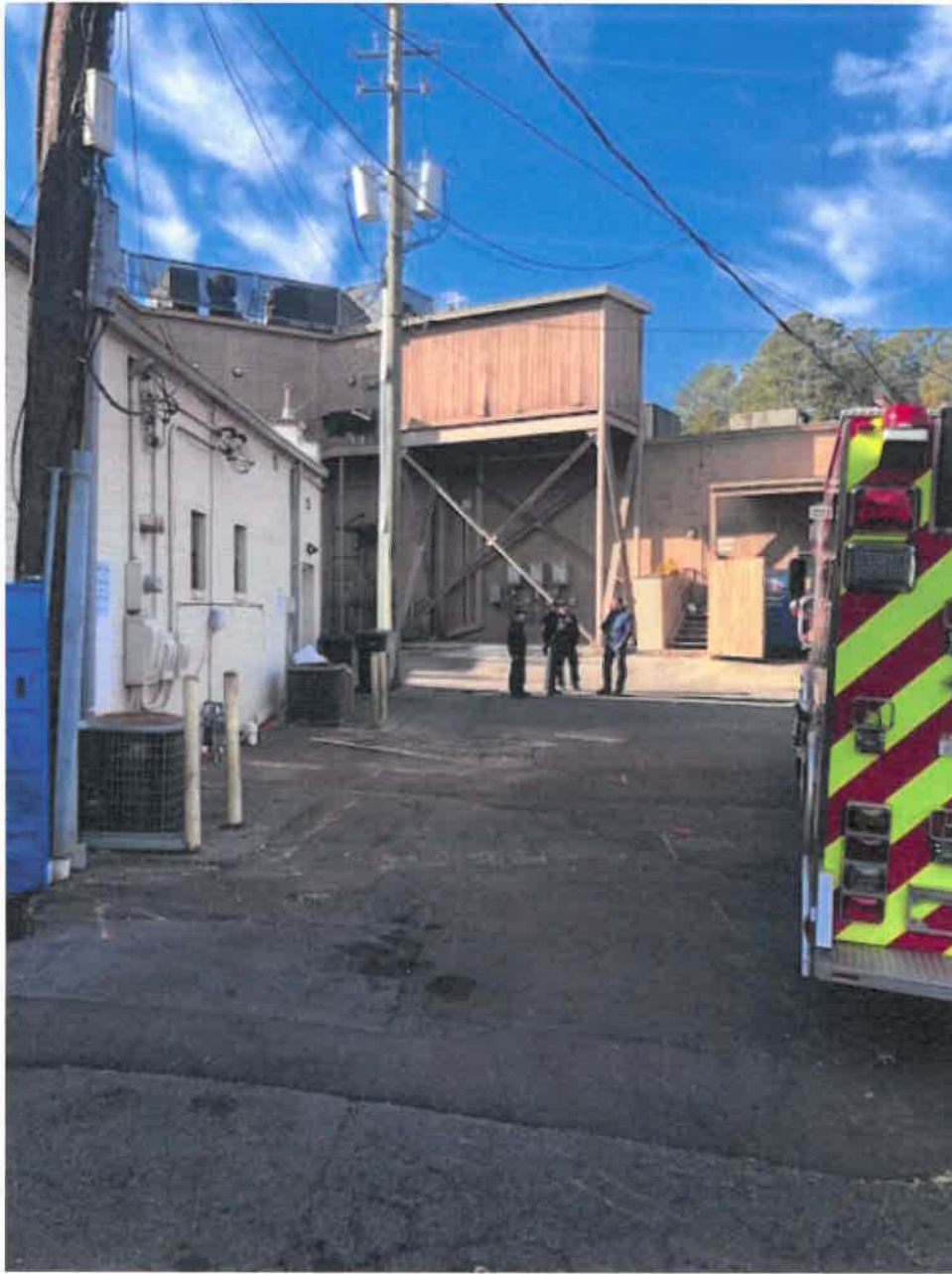
October 20th, 2022  
City of Mountain Brook





















October 17, 2022

Steve Boone  
Assistant City Manager  
Finance Manager  
City of Mountain Brook  
56 Church Street  
Mountain Brook, Alabama 35213

Re: Facilities and management consulting and maintenance

Dear Steve,

Lemoine Program Services is please to offer you and the City of Mountain Brook a proposal for facilities management consulting and maintenance for your facilities. Our proposal is based upon our meeting on August 17 along with the attached qualifications and assumptions. Lemoine is well positioned to service the City of Mountain Brook with our construction and design industry experience. Our collective resume's and subject matter expertise give us the knowledge and experience to address and resolve building and system issues as well as assist on long term capital projects in an advisory capacity. We have partnered with and are offering routine maintenance services that can address issues on a daily or weekly basis as the need arises.

I am proposing that Lemoine perform these services on an hourly basis for a period of six months and then assess the relationship and roles at that time. Recognizing that there is a ramp up and learning curve time period for the first couple of weeks, this allows our two entities to gain working knowledge and relationship and allow that to build and gain momentum as a team.

On a personal note, as a lifelong Mountain Brook resident, it is both a privilege and an honor to have the opportunity to serve the city that I call home in this capacity. If offered the opportunity, I personally pledge to ensure that this is a successful venture for the City of Mountain Brook.

This proposal can be accepted by signature of this letter.

Yours truly,

Jack Darnall

Stephen Boone  
Assistant City Manager  
City of Mountain Brook



**LEMOINE PROGRAM MANAGEMENT (LPS)**  
**PROGRAM SERVICES CONSULTING**  
**Proposal for Services**

1. LPS proposes to perform Facility Program and Management Consulting services for to be billed at hourly rates as follows:
  - Maintenance - \$85/hour
  - Assistant Program Manager - \$100/hour
  - Senior Program Manager - \$250/hour
  - Superintendent - \$200/hour
  - Principal - \$350/hour
2. Service level is based upon an average of services provided by several different levels of professional services. We estimate that an average of 6 hours per week will be required for routine maintenance items that will be self performed repairing minor items as they occur (miscellaneous carpentry items, light fixture ballast, light plumbing, and normal general maintenance.) This does not include any janitorial services for either interior or exterior areas of existing buildings
3. Facility Management consulting services are included for capital repairs, long term building system solutions and ongoing building warranty or performance related issues. Our assumption is that an average of four hours per week of either Management or Principal time will be involved in this portion of the work. The work will involve assessing various situations, providing recommendations for resolutions, facilitate the hiring of specialty firms as required to help assess potential solutions and remedies. Solicitation of pricings and recommendations for how to proceed will be made, implemented, and managed by LPS. LPS will follow City of Mountain Brook protocols for solicitation of proposals and recommendations for awards during this process.
4. Regular reporting of activities will be made in a formal manner to the required parties for maintenance items on a monthly basis. Regular reporting on capital projects and system repairs and related issues will be either reported in a similar fashion or on a project by project basis. This reporting can be done monthly.
5. If required, we can make reporting presentations to any governing authority for Mountain Brook as directed.
6. LPS will furnish a single point of contact for both areas of work, and coordinate the activities of all of its personnel accordingly. When the work includes outside firms or third party firms, LPS will coordinate the work in a similar fashion.

7. Fees will be billed monthly with invoice amounts due in 30 days.
8. Reimbursable expenses will be billed separately but not incurred without prior approval from the City of Mountain Brook. These expenses include, but are not limited to, the following: extraordinary travel costs, blue print and document printing, third party fees (if not paid directly by Mountain Brook), and related items. We do not anticipate that we will incur many of these types of expenses.
9. Professional services are for six months. The agreement can be ended by the City of Mountain Brook at any time. After six months, both sides will evaluate the services being provided to ensure that they are meeting respective expectations. Assuming so, then this agreement can be continued at increments of time as desired by the City of Mountain Brook.
10. Both the City of Mountain Brook and LPS agree not to pursue each entities personnel while this agreement is in place.
11. Services performed in response to repair and service calls too shall be billed at hourly rates. Service and repair calls that indicate projects exceeding \$50,000 to be performed either by Lemoine or by independent contractors shall require bidding pursuant to the Alabama Bid Law. Lemoine may be asked to manage such projects performed by independent contractors at its hourly rates.



Janet Forbes &lt;forbesj@mtnbrook.org&gt;

**Re: Abandoned House- on Overbrook Road right across the roadway entrance from CANTERBURY CHURCH**

1 message

**Glen Merchant** <merchantg@mtnbrook.org>

Wed, Sep 21, 2022 at 9:57 AM

To: Sam Gaston &lt;gastons@mtnbrook.org&gt;, Dana Hazen &lt;hazend@mtnbrook.org&gt;, Janet Forbes &lt;forbesj@mtnbrook.org&gt;

**341 Overbrook Rd.**

Janet and I met earlier today regarding our file on this property. Previously we have requested that our Police Department see what information may be available from the DEA case from several years ago when the homeowner was arrested in a federal court case. At that time the renovation contractor boarded the home at my request at his own expense to secure the property. The home is not in poor condition on the exterior of the structure. The interior however is in a base stage before plumbing and electrical fixtures have been replaced usually after drywall and painting. Janet and I discussed sending a new letter regarding our Public Nuisance Ordinance and an old ordinance regarding building sanitation and condition. A letter was sent on 8/19 and 9/16 regarding the weeds and grass to be maintained accordingly with our Public Nuisance Ordinance. More investigation will begin on the sanitation of the structure to provide documentation for the ordinance violations regarding the abandoned structure for a court summons for the ordinance violation of the owner. I am also planning to contact the Texas Secretary of State in regards to an LLC who paid the taxes so that we can obtain the registered agent for the LLC.

Best Regards,

Glen Merchant  
Building Official205/802-3812 Office  
City of Mountain Brook, AL.  
56 Church Street  
Mountain Brook, AL 35213

On Fri, Apr 29, 2022 at 1:33 PM Sam Gaston &lt;gastons@mtnbrook.org&gt; wrote:

We can have Glen check it and let us know if they are in violation so we can send a notice of compliance.

Samuel 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

-----Original Message-----

From: Nimrod Long [mailto:nimrod@nimrodlong.com]

Sent: Friday, April 29, 2022 1:00 PM

To: Sam Gaston; Dana Hazen; Stewart Welch III

Cc: Kitratom

Subject: Abandoned House- on Overbrook Road right across the roadway entrance from CANTERBURY CHURCH





**CITY OF MOUNTAIN BROOK**

56 Church Street  
P.O. Box 130009  
Mountain Brook, Alabama 35213  
Telephone: 205.802.3803  
Fax: 205.870.3577  
gastons@mtnbrook.org

SAM S. GASTON  
CITY MANAGER

**August 19, 2022**

Samantha Garcia  
1501 Esperanza Avenue  
Hidalgo, TX 78557

Dear Mrs. Garcia:

It has come to the City's attention that your property at **341 Overbrook Road** in Mountain Brook is in serious need of attention and is in violation of Ordinance 2032, Section 3 of the Mountain Brook City Code. Specifically, the weeds and bushes need to be cut. I have attached a copy of this Code section for your review.

You have ten (10) days from receipt of this letter to bring your property into compliance with the City Code. Failure to do so may result in legal action by the City of Mountain Brook.

I would like to thank you in advance for your cooperation. If you have any questions regarding this matter, please feel free to contact Glen Merchant, Building Official at [merchantg@mtnbrook.org](mailto:merchantg@mtnbrook.org) or 205-802-3812.

Sincerely,

Sam S. Gaston  
City Manager

U.S. Postal Service™ <b>CERTIFIED MAIL® RECEIPT</b> <span style="float: right;">SG</span> Domestic Mail Only	
For delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a> .	
OFFICIAL USE	
Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____ Postage \$ _____ Total Postage and Fees \$ _____	
Sent To: <b>Samantha Garcia</b> Street and Apt. No., or P.O. Box No.: <b>1501 Esperanza Ave.</b> City, State, ZIP+4: <b>Hidalgo, TX 78557</b>	
PS Form 3800, April 2013 PSN 7530-02-000-9007 See Reverse for Instructions	

7019 2970 0000 1613 6756

**PARCEL #:** 28 00 09 2 001 001.000  
**OWNER:** GARCIA SAMANTHA  
**ADDRESS:** 1501 ESPERANZA AVE HIDALGO TX 78557  
**LOCATION:** 341 OVERBROOK RD AL 35223

[ 111-C+ ] Baths: 4.0 H/C Sqft: 3,136  
 15-009.0 Bed Rooms: 4 Land Sch: G2  
 Land: 300,000 Imp: 354,100 Total: 654,100  
 Acres: 0.000 Sales Info: 12/01/2021 \$250,000

<< Prev Next >> [ 1 / 0 Records ] Processing...

Tax Year : 2022 v

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

**SALES INFORMATION**

**SALES HISTORY:**

Sale Date	Price	Deed	Grantor	Grantee
12/1/2021	\$250,000	<a href="#">2021139156</a>	GARCIA SAMANTHA	JIMENEZ ROMERO ENTERPRICE LLC
12/15/2020	\$202,111	<a href="#">2020145857</a>	GARCIA ROSA ESCALANTE	GARCIA SAMANTHA
8/22/2019	\$399,000	<a href="#">2019092792</a>	COSBY HAMILTON	GARCIA ROSA ESCALANTE
9/1/2003	\$316,000	<a href="#">200314006763</a>		

**PROPERTY OWNERSHIP HISTORY:**

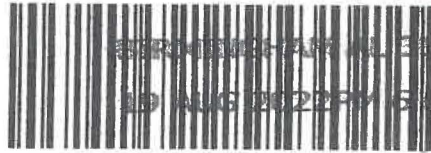
Tax Year	Entity Name.	Mailing Address
2023	JIMENEZ ROMERO ENTERPRISE, LLC	1501 ESPERANZA AVE, HIDALGO TX - 78557
2022	GARCIA SAMANTHA C/O JIMENEZ ROMERO ENTERPRISE, LLC	1501 ESPERANZA AVE, HIDALGO TX - 78557
2021	GARCIA ROSA ESCALANTE C/O GARCIA SAMANTHA	1611 W IGNACIO, ALTON TX - 78573
2020	GARCIA ROSA ESCALANTE	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2019	COSBY HAMILTON C/O GARCIA ROSA ESCALANTE	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2018	SILER JAMES H C/O COSBY HAMILTON	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2017	SILER JAMES H	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2016	SILER JAMES H	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2015	SILER JAMES H	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2014	SILER JAMES H	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2013	SILER JAMES H	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2012	SILER JAMES H	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2011	SILER JAMES H	341 OVERBROOK RD, MOUNTAIN BRK AL - 35213-4319
2010	SILER JAMES H	341 OVERBROOK RD, BIRMINGHAM AL - 35213-4319
2009	SILER JAMES H	341 OVERBROOK RD, BIRMINGHAM AL - 35213-4319
2008	SILER JAMES H	341 OVERBROOK RD, BIRMINGHAM AL - 35213-4319
2007	SILER JAMES H	341 OVERBROOK RD, BIRMINGHAM AL - 35213-4319
2006	SILER JAMES H	341 OVERBROOK RD, BIRMINGHAM AL - 35213-4319
2005	SILER JAMES H	341 OVERBROOK RD, BIRMINGHAM AL - 35213-4319
2004	SILER JAMES H	341 OVERBROOK RD, BIRMINGHAM AL - 35213-4319





**CITY OF MOUNTAIN BROOK**  
P.O. Box 130009  
Mountain Brook, Alabama 35213-0009

**CERTIFIED MAIL**



FROM MOUNTAIN BROOK AL 350  
19 AUG 2022 PM 5

7019 2970 0000 1613 6756



08/19/2022  
034A 0081801304

**FP** USA  
\$0

*Re Fusect.*  
*ANK*

Samantha Garcia  
1501 Esperanza Avenue  
Hidalgo, TX 79555

NIXIE 782 FE 1 0008/30/22  
RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD  
BC: 35213000909 \*1924-00991-19-43

ANK

~~7019 2970 0000~~



**CITY OF MOUNTAIN BROOK**

56 Church Street  
P.O. Box 130009  
Mountain Brook, Alabama 35213  
Telephone: 205.802.3803  
Fax: 205.870.3577  
gastons@mtnbrook.org

SAM S. GASTON  
CITY MANAGER

September 19, 2022

Jimenez Romero Enterprise LLC  
1501 Esperanza Avenue  
Hidalgo, TX 78557

**To Whom it May Concern:**

It has come to the City's attention that your property at **341 Overbrook Road** in Mountain Brook is in serious need of attention and is in violation of Ordinance 2032, Section 3 of the Mountain Brook City Code. Specifically, the weeds and bushes need to be cut. I have attached a copy of this Code section for your review.

You have ten (10) days from receipt of this letter to bring your property into compliance with the City Code. Failure to do so may result in legal action by the City of Mountain Brook.

I would like to thank you in advance for your cooperation. If you have any questions regarding this matter, please feel free to contact Glen Merchant, Building Official at [merchantg@mtnbrook.org](mailto:merchantg@mtnbrook.org) or 205-802-3812.

Sincerely,

*Sam Gaston*  
Sam S. Gaston  
City Manager

7019 2970 0000 1613 6770

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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$

Sent to Jimenez Romero Enterprises LLC  
Street and Apt. No., or P.O. Box No. 1501 Esperanza Avenue  
City, State ZIP+4® Hidalgo, TX 78557

PS Form 3800, April 2015 PSN 753012-200-9047 See Reverse for Instructions

SEP 16 2022  
35213-0999

**TEXAS SECRETARY of STATE**  
**JOHN B. SCOTT**

**BUSINESS ORGANIZATIONS INQUIRY - VIEW ENTITY**

**Filing Number:** 804086592      **Entity Type:** Domestic Limited Liability Company (LLC)  
**Original Date of Filing:** May 27, 2021      **Entity Status:** In existence  
**Formation Date:** N/A  
**Tax ID:** 32079444819      **FEIN:**  
**Duration:** Perpetual

**Name:** JIMENEZ ROMERO ENTERPRICE LIMITED LIABILITY COMPANY  
**Address:** 1501 ESPERANZA AVE  
HIDALGO, TX 78557-3427 USA

<a href="#">REGISTERED AGENT</a>	<a href="#">FILING HISTORY</a>	<a href="#">NAMES</a>	<a href="#">MANAGEMENT</a>	<a href="#">ASSUMED NAMES</a>	<a href="#">ASSOCIATED ENTITIES</a>	<a href="#">INITIAL ADDRESS</a>
<b>Last Update</b>	<b>Name</b>	<b>Title</b>	<b>Address</b>			
May 27, 2021	JORGE A JIMENEZ	Managing Member	1501 ESPERANZA AVE HIDALGO, TX 78557 USA			

**Instructions:**

- To place an order for additional information about a filing press the 'Order' button.



**CITY OF MOUNTAIN BROOK**

56 Church Street  
P.O. Box 130009  
Mountain Brook, Alabama 35213  
Telephone: 205.802.3803  
Fax: 205.870.3577  
gastons@mtnbrook.org

SAM S. GASTON  
CITY MANAGER

September 22, 2022

Jimenez Romero Enterprise LLC  
c/o Jorge A. Jimenez  
1501 Esperanza Avenue  
Hidalgo, TX 78557

Dear Mr. Jimenez:

It has come to the City's attention that your property at **341 Overbrook Road** in Mountain Brook, Alabama is in serious need of attention and is in violation of Ordinance 50, Section 22-3 and Ordinance 2032, Section 3 of the Mountain Brook City Code. Specifically, the dwelling must be maintained in a safe and sanitary condition, and the grass and weeds need to be cut. I have attached a copy of these Code sections for your review.

You have ten (10) days from receipt of this letter to bring your property into compliance with the City Code. Failure to do so may result in legal action by the City of Mountain Brook.

I would like to thank you in advance for your cooperation. If you have any questions regarding this matter, please feel free to contact Glen Merchant, Building Official at [merchantg@mtnbrook.org](mailto:merchantg@mtnbrook.org) or 205-802-3812.

Sincerely,

Sam S. Gaston  
City Manager

Cc: Glen Merchant

7019 2970 0000 1613 6787

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<b>OFFICIAL USE</b>	
Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	\$
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$
Total Postage and Fees	\$
Sent To	Jimenez Romero Enterprise, LLC
Street and Apt. No. or PO Box No.	90 Jorge A. Jimenez, 1501 Esperanza Ave
City, State, ZIP+4®	Hidalgo, TX 78557
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

SEP 22 2022  
Postmark Here  
35213-9998





**CITY OF MOUNTAIN BROOK**  
P.O. Box 130009  
Mountain Brook, Alabama 35213-0009

**CERTIFIED MAIL**



7019 2970 0000 1613 6770



09/16/2022  
034A 0081801304

*Refused  
N/A*

Jimenez Romero Enterprise LLC  
1501 Esperanza Avenue  
Hidalgo, TX 78557

NIXIE 782 FE 1 0010/02/  
RETURN TO SENDER  
ATTEMPTED - NOT KNOWN  
UNABLE TO FORWARD  
BC: 35213000909 \*1924-05384-16

ANK:  
78557-0009





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## 341 Overbrook Road - Complaint (Grass, etc)

---

Jason Rhoads <rhoadsj@mtnbrook.org>

Thu, Sep 8, 2022 at 10:41 AM

To: Glen Merchant <merchantg@mtnbrook.org>

Cc: Jason Carmack <carmackj@mtnbrook.org>

I spoke with a contact at the DEA. He said the house was involved with a DEA case back in 2019 but it was not seized by the DEA. The person they show in their reports as the owner is Rosa Escalante Garcia with an address of 1028 North Fulton Street, Fresno, CA 93728. Zillow shows that address last sold 12/2021.

[Quoted text hidden]



**CITY OF MOUNTAIN BROOK**

56 Church Street  
P.O. Box 130009  
Mountain Brook, Alabama 35213  
Telephone: 205.802.3803  
Fax: 205.870.3577  
gastons@mtnbrook.org

**SAM S. GASTON**  
CITY MANAGER

September 22, 2022

**Rosa Escalante Garcia**  
1028 North Fulton Street  
Fresno, CA 93728

Dear Ms. Garcia:

It has come to the City's attention that your property at **341 Overbrook Road** in Mountain Brook, Alabama is in serious need of attention and is in violation of Ordinance 50, Section 22-3 and Ordinance 2032, Section 3 of the Mountain Brook City Code. Specifically, the dwelling must be maintained in a safe and sanitary condition, and the grass and weeds need to be cut. I have attached a copy of these Code sections for your review.

You have ten (10) days from receipt of this letter to bring your property into compliance with the City Code. Failure to do so may result in legal action by the City of Mountain Brook.

I would like to thank you in advance for your cooperation. If you have any questions regarding this matter, please feel free to contact Glen Merchant, Building Official at [merchantg@mtnbrook.org](mailto:merchantg@mtnbrook.org) or 205-802-3812.

Sincerely,

**Sam S. Gaston**  
City Manager

Cc: **Glen Merchant**

7019 2970 0000 1613-6794

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy) \$ _____	
<input type="checkbox"/> Return Receipt (electronic) \$ _____	
<input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	
<b>Total Postage and Fees</b> \$ _____	
Sent To <i>Rosa Escalante Garcia</i> Street and Apt. No. or PO Box No. <i>1028 North Fulton Street</i> City, State, ZIP+4® <i>Fresno, CA 93728</i>	
PS Form 3800, April 2015 E-5775-02-000-8017 See Reverse for Instructions	