

MEMORANDUM OF AGREEMENT BETWEEN
THE CITY OF MONTGOMERY, MONTGOMERY REGIONAL AIRPORT, ALABAMA AIR
NATIONAL GUARD AND MAXWELL AIR FORCE BASE
FOR
NOTIFICATION OF ACTIONS PERTAINING TO INDUSTRIAL PROJECTS
IN SUPPORT OF MILITARY COMPATIBILITY
NUMBER: FB3300-22170-001

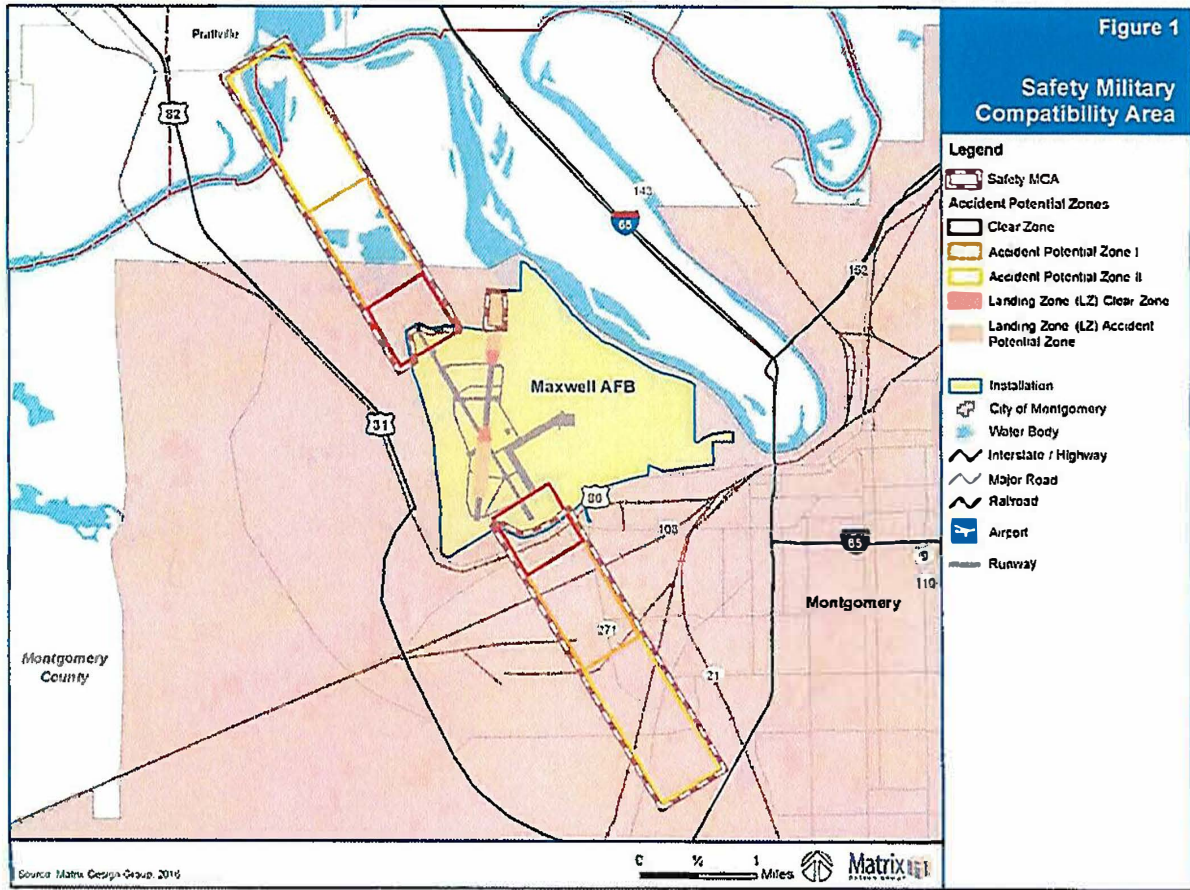
1. This is a Memorandum of Agreement (MOA) between the City of Montgomery (hereinafter referred to as “the City”), Montgomery Regional Airport (hereinafter referred to as “the Airport”), Alabama Air National Guard (hereinafter referred to as “the Guard”) and Maxwell Air Force Base (hereinafter referred to as “Maxwell”). When referred to collectively, the City, the Airport, the Guard and Maxwell are referred to as the “Parties.”
2. **BACKGROUND:** On 18 February 2014, Alabama legislature and the Governor enacted into law the Military Land Use Planning Act, which states “Each local government whose territorial boundaries are within two miles of all or any portion of a military installation shall provide written notice to the military installation’s commanding officer and the flying mission commanding officer if applicable, or their designees, of any local impact issue.”

Subsequently, a Joint Land Use Study (JLUS) for Maxwell AFB-Gunter Annex and surrounding cities and counties was completed in 2017. The JLUS includes recommendations to enhance compatible development between Maxwell, the Airport, the Guard and its neighboring communities by establishing Military Compatibility Areas (MCAs) – where military activities have an impact on the surrounding community and where activities in a community can impact military operations. The individual MCAs are:

- Safety MCA (Figure 1)
- Bird / Wildlife Aircraft Strike Hazards (BASH) MCA (Figure 2)
- Vertical Obstruction Awareness Area (Figure 3)
- Gunter Annex MCA (Figure 4)

It should be noted that per the authority of Alabama Code Section 11-52-30, the City of Montgomery has planning jurisdiction extending up to three (3) miles beyond its corporate limits within unincorporated Montgomery County where the provisions of this MOA would apply. These areas are not depicted on the MCA Maps.

3. **AUTHORITIES:** ALA. CODE §§ 11-106-1 – 11-106-5 and the Montgomery-Maxwell AFB Joint Land Use Study.
4. **PURPOSE:** To ensure targeted, effective, and proactive communication and mutual cooperation between the City, the Airport, the Guard and Maxwell in regard to approval decisions and appeals to the Board of Adjustment for new or expanding industrial development projects and associated physical improvements that could affect the military’s ability to execute its mission. The following notification procedures are intended to provide timely receipt, review and comment by the Airport, the Guard and Maxwell on actions early in the deliberation process and by the City prior to any approval, subject to the City’s review and approval process.



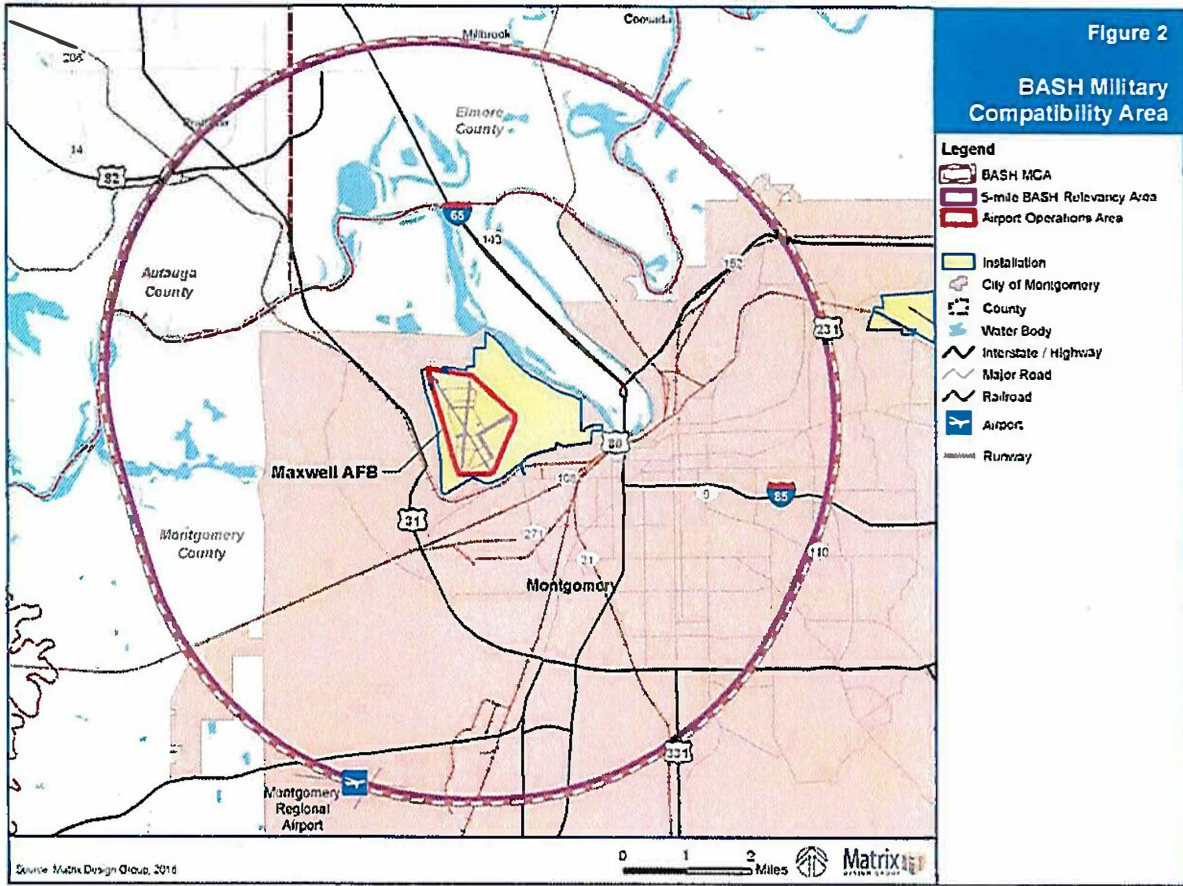


Figure 3

Vertical Obstruction Awareness Area

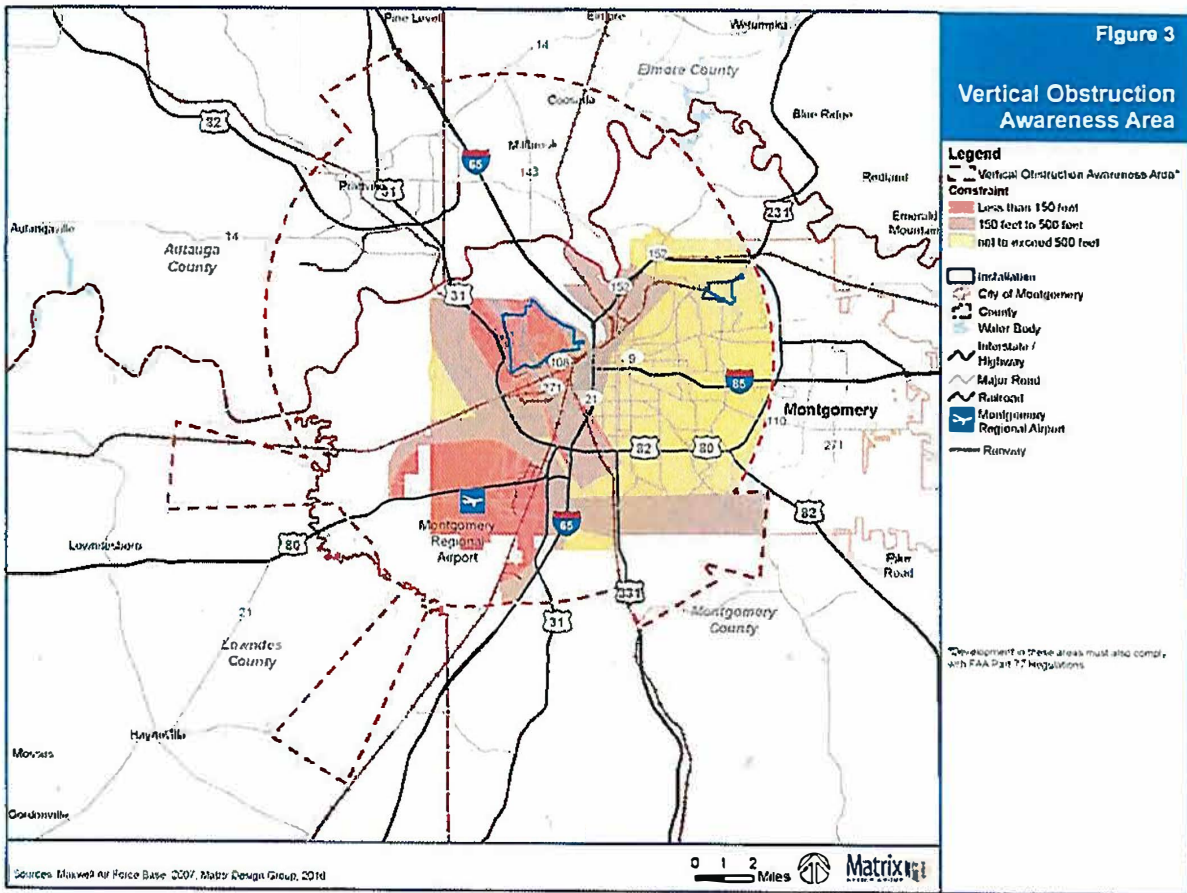
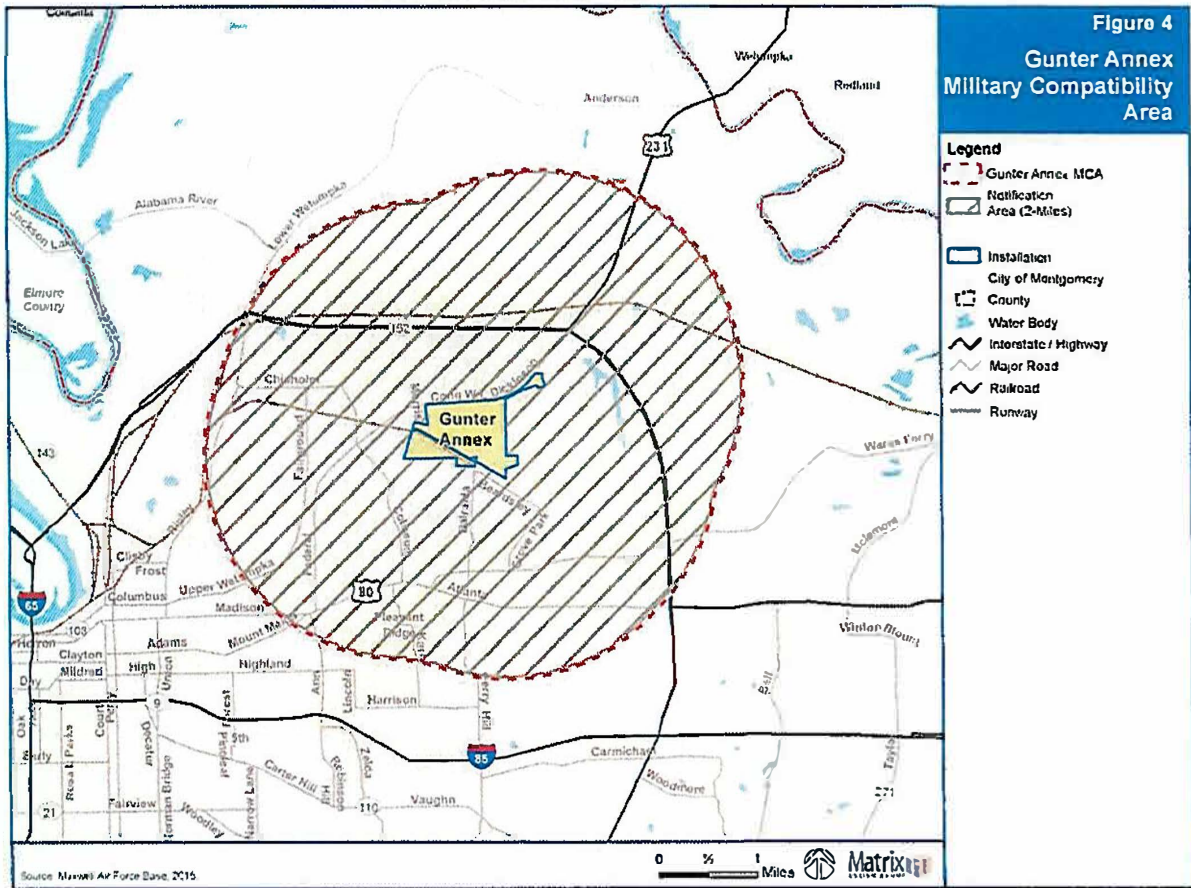


Figure 4
Gunter Annex
Military Compatibility
Area



5. DISCLOSURES FOR NOTIFICATION OF A PROSPECTIVE INDUSTRIAL DEVELOPMENT OR DEVELOPMENT EXPANSION:

5.1. The industrial development market is highly competitive and prospective projects are sensitive. All individuals from the Parties who will review industrial development subject to this MOA shall enter into a one-time Non-Disclosure Agreement that will remain in full effect and in perpetuity, to be kept on file with all Parties. Non-Disclosure Agreements shall be executed and distributed to all Parties within 30 days of the execution of this MOA.

6. PROCEDURES FOR NOTIFICATION OF AN ADMINISTRATIVE REVIEW, VARIANCE OR SPECIAL EXCEPTION TO THE ZONING ORDINANCE:

6.1. The City will notify the Airport, the Guard and Maxwell within seven (7) business days of accepting a complete Board of Adjustment Application for an Administrative Review, Variance or Special Exception for new or expanding industrial development and before any action is taken, if:

5.1.1. The property is within the:

- Safety MCA shown in Figure 1. (Only notify Maxwell)
- BASH MCA shown in Figure 2 and the intended use includes a landfill, retention pond, or other significant water feature that may attract birds.
- Vertical Obstruction Awareness Area and the intended use will produce a structure that exceeds the height constraints shown on Figure 3.
- Gunter Annex MCA shown in Figure 4. (Only notify Maxwell)

6.2. The Airport, the Guard and Maxwell will have ten (10) calendar days to review the application and consider whether the requested Administrative Review, Variance or Special Exception will have an adverse impact on their mission and operations:

- If there are no concerns with the requested Administrative Review, Variance or Special Exception, the Airport, the Guard and Maxwell will notify the City acknowledging completion of their review and findings of no adverse impact within the ten (10) calendar-day period.
- If no comments are received by the City within the ten (10) calendar-day period, the requested Administrative Review, Variance or Special Exception will be deemed to have no adverse impact on the Airport, the Guard and Maxwell.
- The City's governing authority shall review comments and concerns from the Airport, the Guard and Maxwell when considering approval of the Administrative Review, Variance or Special Exception.

- 6.3. The City shall notify the Airport, the Guard and Maxwell of a public hearing when a public hearing is scheduled for a proposed Administrative Review, Variance or Special Exception where an application was submitted to them for review.
- 6.4. If no comments are received from the City, the Airport, the Guard and Maxwell, the prospective industrial development or development expansion will be deemed to have no adverse impact on the Airport, the Guard and Maxwell.

7. PROCEDURES FOR NOTIFICATION OF A DEVELOPMENT PLAN:

- 7.1. The City will notify the Airport, the Guard and Maxwell within seven (7) business days of receiving a Development Plan Application for industrial development or development expansion and before any approval action is taken, if:

7.1.1. The property is within the:

- Safety MCA shown in Figure 1. (Only notify Maxwell)
- BASH MCA shown in Figure 2 and the intended use includes a landfill, golf course, retention pond, or other significant water feature that may attract birds.
- Vertical Obstruction Awareness Area, and the intended use may produce a structure that exceeds the height constraints as shown on Figure 3.
- Gunter Annex MCA shown on Figure 4. (Only notify Maxwell)

- 7.2. The Airport, the Guard and Maxwell will have ten (10) calendar days to review the application and consider whether the proposed Development Plan will have an adverse impact on their mission and operations:

- If there are no concerns with the proposed Development Plan, the Airport, the Guard and Maxwell will notify the City acknowledging completion of their review and findings of no adverse impact within the ten (10) calendar-day period.
- If no comments are received by the City within the ten (10) calendar-day period, the proposed Development Plan will be deemed to have no adverse impact on the Airport, the Guard and Maxwell.
- The City shall document any comments from the Airport, the Guard and Maxwell in the application file.

- 7.3. The City shall notify the Airport, the Guard and Maxwell of a public hearing when a public hearing is scheduled for a proposed Development Plan where an application was submitted to them for review.

8. **PERSONNEL:** Each Party is responsible for all costs of its personnel, including pay and benefits, support, and travel. Each Party is responsible for supervision and management of its personnel.

9. GENERAL PROVISIONS:

9.1. POINTS OF CONTACT: Maxwell shall establish a group email address that is maintained as the primary Point of Contact between the Parties for purposes of this MOA.

EMAIL: 42ABW.IDRC.Deployments@us.af.mil

IN ADDITION, the following points of contact will be used by the Parties to implement this MOA when necessary. Each Party may change its point(s) of contact by making reasonable notice to all other Parties.

- For the City of Montgomery
 - Primary: Mayor, City of Montgomery, 103 N. Perry Street, Montgomery, AL 36104
Name: Steven L. Reed
Phone: 334-625-2004
Email: steven.reed@montgomeryal.gov
 - Alternate: Director of Planning, City of Montgomery, 25 Washington Avenue, 3rd Floor, Montgomery, AL 36104
Name: Robert Smith
Phone: 334-625-2218
Email: rsmith@montgomeryal.gov

- For the Montgomery Regional Airport
 - Primary: Executive Director, Montgomery Regional Airport, 4445 Selma Highway, Montgomery, AL 36108
Name: Willie Carter
Phone: (334)-625-2218
Email: w.carter@flymgm.com

- For the Alabama Air National Guard
 - Primary: Commander, 187th Fighter Wing, 5187 Selma Highway, Montgomery, AL 36108
 Name: Douglas D. Demaio
 Phone: (334) 394 7101
 Email: douglas.demaio.1@us.af.mil
 - Alternate: Vice Commander, 187th Fighter Wing, 5187 Selma Highway, Montgomery, AL 36108
 Name: Brian E. Vaughn
 Phone: (334) 394 7101
 Email: brian.vaughn.7@us.af.mil

- For Maxwell Air Force Base, 42d Air Base Wing
 - Primary: 42 ABW Commander, 50 Le May Plaza, Suite 110, Maxwell AFB, AL 36112
 Name: Eries L.G. Mentzer, Col, USAF
 Phone: (334)-953-4200
 Email: eries.mentzer@us.af.mil
 - Alternate: 42d Civil Engineer Squadron Director, 400 Cannon Street, Maxwell AFB AL 36112
 Name: Gregory E Rollins
 Phone: 334-953-1841
 Email: gregory.rollins.2@us.af.mil

- For Maxwell Air Force Base, 42d Mission Support Group
 - Primary: 42 MSG Commander, 50 Le May Plaza, Maxwell, AFB, 36112
 Name: Miranda S. Lashinski, Lt Col, USAF
 Phone: (334)-953-4204
 Email: miranda.lashinski@us.af.mil
 - Alternate: 42 MSG Deputy Director 50 Le May Plaza, Maxwell, AFB, 36112
 Name: Christine D. Prewitt, GS-14, USAF
 Phone: (334)-953-4204
 Email: christine.prewitt.1@us.af.mil

- For Maxwell Air Force Base, 42d Operations Support Squadron
 - Primary: 42d Operations Support Squadron Commander, 220 West Ash St. Maxwell Blvd., Maxwell, AFB, 36112-6334
 Name: Andrew A. Milligan, Lt Col, USAF
 Phone: (334) 953-7627
 Email: andrew.milligan@us.af.mil
 - Alternate: Airfield Manager, 220 West Ash St. Maxwell Blvd., Maxwell, AFB, 36112-6334
 Name: Harrison Coats, Ctr, USAF
 Phone: (334) 953-7406
 Email: harrison.coats.ctr@us.af.mil

- For Maxwell Air Force Base, 908th Airlift Wing
 - Primary: 908th Airlift Wing Commander, 401 West Maxwell Blvd., Maxwell, AFB, 36112
 Name: Craig W. Drescher, Col, USAF
 Phone: (334)-953-9080
 Email: craig.drescher@us.af.mil
 - Alternate: 908th Airlift Wing Commander's Executive, 401 West Maxwell Blvd., Maxwell, AFB, 36112
 Name: Rebecca McKenzie, Maj, USAF
 Phone: (334)-953-9081
 Email: rebecca.mckenzie@us.af.mil

- 9.2. FUNDS AND MANPOWER: This MOA does not document nor provide for the exchange of funds or manpower between the Parties nor does it make any commitment of funds or resources.
- 9.3. MODIFICATION OF MOA: This MOA may only be modified by the written agreement of the Parties, duly signed by their authorized representatives. This MOA will be reviewed annually on or around the anniversary of its effective date, and triennially in its entirety.
- 9.4. DISPUTES: Any disputes relating to this MOA will, subject to any applicable law, Executive Order, directive, or instruction, be resolved by consultation between the Parties or in accordance with DoDI 4000.19.
- 9.5. TERMINATION OF UNDERSTANDING: This MOA may be terminated in writing at will by agreement of all Parties.
- 9.6. TRANSFERABILITY: This MOA is not transferable except with the written consent of the Parties.
- 9.7. ENTIRE UNDERSTANDING: It is expressly understood and agreed that this MOA embodies the entire understanding between the Parties regarding the MOA's subject matter.
- 9.8. EFFECTIVE DATE: This MOA takes effect beginning on the day after the last Party signs.
- 9.9. EXPIRATION DATE: This MOA shall expire 10 years from effective date.

APPROVED:

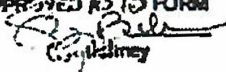
CLB




Mayor, City of Montgomery

Welle Carter Date: 9/22/21

Executive Director,
Montgomery Regional Airport

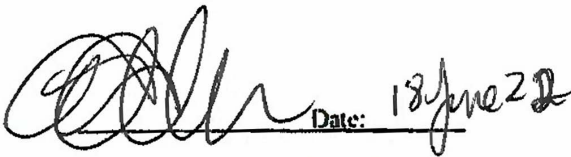
2/19 2021
APPROVED AS TO FORM

City of Montgomery

 Date: 24 AUG 2021

Commander, 187th Fighter Wing

 Date: 25 MAY 2021

Commander, 908th Airlift Wing

 Date: 18 June 2021

Commander, 42d Air Base Wing