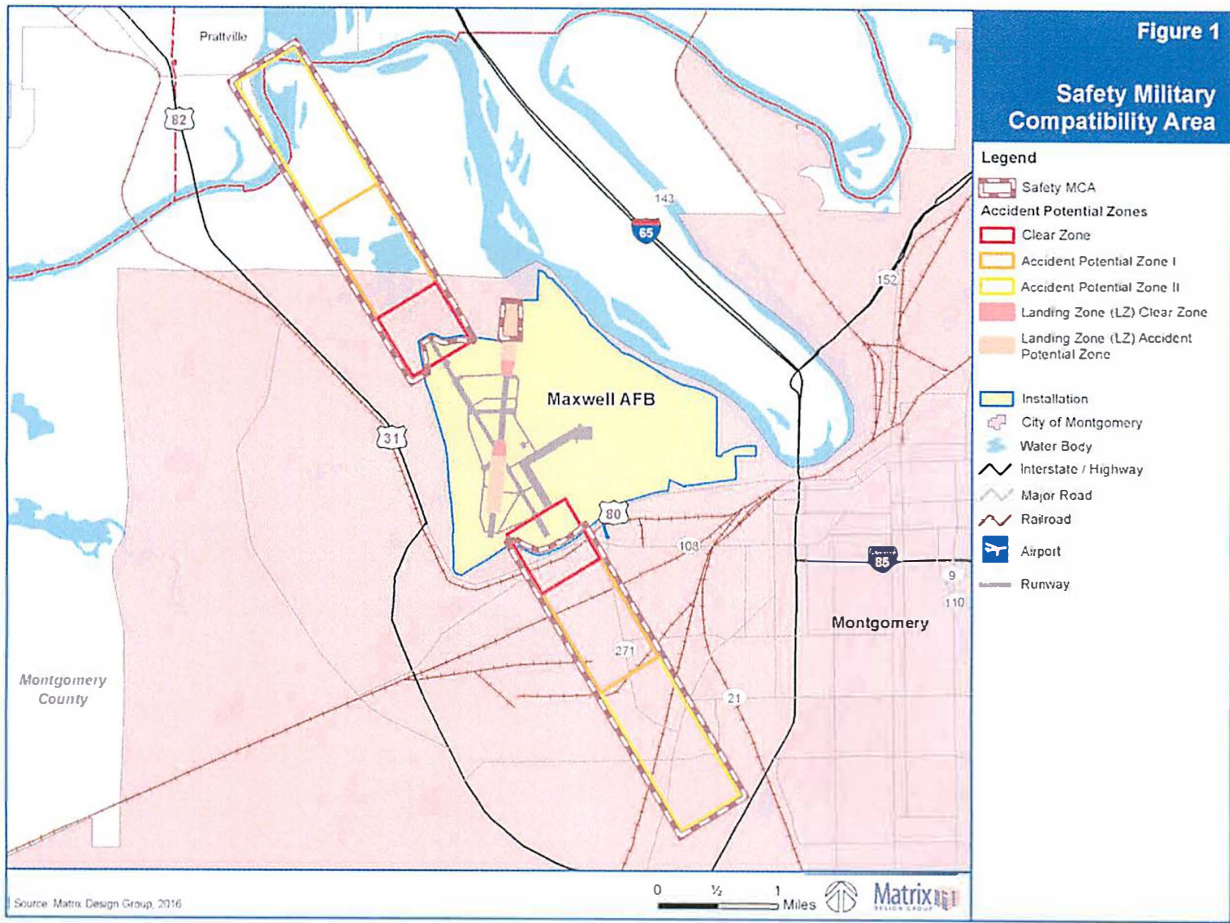


MEMORANDUM OF AGREEMENT BETWEEN  
THE CITY OF MONTGOMERY, MONTGOMERY REGIONAL AIRPORT, ALABAMA AIR  
NATIONAL GUARD AND MAXWELL AIR FORCE BASE  
FOR  
NOTIFICATION OF ACTIONS  
IN SUPPORT OF MILITARY COMPATIBILITY  
NUMBER: FB3300-22170-002

1. This is a new 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)
  - Noise MCA (Figure 3)
  - Vertical Obstruction Awareness Area (Figure 4)
  - Gunter Annex MCA (Figure 5)

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 for comprehensive plan amendments, rezoning applications, development approvals, appeals to the Board of Adjustment, subdivision plat reviews, business license applications, and community infrastructure and economic 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 contemplated by the City early in the City’s review process and prior to any approval, subject to the City’s review and approval process and timeframes



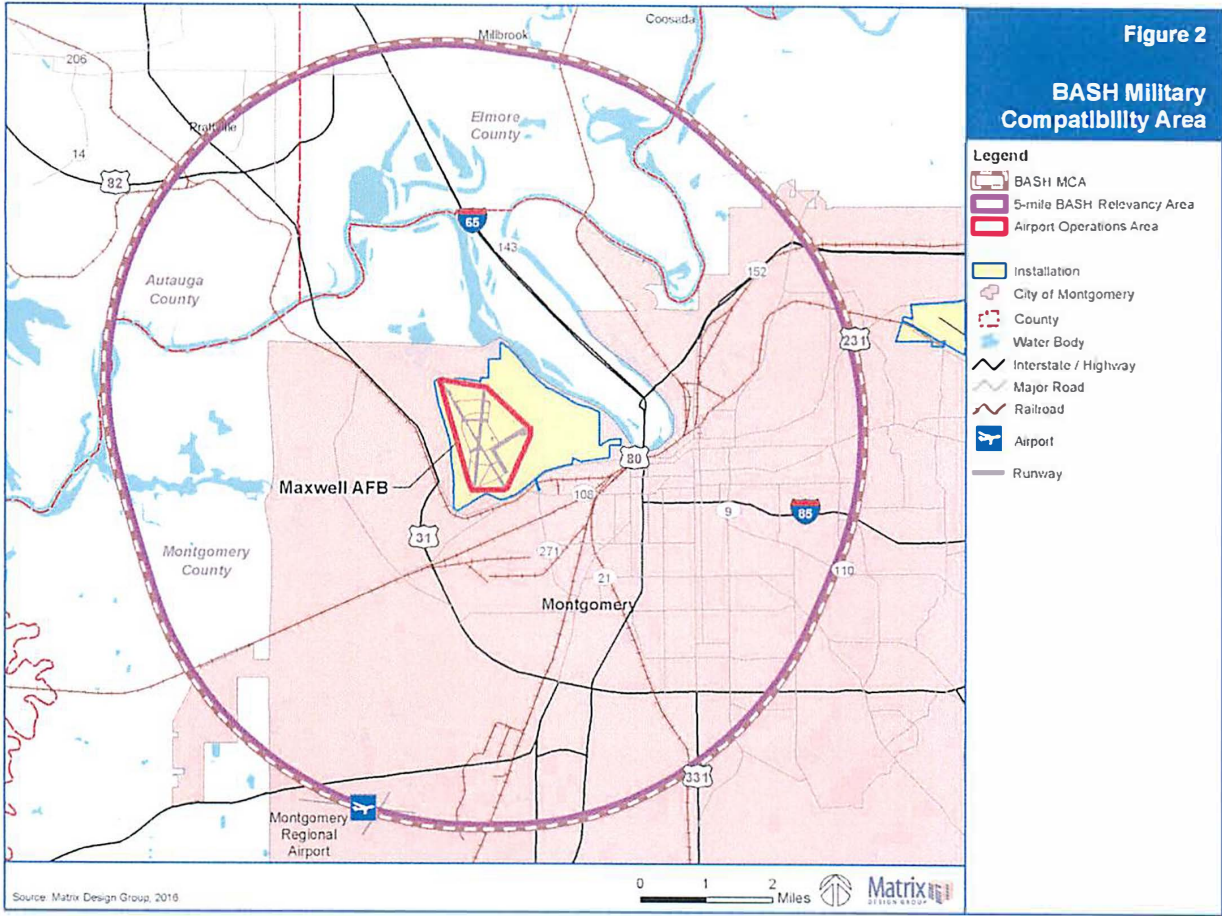
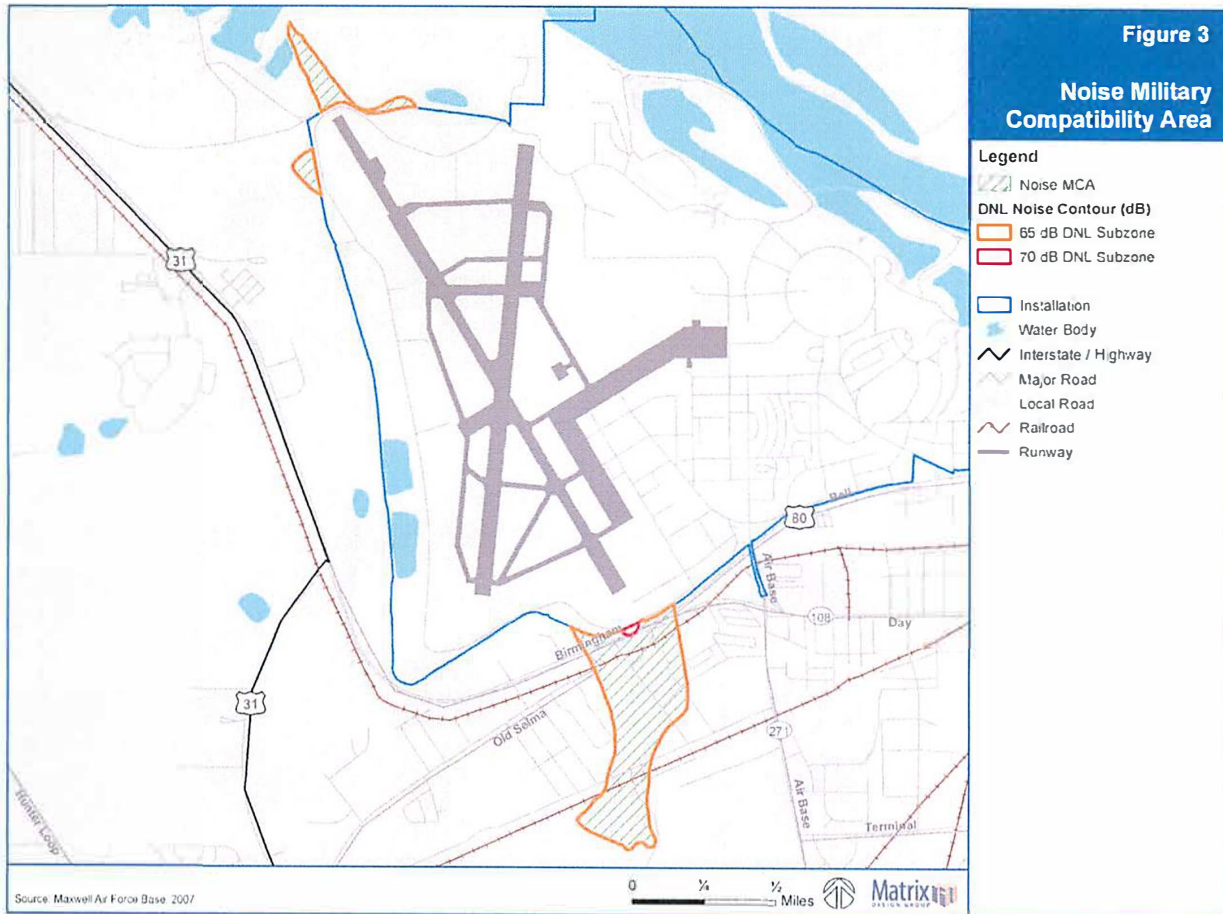
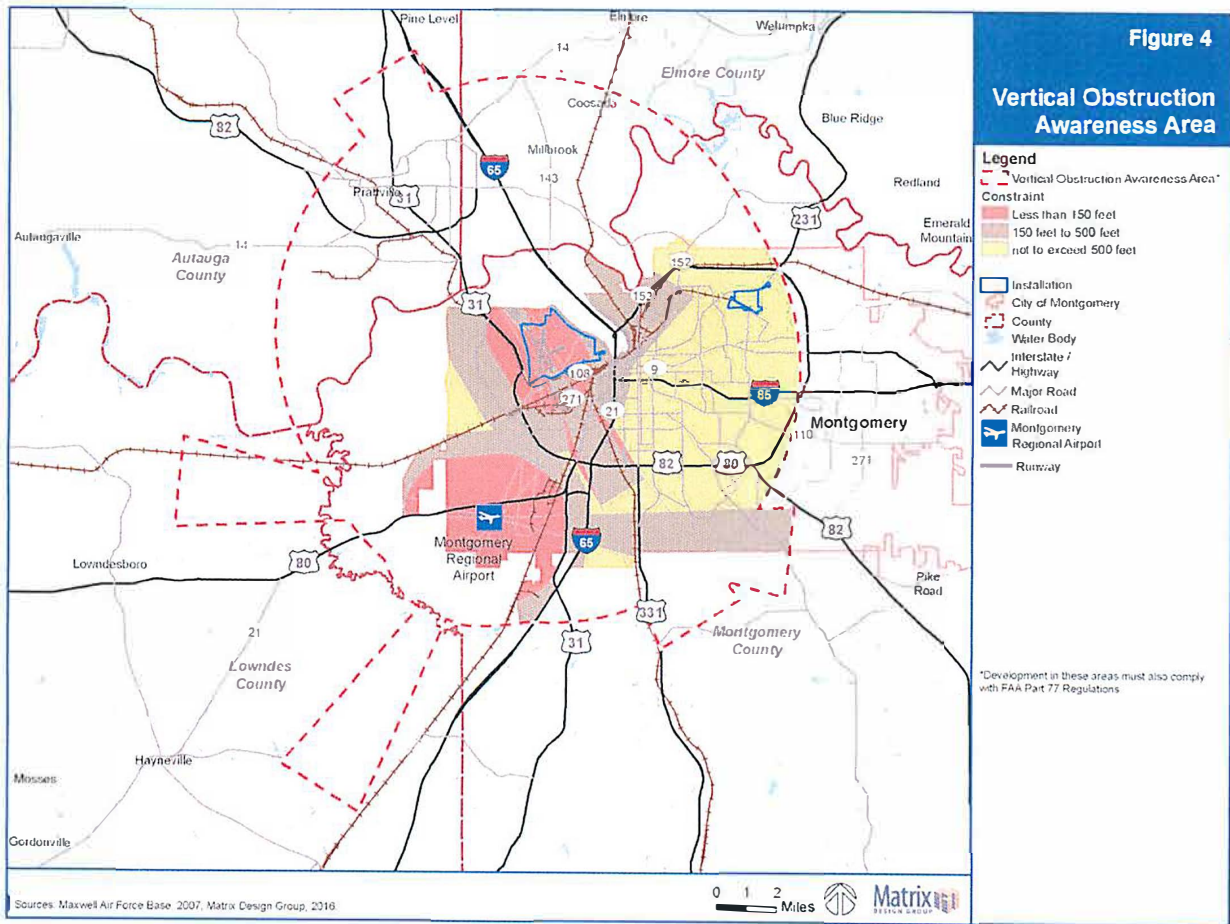


Figure 3

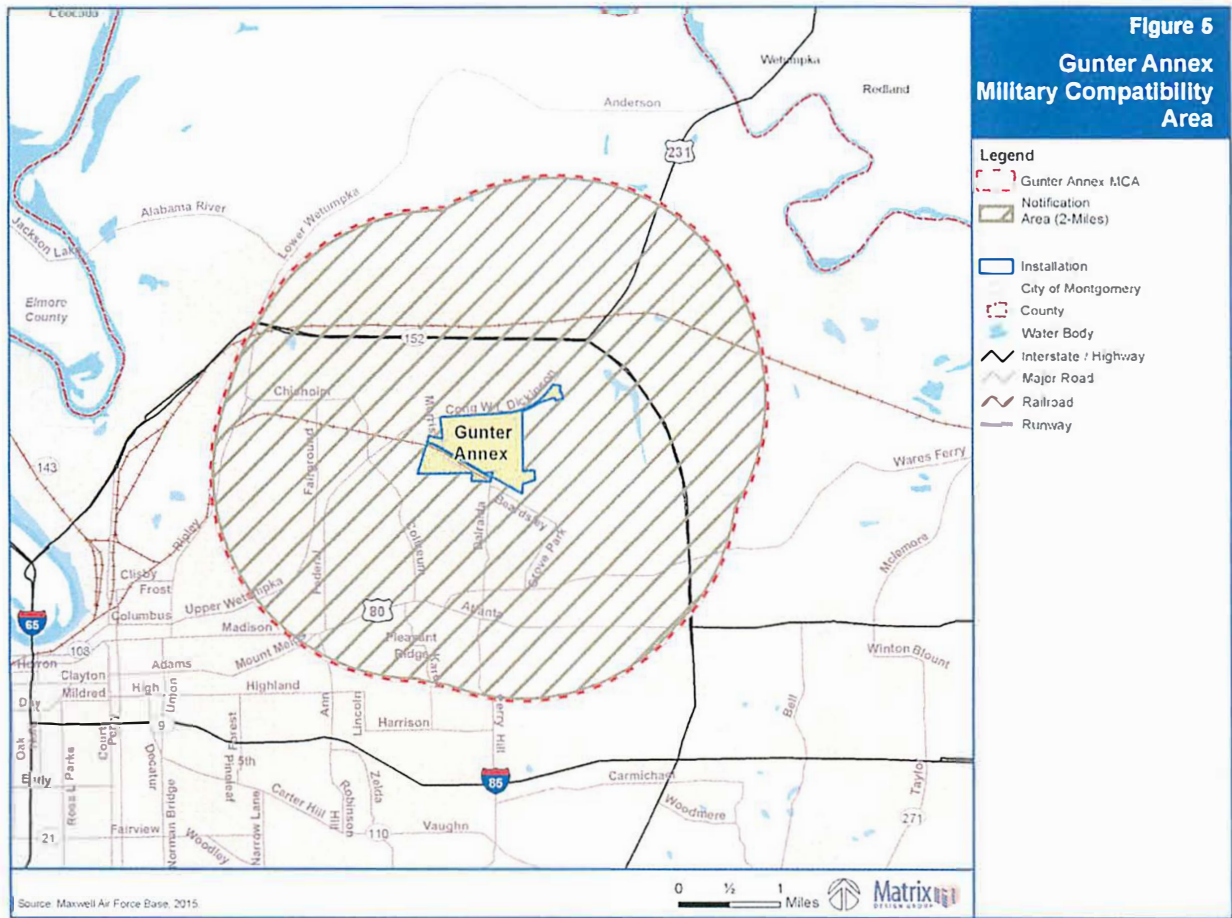
### Noise Military Compatibility Area







**Figure 5**  
**Gunter Annex**  
**Military Compatibility**  
**Area**



5. **EXEMPTIONS:** Industrial development is exempt from this MOA and is subject to the MOA for industrial development between the City of Montgomery, Montgomery Regional Airport, and Alabama Air National Guard and Maxwell AFB.

6. **PROCEDURES FOR NOTIFICATION OF A COMPREHENSIVE PLAN AMENDMENT:**

6.1. The City will notify the Airport, the Guard and Maxwell within seven (7) business days of accepting a complete application to amend the Comprehensive Plan or scheduling a staff-sponsored Comprehensive Plan Amendment and before any final action is taken, if:

6.1.1. The property is within the:

- Safety MCA shown in Figure 1. (Only notify Maxwell)
- Noise MCA shown in Figure 2. (Only notify Maxwell)
- Vertical Obstruction Awareness Area and the intended use may produce a structure that exceeds the height constraints shown on Figure 4.
- Gunter Annex MCA shown in Figure 5. (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 proposed Comprehensive Plan Amendment will have an adverse impact on their mission and operations:

- If there are no concerns with the proposed Comprehensive Plan Amendment, 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 amendment will be deemed to have no adverse impact on the Airport, the Guard and Maxwell.
- The City's governing authority shall review the comments and concerns from the Airport, the Guard and Maxwell when considering approval of the Comprehensive Plan Amendment.

6.3. The City will notify the Airport, the Guard and Maxwell of a public hearing when a public hearing is scheduled for a proposed Comprehensive Plan Amendment where an application was submitted to them for review.

7. **PROCEDURES FOR NOTIFICATION OF A REZONING REQUEST:**

7.1. The City will notify the Airport, the Guard and Maxwell within seven (7) business days of accepting a complete Rezoning Request or scheduling a staff-sponsored Rezoning and before any final action is taken, if:

7.1.1. The property is within the:

- Safety MCA shown on Figure 1. (Only notify Maxwell)
- BASH MCA shown on Figure 2 and the Rezoning is to a Zoning District that allows a landfill, golf course, retention pond, or other significant water feature that may attract birds.
- Noise MCA shown on Figure 3. (Only notify Maxwell)
- Vertical Obstruction Awareness Area and the intended use may produce a structure that exceeds the height constraints shown on Figure 4.
- Gunter Annex MCA shown on Figure 5. (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 Rezoning Request will have an adverse impact on their mission and operations:

- If there are no concerns with the proposed Rezoning Request, 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 Rezoning will be deemed to have no adverse impact on the Airport, the Guard and Maxwell.
- The City's governing authority shall review the comments and concerns from the Airport, the Guard and Maxwell when considering approval of the Rezoning Request.

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 Rezoning Request where an application was submitted to them for review.

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

8.1. 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 and before any action is taken, if:

8.1.1. 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.
- Noise MCA shown in Figure 3. (Only notify Maxwell)



- Vertical Obstruction Awareness Area and the intended use will produce a structure that exceeds the height constraints shown on Figure 4.
- Gunter Annex MCA shown in Figure 5. (Only notify Maxwell)

8.2. 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.

8.3. 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.

## 9. PROCEDURES FOR NOTIFICATION OF A SUBDIVISION PLAT:

9.1. Notification shall be provided to Maxwell if the property subject to the Subdivision Plat is within the:

- Safety MCA shown in Figure 1.
- Noise MCA shown in Figure 2.
- Gunter Annex MCA shown in Figure 5.

9.2. Conditional Approval of Preliminary Plat. The City will notify Maxwell within seven (7) calendar days of receiving a request for Conditional Preliminary Plat and before any action to grant approval of a Conditional Preliminary Plat.

9.2.1. Maxwell will have ten (10) calendar days to review the request and consider whether the proposed Conditional Preliminary Plat will have an adverse impact on Maxwell's mission:

- If Maxwell has no concerns with the proposed Conditional Preliminary Plat, 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 Conditional Preliminary Plat will be deemed to have no adverse impact on Maxwell.
- The City's governing authority shall review comments and concerns from the Airport, the Guard and Maxwell when considering approval of a Conditional Preliminary Plat.

9.3. Final Plat Approval. The City will notify Maxwell within seven (7) calendar days of receiving a request for Final Plat approval and before any action to grant Final Plat approval.

9.3.1. Maxwell will have ten (10) calendar days to review the request and consider whether the proposed Final Plat will have an adverse impact on Maxwell's mission:

- If Maxwell has no concerns with the proposed Final Plat, 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 Final Plat will be deemed to have no adverse impact on Maxwell.
- The City's governing authority shall review comments and concerns from the Airport, the Guard and Maxwell when considering approval of a Final Plat.

9.3.2. The City shall notify Maxwell of a public hearing when a public hearing is scheduled for a proposed Final Plat Approval where an application was submitted to Maxwell for review.

## 10. PROCEDURES FOR NOTIFICATION OF A DEVELOPMENT PLAN:

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

10.1.1. 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.
- Noise MCA shown in Figure 3. (Only notify Maxwell)
- Vertical Obstruction Awareness Area, and the intended use may produce a structure that exceeds the height constraints as shown on Figure 4.

- Gunter Annex MCA shown on Figure 5. (Only notify Maxwell)

10.2. 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.

10.3. 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.

#### 11. PROCEDURES FOR NOTIFICATION OF A BUSINESS LICENSE:

11.1. The City will notify Maxwell within seven (7) business days of receiving a Business License Application, if:

11.1.1. The property is within the:

- Gunter Annex MCA shown on Figure 5.
- The use is permitted.
- The application is for a use that potentially generates electromagnetic interference (EMI) and / or radio frequency interference (RFI) as indicated by an applicant on a Business License Application.

11.2. When an applicant has affirmatively indicated their business involves a use that could potentially create EMI and / or RFI:

- The City shall notify Maxwell with the applicant name, address and business phone number. No further action is required of the City.

**12. PROCEDURES FOR NOTIFICATION OF COMMUNITY PLANS AND IMPROVEMENTS:**

12.1. The City will notify the Airport, the Guard and Maxwell within sixty (60) calendar days of its intent to adopt plans for or undertake community improvements including infrastructure planning and projects and economic development projects and before any approval, adoption or physical improvement action is taken, if:

12.1.1. The property is within the:

- Safety MCA shown on Figure 1. (Only notify Maxwell)
- BASH MCA shown on Figure 2.
- Noise MCA shown on Figure 3. (Only notify Maxwell)
- Vertical Obstruction Awareness Area and the intended use may produce a structure that exceeds the height constraints shown on Figure 4.
- Gunter Annex MCA shown on Figure 5. (Only notify Maxwell)

12.2. The Airport, the Guard and Maxwell will have thirty (30) calendar days to review the plans or project and consider whether the proposed action will have an adverse impact on their mission and operations:

- If there are no concerns with the proposed action, the Airport, the Guard and Maxwell will notify the City acknowledging completion of their review and findings of no adverse impact within the thirty (30) calendar-day period.
- If no comments are received by the City within the thirty (30) calendar-day period, the proposed action 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 plans or projects and any physical infrastructure improvement actions.

13. 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.

**14. GENERAL PROVISIONS:**

14.1. 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](mailto: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, 3<sup>rd</sup> Floor, Montgomery, AL 36104  
Name: Robert Smith  
Phone: 334-625-2218  
Email: rsmith@montgomeryal.gov
  
- For the Montgomery Regional Airport
  - Primary: Executive Airport Director, Montgomery Regional Airport,  
4445 Selma Highway, Montgomery, AL 36108  
Name: Willie Carter  
Phone: 334 300 5697  
Email: W. Carter@flymym.com




- For the Alabama Air National Guard
  - Primary: Commander, 187th Fighter Wing, 5187 Selma Highway,  
Montgomery, AL 36108  
Name: Douglas D. DeMaio, Col, AL ANG  
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, Col, AL ANG  
Phone: 334-394-1701  
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: Greg Rollins, GS-14, USAF  
Phone: 334-953-1841  
Email: gregory.rollins.2@us.af.mil

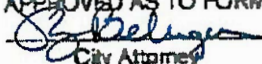
- For Maxwell Air Force Base, 42d Mission Support Group
  - Primary: 42 MSG Commander, 50 Le May Plaza, Maxwell, AFB, 36112  
 Name: Miranda Lashinski, Lt Col, USAF  
 Phone: 334-953-4204  
 Email: miranda.lashinski@us.af.mil
  - Alternate: 42 MSG Deputy Director 50 Le May Plaza, Maxwell, AFB, 36112  
 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: Casey J. Burrell, Col, 908AW  
 Phone: 334-953-9080  
 Email: casey.burrell@us.af.mil
  - Alternate: 908th Airlift Wing Commander's Executive, 401 West Maxwell Blvd., Maxwell, AFB, 36112  
 Name: Rebecca McKenzie, Maj, 908AW  
 Phone: 334-953-9081  
 Email: rebecca.mckenzie.l@us.af.mil


- 14.2. 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.
- 14.3. 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.
- 14.4. 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.
- 14.5. TERMINATION OF UNDERSTANDING: This MOA may be terminated in writing at will by the Parties.
- 14.6. TRANSFERABILITY: This MOA is not transferable except with the written consent of the Parties.
- 14.7. ENTIRE UNDERSTANDING: It is expressly understood and agreed that this MOA embodies the entire understanding between the Parties regarding the MOA's subject matter.
- 14.8. EFFECTIVE DATE: This MOA takes effect beginning on the day after the last Party signs.
- 14.9. EXPIRATION DATE: This MOA shall remain in effect for 9 years from the effective date or until terminated by agreement of all Parties.

APPROVED:

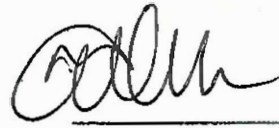
 Date: 4/1/22  
Mayor, City of Montgomery

3/29 2022  
APPROVED AS TO FORM  
  
City Attorney

 Date: 9/10/21  
Executive Director,  
Montgomery Regional Airport

 Date: 10 Feb 2022  
Commander, 187th Fighter Wing

BURRIL.CAS Digitally signed by  
EY.J.1185288 BURRIL CASEY J 118  
273 5248273  
12.09.17-0600 Date: 17 Feb 2022  
Commander, 908th Airlift Wing

 Date: 18 June 2022  
Commander, 42d Air Base Wing