

RESOLUTION NO. **R-147-24**RESOLUTION APPROVING THE PURCHASE OF A
MANUFACTURING FACILITY BY 4811 S. ZERO STREET, LLC.

WHEREAS, the City of Fort Smith is a longstanding military community that has supported multiply flying missions at the 188th Ebbing Air National Guard Base (ANGB);

WHEREAS, the 188th Ebbing ANGB will host the 33rd Fighter Wing, 85th Fighter Squadron, 57th Fighter Group that will train our allied nations' pilots to fly the F35 Lightning II as part of the Foreign Military Sales (FMS) mission;

WHEREAS, to accommodate the FMS mission and integrate it into the City of Fort Smith, the City hired the Matrix Group to study the needs of the mission and the City to identify necessary modifications to the Unified Development Ordinance;

WHEREAS, the results of the study performed by the Matrix Group resulted in the June 2024 Military Compatibility Overlay District (MCAOD), a plan to address lighting, noise, and security around the 188th Ebbing ANGB;

WHEREAS, the Security Military Compatibility Area (MCA) section of the MCAOD addressed the development and sale of property physically contiguous to property owned by the Fort Smith Regional Airport; stating that no property within the Security MCA shall be sold or otherwise transferred to or developed by a foreign (non-US) entity or its agent unless such sale, transfer or development has been reviewed and approved by the Fort Smith Board of Directors;

WHEREAS, the Governor of the State of Arkansas requested the Arkansas Attorney General to investigate whether the entities purchasing and operating a manufacturing facility at 4811 Zero Street, Fort Smith, a location within the Security MCA, is in violation of Act 636 of 2023 that prohibits an entity from owning, controlling or associating with any "prohibited foreign-party-controlled-business"; and

WHEREAS, the result of the Arkansas Attorney's General investigation into the ownership of 4811 S. Zero Street, LLC in Fort Smith determined that there was no violation of Act 636 of 2023;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS, THAT:

SECTION 1: The City of Fort Smith notes the Arkansas Attorney General has determined the purchaser of real property identified as, 4811 S. Zero Street, LLC, and the company operating at the 4811 Zero Street building, Ecotech Consumer Products, LLC, are not prohibited foreign-party-controlled-businesses per Act 636 of 2023.

SECTION 2: The sale of the real property identified as 4811 Zero Street to 4811 S. Zero Street, LLC is approved as complying with Section 1.09(3) of the Military Compatibility Overlay District as adopted by Fort Smith Ordinance 56-24.

PASSED AND APPROVED THIS 20th DAY OF August, 2024.

APPROVED:


George McGill, Mayor

ATTEST:


City Clerk

Approved as to form:

