City of Fort Smith Finance

MEMORANDUM

TO: Jeff Dingman, Acting City Administrator

CC: Maggie Rice, Deputy City Administrator

FROM: Andrew Richards, Chief Financial Officer

DATE: November 20, 2026

SUBJECT: Private Club Permit Transfer to The Recovery Room at 91st

SUMMARY

Johnnie Calhoun requests City approval to transfer the Foxfire Private Club permit to The Recovery Room at 91st, Inc. Planning staff reports that Foxfire ceased operations after a fire on August 15, 2026. The City application lists the following permit information:

Applicant: Johnnie Calhoun
From: Foxfire Private Club, 421 North 10th Street (ABC No. 01237-01)
To: The Recovery Room at 91st, Inc., 3702 91st Street (ABC No. 03386-01)

The requested transfer would replace the existing 2:00 a.m. permit at The Recovery Room with a permit allowing alcohol service until 5:00 a.m., if approved by the Arkansas Alcoholic Beverage Control Division (ABC).

Under 3 CAR § 1-215(a)(2)(D), the transfer application must include a City ordinance approving the transfer. ABC determines whether the Foxfire permit is eligible for transfer and whether the replacement permit can carry the 5:00 a.m. hours under 3 CAR § 5-403(b). If ABC approves the transfer, it issues the permit for the new location under 3 CAR § 1-215(c).

Staff recommends adoption of the attached ordinance, subject to ABC approval. The ordinance requires no City appropriation.

ATTACHMENTS

1. 3309_Recovery_Room_at_91st_Private_Club_Transfer_Ordinance_Draft.pdf

ORDINANCE NO. _____

AN ORDINANCE APPROVING THE TRANSFER OF A PRIVATE CLUB PERMIT FROM FOXFIRE PRIVATE CLUB TO THE RECOVERY ROOM AT 91ST

WHEREAS, Arkansas Code Annotated § 3-9-222(a) (Supp. 2025) requires local approval before the Arkansas Alcoholic Beverage Control Division issues private club licenses; and,

WHEREAS, Johnnie Calhoun has requested approval to transfer the Foxfire Private Club permit (ABC No. 01237-01) from 421 North 10th Street to The Recovery Room at 91st, Inc., at 3702 91st Street in Fort Smith, Arkansas. The request would replace the existing permit at the destination (ABC No. 03386-01) and carry forward the Foxfire permit's 5:00 a.m. alcohol service cutoff.

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

Section 1. The Board of Directors approves, for local purposes, the requested transfer of the Foxfire Private Club permit (ABC No. 01237-01) from 421 North 10th Street to 3702 91st Street, Fort Smith, Arkansas, subject to approval by the Arkansas Alcoholic Beverage Control Division.

Section 2. Operation under this approval is subject to issuance of the state permit for the new location and compliance with applicable laws, rules, ordinances, and permit conditions. Alcohol service until 5:00 a.m. is subject to the hours authorized by the state permit and any earlier applicable limit.

PASSED AND APPROVED this _____ day of _____, 2026.

APPROVED

_____
Mayor

ATTEST

_____
City Clerk

APPROVED AS TO FORM

_____
City Attorney