



City of Conway Council Agenda

Special Council Meeting Date:

Friday, November 3rd, 2017 @ 12pm
City Hall, Downstairs Conference Room

Call to Order:

Mayor Bart Castleberry

Roll Call:

Michael O. Garrett, City Clerk/Treasurer

Mayor Bart Castleberry

City Clerk Michael O. Garrett
City Attorney Chuck Clawson

City Council Members

Ward 1 Position 1 – Andy Hawkins

Ward 1 Position 2 – David Grimes

Ward 2 Position 1 – Wesley Pruitt

Ward 2 Position 2 – Shelley Mehl

Ward 3 Position 1 – Mark Ledbetter

Ward 3 Position 2 – Mary Smith

Ward 4 Position 1 – Theodore Jones Jr.

Ward 4 Position 2 – Shelia Isby

1. Report of Standing Committees:

A. New Business

1. Resolution to approve a settlement offer for Spatz vs. City of Conway.

Adjournment



**City of Conway, Arkansas
Resolution No. R-17-__**

A RESOLUTION APPROVING SETTLEMENT OF THE CASE OF SPATZ V. CITY OF CONWAY (CASE NO. 23CV-2014-297); AND FOR OTHER PURPOSES.

WHEREAS, the City of Conway (the “City”) opened a new municipal airport in September of 2014 to better serve the needs of businesses and residents in the community; and

WHEREAS, the City worked with the Federal Aviation Administration (the “FAA”), along with many other partners, to select the best site possible taking into consideration initial expense, accessibility, safety, future growth, land values, land uses and other essential factors; and

WHEREAS, litigation was initiated against the City by the Spatz family in the case of *Daniel H. Spatz, Sr., et al. v. City of Conway, et al.*, Faulkner County Circuit Court, Case No. 23CV-2014-297, originally asserting the overlay district surrounding the airport required by the FAA restricted the use of their property, but was later amended to claim their property values had been negatively affected due to the proximity to the airport; and

WHEREAS, despite the City’s good faith belief the City did not cause the diminution in value to the Spatz’s property due to proximity to the new municipal airport as alleged in this case, the City acknowledges the value in amenable settling litigation so to avoid further expenditure of resources.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1: That the negotiated settlement of *Daniel H. Spatz, Sr., et al. v. City of Conway, et al.*, Faulkner County Circuit Court, Case No. 23CV-2014-297 in the total amount of Sixty Thousand Dollars (\$60,000) is hereby appropriated from the Conway Municipal Airport 2017 annual budget fund.

SECTION 2: That the City Attorney is hereby authorized to execute such documents as are necessary and prudent to effectuate the intent of this Resolution.

SECTION 3: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED:

APPROVED:

Date

Mayor Bart Castleberry

ATTEST:

APPROVED AS TO FORM:

Michael O. Garrett
City Clerk/Treasurer

Charles E. Clawson III, City Attorney
PREPARED BY THE OFFICE OF THE CITY ATTORNEY