

1 RESOLUTION NO. 2019-362

Late Filing

2
3 SPONSOR Ms. Shapiro

4
5 DATE September 23, 2019

COMMITTEE Rules

6
7 **A Resolution authorizing the County Executive to execute a settlement agreement and**
8 **release to settle all claims arising out of or concerning issues raised in a lawsuit, Spencer**
9 **Neal v. The County of Summit, Case Number 5:18-CV-01424, before Judge Sara Lioi, in**
10 **the United States District Court for the Northern District of Ohio, for the Executive's**
11 **Department of Law and Risk Management, and declaring an emergency.**

12
13 WHEREAS, Spencer Neal filed a complaint against the County of Summit concerning
14 alleged violations of the Americans with Disabilities Act as it applies to the Summit County
15 Parking Deck titled Spencer Neal v. The County of Summit, Case Number 5:18-CV-01424,
16 before Judge Sara Lioi, in the United States District Court for the Northern District of Ohio; and

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18 WHEREAS, in consultation with counsel, the Executive has reached the terms of an
19 agreement with Mr. Neal to settle his complaint which involves the payment of an amount not to
20 exceed \$15,000 as well as an agreement that the County will make certain modifications to the
21 Summit County Parking Deck over a period commencing in 2020 and to be completed by
22 August 1, 2022; and

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24 WHEREAS pursuant to the settlement agreement and release, Mr. Neal will dismiss the
25 lawsuit with prejudice and discharge the County from his claims against it; and

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27 WHEREAS, this Council finds and determines, after reviewing all pertinent information,
28 that it is necessary and in the best interest of the County of Summit to enter into the settlement
29 agreement.

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31 NOW THEREFORE, BE IT RESOLVED, by the Council of the County of Summit, State
32 of Ohio, that:

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34 SECTION 1

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36 The County Executive is authorized to execute a settlement agreement and release for an
37 initial payment in amount not to exceed \$15,000 and an agreement to perform certain
38 modifications to the Summit County Parking Deck to settle all claims arising out of or
39 concerning issues raised in a lawsuit, Spencer Neal v. The County of Summit, Case Number
40 5:18-CV-01424, before Judge Sara Lioi, in the United States District Court for the Northern
41 District of Ohio ("Lawsuit"). Said settlement agreement shall include a release and discharge of
42 all claims of Spencer Neal against the County of Summit, Ohio.

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44 SECTION 2

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46 This Resolution is hereby declared an emergency in the interest of health, safety and
47 welfare of the residents of the County of Summit, and for the further reason that it is necessary to
48 spare County tax payers the further expense related to the litigation.

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2 PAGE TWO

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5 SECTION 3

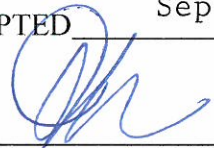
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7 Provided this Resolution receives the affirmative vote of eight members, it shall take
8 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take
9 effect and be in force at the earliest time provided by law.

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11 SECTION 4

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13 It is found and determined that all formal actions of this Council concerning and relating
14 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all
15 deliberations of this Council and of any of its committees that resulted in such formal action,
16 were in meetings open to the public, in compliance with all legal requirements, including Section
17 121.22 of the Ohio Revised Code.

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21 INTRODUCED September 9, 2019

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23 ADOPTED September 23, 2019

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26 _____
27 CLERK OF COUNCIL



PRESIDENT OF COUNCIL

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29 APPROVED September 24, 2019

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32 _____
33 EXECUTIVE

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35 ENACTED EFFECTIVE September 24, 2019

Voice Vote YES: 10-0 - Dickinson, Donofrio, Feeman, Hamilton,
Koehler, McKenney, Prentice, Rodgers, Schmidt, Walters
ABSENT: Wilhite