

Proposed: 11/16/2020

ORDINANCE NO. 126-2020 (CRR), *Second Reading*

By Council Member Russell

An Ordinance authorizing and approving the presentation of entertainment programs in Cain Park for the year 2021.

WHEREAS, this Council annually reviews its use and rentals of the theatres in Cain Park; and

WHEREAS, the City Manager recommends the use and rentals set forth herein.

BE IT ORDAINED by the Council of the City of Cleveland Heights, Ohio that:

SECTION 1. The City of Cleveland Heights shall sponsor and present in Cain Park and other locations to be determined, through the spring and summer of 2021, a program of entertainment in general accordance with plans therefor previously adopted by the City Manager and the Community Relations and Recreation Committee of Council.

SECTION 2. Stage productions will be presented in Cain Park. Admission charges for these productions will not exceed One Hundred Twenty Five Dollars (\$125.00). Rates will be graduated according to seat location, with the designations subject to approval by the City Manager. Groups of twenty (20) or more may purchase tickets at a discount rate subject to the approval of the City Manager.

Musical concerts will be presented at times scheduled by the City Manager. Such programs may or may not be co-produced with an outside agency as deemed fit by the City Manager. Special arrangements may be made for ticket prices to exceed One Hundred Twenty Five Dollars (\$125.00), with the proceeds of the box office split per an agreement approved by the Director of Law to accommodate costs of the concert.

SECTION 3. One or more plays (musicals) may be presented at times scheduled and at the theaters designated by the City Manager. The City's share in the cost of such programs is hereby approved and such expenditure is authorized in a total amount not to exceed Eighty Thousand Dollars (\$80,000.00) for the 2021 season.

The City Manager is hereby authorized and directed to enter into any and all agreements necessary for the presentation of summer concert and other non-theatrical programs at Cain Park. All agreements shall be in a form approved by the Director of Law.

To the extent possible, monies to pay for the aforesaid contracts shall be taken from the Cain Park Operating Fund and monies derived from Cain Park activities shall be placed in the Cain Park Operating Fund.

SECTION 4. (a) Such other programs and activities shall be presented as are approved by the City Manager and as are within the concept of the general program approved by the Community Relations and Recreation Committee of Council. Fees may be established by the City Manager to defray the cost of these new programs. Special promotions which reduce or eliminate ticket prices in exchange for media time, print advertising or other publicity may be arranged as approved by the City Manager.

(b) Except as otherwise provided herein, when any class or activity is offered which requires the use of materials to be furnished to the participant, the City Manager is authorized to establish a fee based upon actual costs, which shall be paid by each person at the time of registering for such activity.

(c) Special benefit performances either at Cain Park or elsewhere may be presented for the purpose of offsetting programs deemed appropriate by the City Manager with ticket prices not to exceed the sum of One Hundred Twenty Five Dollars (\$125.00). These arrangements will be made as deemed appropriate by the City Manager.

SECTION 5. (a) In the event that it should become necessary, in the judgment of the City Manager, at any time to limit the number of persons in attendance at any concert, dance or other activity to which the public would otherwise be generally admitted, the City Manager is hereby authorized to establish and place in effect such regulations and restrictions as she may deem necessary for such activities to protect the safety and welfare of the public grounds, the community in general, and members of the public at large.

(b) Such regulations may include, but are not limited to, advance or on-the-spot limitation of admissions, including closing-off of admission, and may also include a requirement that admission be limited to persons who are bona fide residents of Cleveland Heights and are authorized holders of a proper Recreation I.D. Card issued by the City of Cleveland Heights, and such number of guests accompanied by such Cardholder as the City Manager shall establish.

(c) In the event that the City Manager shall determine, in her sole discretion, that the conduct of a given program, or a portion of the program, would endanger the safety and welfare of the public, then she shall have the authority to cancel any program and, at the earliest time possible, to give, by appropriate means, notice to persons wishing to participate in such activity of the fact that the program or activity has been canceled.

(d) Notwithstanding any other provision, the City Manager is hereby vested with authority to transfer the conduct of any portion of the summer program for the year 2021 to another facility in order to ensure the safety and/or convenience of the general public. At such time, the City Manager shall, by appropriate means, advise persons wishing to participate in such activities of the change of location.

SECTION 6. Notice of the passage of this Ordinance shall be given by publishing the title and abstract of its contents, prepared by the Director of Law, once in one newspaper of general circulation in the City of Cleveland Heights.

SECTION 7. This Ordinance shall take effect and be in force at the earliest time permitted by law.

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JASON S. STEIN, Mayor  
President of Council

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AMY HIMMELEIN  
Clerk of Council

PASSED: