



June 8, 2016

TO: Mr. Cooper
FROM: Nancy Stewart-Franczak
REF: Appeal SETAC decision regarding 2017 Delray Beach Garlic Fest

Mr. Cooper,

At today's SETAC meeting, Delray Beach Arts, Inc. was denied approval to produce the 2017 Delray Beach Garlic Fest on the dates requested, due to a new rule of the special events policy and procedures regarding "One Major Event per Month". I am formally requesting an appeal to this decision and am asking for reconsideration / waiver of the rule for "One Major Event per Month" so that we can conduct our event on Feb. 10 – 12, 2017 as requested. (We also would like to appeal some of the proposed costs.) Our appeal is based on the following information:

- 1) We fulfilled all the criteria in the 'to be adopted policy and procedures' except for the rule of only one major event per month. I have met with Commission Jarjura (via conference call), Commission Katz, Mayor Glickstein and Commission Petrolia regarding this issue and all but Commissioner Petrolia said that they could support Garlic Fest happening in the same month as tennis because "the tournament doesn't attract many attendees".

In addition, the city has historically (17 years) permitted the Garlic Fest and the Tennis Tournament to occur in February as long as they are not on the same weekend.

- 2) We have made extensive changes and upgrades to our event based on the discussions from goal planning sessions:
 - a. Eliminated all street closures
 - b. Eliminated mechanical rides
 - c. Offsite parking/transit program
 - d. Traffic Assist at peak hours
 - e. Upgraded activities and incorporating local schools to participate in performances and projects
 - f. Incorporating a dining experience in Fieldhouse
 - g. Incorporating a Free admission offer to Delray residents (We will be able to track the actual number of residents who attend. It has been stated that 'no one from Delray' attends. This will give us accurate data.)
 - h. Incorporating a cross-promotion with Delray Beach based businesses so we can track the 'spend' by people visiting during the event. (With a receipt showing a purchase of \$50 or more at our local shops, restaurant, gas stations, pharmacies, Publix, etc. we will give free admission)
- 3) The new policies and procedures have not yet been adopted, so technically the existing policy in place should be considered.
- 4) The decision seems to be a violation of due process and failure to fulfill on the responsibilities to implement the process fairly.
- 5) To date an Event Evaluation Form has not yet been implemented, discussed or taken into consideration for use in fairly evaluating or approving events, but today staff agreed to meet for further discussion. We feel this is the only fair way to determine which 'major' event should be selected to be approved if up against another major event.
- 6) The "test process" is seriously flawed at this point and as a result of working through the process currently has put us in financial hardship. Although the process will most likely get ironed out, we feel we are being penalized. We have been on hold waiting for the application process to begin for 5 months and now are close to 6 months into the process and still not able to move forward. We have been forced to stop sponsorship and exhibitor solicitation, thus we have no income coming in since March 2016. The "process" has prohibited us from doing business altogether. Following the process is now like a penalty to us.
- 7) We have multi-year contracts in place with several of our cash sponsors. (Although this is not your issue, it has been a practice we've had for years. It provides us stability and assurance that we have starting capital/commitments each year.)
- 8) We (and other event organizers) have historically reserved/penciled in our dates with the venues we rent, Parks & Rec and the City for 18 years. Our 2017 Garlic Fest dates have been on the books since December 2014.



Regarding Costs:

- a. Proposed cost for “city parking” of \$4,320. Jack said it is for 40 parking spaces x \$21.60 x 5 days. For 17 years we have utilized the Police Explorers to do parking and they share the revenue with the city AND we only are 3 days – not 5! In addition, if we paid to park (\$5) it would be less expensive for us to just do that as the sponsor could potentially park their all day instead of just a few hours as they currently do.
- b. Clean & Safe: not sure why we are now being charged for clean and safe staff to work the downtown during our event. On a normal weekend it is busy downtown and our event doesn’t generate double or triple needs for clean & safe. Also, it is my understanding that the department has been funded by both the DDA and CRA. Not sure if that has changed since I served on the DDA board however.
- c. Estimated costs are tripled and new policy indicates that the CFO has full authority to request payment in advance. We feel that considerations be made to organizers who have historically paid their bills on time.
- d. Permission to have Delray Medical Center or Bethesda Hospital sponsor our EMS/First Aid tent and eliminated the DBFD from our onsite EMS staffing, thus reducing our fees drastically.

In closing, I have served on the special events committee for the past year along with our Assistant Executive. We have done extensive research, spent more hours than I even know attending the months of meetings held, conducted extensive research, participated in each version of the proofing process (majority of the time with only 2 days to review and respond), have reached out to other cities from around the country to have them share their policies and procedures for comparison, submitted documentation for review and consideration and created an EVENT EVALUATION FORM (attached example) that we recommend be implemented at SETAC for purposes of ‘grading’ events that go up against one another. We also volunteered to ‘test’ the process and submitted our application almost SIX months ago.

This is a request to provide us some flexibility and consideration to waive the rule for Garlic Fest 2017 occurring the same month as the Tennis Tournament

Event producers who have not been a part of this process have yet to be notified and will most likely be shocked. It seems illogical that information has not been continually shared to make them aware of upcoming changes. We feel that the city should have sent a letter to all event producers to put them on notice that pending changes were ahead – something in writing.

Also in today’s meeting I realized that the criteria for determining a small, intermediate or major event needs to be updated to reflect increased city costs. The criteria are now being based on old policy, thus putting events into inaccurate categories. I respectfully request that this is addressed before the June 15th SETAC meeting so that Bacon & Bourbon Fest does not face this same dilemma of more than one major event per month. The threshold needs to be adjusted immediately as it was an oversight in our planning meetings to incorporate new city estimate cost levels.

At last night’s commission meeting statements were made that this it’s a work in progress and that changes will continue to be made, disputes and appeals will happen, and that the process doesn’t have to be 100% correct from the start.

Thank you in advance for your sincere evaluation and consideration to our plea to approve our date. In exchange for the waiver, we will do everything possible to begin the process to relocate our event to outside of the CBD district by 2018.

Thank you for your consideration,

Nancy Stewart-Franczak, CFEE
President, Delray Beach Arts, Inc.