

CITY OF DELRAY BEACH



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• DELRAY BEACH, FLORIDA 33444

• 561/243-7000



June 10, 2016

Ms. Nancy Stewart-Franczak
Delray Beach Arts Inc.,
140 NE 1st Street
Delray Beach, FL 33444

RE: Appeal Special Events Technical Advisory Committee (SETAC)
Decision 2017 Delray Beach Garlic Fest

Dear Ms. Stewart-Franczak:

In response to your appeal of the SETAC decision to deny the permit for Garlic Fest 2017 I will address each of the issues in your letter of June 8, 2016, as follows:

1. The rule of major event per month is directive from the City Commission and cannot be waived by SETAC or this office as a result the appeal of the SETAC decision must be denied. Only the City Commission can waive that requirement and such action must be taken at a City Commission Meeting. Therefore, if you wish to pursue the matter further I would suggest scheduling this item for consideration by the City Commission at the first available City Commission Meeting.
2. Acknowledge the positive changes made to Delray Beach Arts in lessening the impact of the event.
3. The new policies have been adopted and the Commission direction was to implement them for events occurring after October 1, 2016.
4. That is legal decision to be determined by the City Attorney, however the procedures of the policy were followed and the denial is based upon the specific public direction of the City Commission.

5. The evaluation of the process and its requirements are being evaluated during the implementation period and will continuously be improved as may the definition of a major event. However, that issue is not pertinent as it applies to this denial.
6. In the absence of an application the process cannot commence, if the City did not responsively address your application that will be addressed. However, the timing of the commencement of the process is determined by the applicant.
7. As you stated this not an issue for consideration for this appeal.
8. As I have indicated costs can be reviewed, including alternative service providers and adjustments made by this office if necessary. Services that are being required by the City are also subject to review.

We are prepared to review the definitions and classification of events as part of the improvement of the process, but again that is not the basis for the denial. Upholding the denial of the SETAC decision is based upon the direction of the City Commission which has been incorporated into the Special events policy.

The denial by the SETAC of a permit is sustained, due to the prohibition against more than one major event per month. The City Commission is the only party which may waive that requirement.

Sincerely,



Donald B. Cooper
City Manager

DC/sms

cc: City Commission
City Attorney
Francine Ramaglia, Assistant City Manager - Support