



**Summary of Discussion
Loxahatchee Groves Town Council
Workshop on the Solicitation of Day Workers
Tuesday, August 28, 2007
Loxahatchee Groves Water Control District Council Chambers
101 D. Road; Loxahatchee, FL
7:00 PM – 9:00 PM**

Members Present:

Dave Browning, Mayor
Marge Herzog, Vice Mayor
Dave Autrey, Council Member
Dennis C. Lipp, Council Member
Dr. J. William Louda, Council Member

Members Absent:

None

Others Attending:

Phyllis A. King, Transcriber, PKING Consulting
Julie Klahr, Esq., Goren, Cherof et. al.
Matthew Lippman, Interim Town Clerk (NCS)
Andrew Lukasik, Town Manager, Jupiter Florida
Cathy Peck, Legislative Aide, Rep. Salley Vanna's Office
Dr. Irv Rosenbaum, Interim Town Manager (NCS)
Members of the Public

1. – 4. Call to Order/Roll Call/Pledge of Allegiance/Invocation:

Mayor Dave Browning called the meeting to order at 7:00 p.m. He then requested the roll call by Vice-Mayor Herzog. Upon completion of the roll, the Mayor requested everyone stand for the Pledge of Allegiance and Invocation.

REGULAR AGENDA:

5. SPEAKERS:

- a. Rep. Shelley Vanna's Office (Legislative Aide Cathy Peck)
- b. Andrew Lukasik, Town Manager, Jupiter Florida

Items at the Request of the Public

Individuals wishing to make a five minute presentation must complete the necessary form and submit to the Town Clerk prior to 8:45 p.m.

Mayor Browning recognized Town Clerk Lippman for a workshop introduction. Town Clerk Lippman introduced Cathy Peck, Legislative Aide representing Representative Shelley Vanna's Office.

Ms. Peck advised that she is happy to be in attendance representing Tallahassee. She stated that they're gearing up for the revamping of the budget.

Town Clerk Lippman thanked Ms. Peck for attending and then stated that she will be providing a status report to Ms. Vanna. He also advised that the representative scheduled from El Sol could not make tonight's meeting. .

Town Clerk Lippman then introduced Andrew Lukasik, Town Manager of Jupiter, FL, and gave a brief overview of Jupiter's Neighborhood Center. He stated that Mr. Lukasik may be able to share some experiences he went through and answer questions the Council might have.

Mr. Lukasik provided a brief overview of the process they went through in Jupiter. He described some nuisances and complaints, which are similar to those in Loxahatchee Groves. He informed everyone that a multi-plan program had been developed to address the issues. He also provided the opportunity for questions.

Mayor Browning asked the Council members if they had questions or comments.

Councilman Louda asked how Jupiter was able to get into the worker community to initiate the trust for their feedback. He also asked what type of an operational budget would be necessary for about 400 workers; if there was kicking from churches etc. He advised that there is no building currently available, but wished to do something rapidly in Loxahatchee Groves.

Mr. Lukasik stated that Jupiter was fortunate to have a piece of property, which made it easy for them. He advised that they had already engaged the Church in the acquisition of the property, which helped them out tremendously. Mr. Lukasik also stated that the dollar outlay is minimal

and limited to the infrastructure related needs. He advised that Jupiter provides consultation assistance and that they participate in the monthly meetings of Friends of El Sol.

Councilman Louda asked who covers the liability associated with the Center.

Mr. Lukasik replied that a Lease Agreement with the Charities, NFPs etc., is written so that not-for-profits, charities etc. are not engaged in business. He added that it is purely a means to manage the process.

Councilman Louda asked who is responsible if they are in the Center operated by whomever and someone is injured.

Mr. Lukasik stated that it is a Town facility and leased to Catholic Charities therefore both are in line if someone is injured.

Councilman Louda asked if the employers are required to have Workers Compensation Insurance.

Mr. Lukasik replied no, that there is no check in terms of qualifications etc., it is merely matching.

He also stated that in terms of registration; the contractors or employers and the workers register with Catholic Charities or the Center. He advised that they're all registered as members of the Center.

Councilman Louda stated that it's a leap of faith to register if they are illegal.

Mr. Lukasik responded that he imagines so, but they are not asked.

Vice-Mayor Herzog asked if the new requirement for employer verification of a social security numbers would become an issue.

Mr. Lukasik replied that it might but he doesn't know how it will affect them in the future.

Ms. Klahr stated that as far as the City is concerned, the City of Jupiter is not operating the Facility. She advised that they are far removed from the municipality and on the responsibility lies with the employer.

Mayor Browning asked if they claim that they are going to use a hiring agency.

Ms. Klahr stated that would be between the employer and employee. She explained that it's a hands-off situation for Jupiter and that the City does not get involved in the operation of the center. She advised that the more removed you are from the process, the less liability you have.

Councilman Autrey asked what the hours of operation are. Mr. Lukasik replied 7 days a week, 5:00am to 3 pm.

Councilman Autrey asked what the population of people who use the Center is. Mr. Lukasik stated approximately a couple hundred.

Councilman Autrey asked if the Ordinance applies to the whole Town or just Center Street. Mr. Lukasik replied that it applies to any public rights of way including Center Street. He stated that they tried to model based upon Ordinances adopted in California and that they tried to learn from rulings made to preserve the expression of speech.

Councilman Autrey asked how big El Sol is. Mr. Lukasik replied that the gym is about 4,000 sq. ft. with offices upstairs and that the Catholic Charities are operating other outreach efforts from the second floor of the facility. He explained that volunteer groups and Corn Maya are operating on the first floor.

Councilman Autrey asked for a description of the traffic flow activities. Mr. Lukasik stated that the hiring rate when started was not over 20% and that it's not unusual to see days where the hiring rate is 30% - 50%. He also advised that it is quite busy but there is no noticeable flow.

Councilman Autrey asked if Jupiter would have done anything different now that the operation has been running for over a year. Mr. Lukasik replied that organizationally there were some things that could have been done different in terms of prepping for certain logistics and being

ready for certain transitional issues. He advised that many things were left unsaid and unaddressed. He also stated that not everybody was really in sync with the ultimate goals. Mr. Lukasik advised that all volunteers, Catholic Charities, Corn Maya etc. joined together to make the Center work and differences of opinion exist but the center is a rousing success.

Councilman Autrey asked about banking. Mr. Lukasik advised that the Center has established partnerships with banks. He stated that they open accounts and work with the workers.

Councilman Autrey asked if a model from another state was used to create the Center in Jupiter. Mr. Lukasik replied that there were several. He then gave reference to the National Day Labor Organizing Network who was very helpful. He stated that they went to visit centers around the Country and he has a report, which he can share with the Council. He advised that they compiled the best of everything to make sure the Center was a success.

Councilman Louda requested contact information for Corn Maya.

Councilman Lipp advised that he had visited the Center. He then asked if the nuisances had gone away. Mr. Lukasik replied that there are infrequent complaints about overcrowding. He stated that they adopted a zero tolerance on code violations and allowed no leniency.

Councilman Lipp asked if the Town of Jupiter was on a sewer system or septic tanks.

Mr. Lukasik replied that Jupiter has its own water system and an Authority runs the sewer system.

Councilman Louda asked what the housing standards lawsuits rose from. Mr. Lukasik replied that some landlords tried to use the Constitution to defend their actions by stating they were discriminated against.

Councilman Louda asked if they have had to tear down any housing. Mr. Lukasik replied no, but advised that the Town of Jupiter has had to forced repairs.

Councilman Lipp asked if anyone was living in tents or RVs. Mr. Lukasik replied no for the tents and stated that they have a couple RVs.

Vice-Mayor Herzog asked what happens to workers if their involved in drugs. Mr. Lukasik replied that they are banned from coming to the Center. He stated that the Centers has developed rules to guide behavior.

Vice-Mayor Herzog asked if the employers were also prohibited from coming back for mistreatment of workers. Mr. Lukasik advised yes.

Vice-Mayor Herzog asked for statistics on earnings on the sheet verses the lottery. Mr. Lukasik stated that this is up to the laborer and employer to negotiate.

Vice-Mayor Herzog asked if the rate of employment is sufficient for them to continue to come back. Mr. Lukasik replied yes.

General discussion ensued and Councilman Louda asked about classes offered. Mr. Lukasik replied that the Center has an established relationship with Palm Beach County Schools. He stated that they donated computers etc.

Mayor Browning stated that he is concerned that success would bring in a lot more people. Mr. Lukasik stated that the volunteers check a local list of residency and workers must provide proof of residency.

Mayor Browning stated that another concern is Work Construction - ID, Alien Reg, etc. He also advised that the government is to crack down on employers who do not check out the IDs. Ms. Klahr stated that it's up to the employer and not the charitable organization. She also advised that it is not the Town's responsibility.

Town Clerk Lippman advised that the definition is clearly noted in the Ordinance that it's not the responsibility of the Town in the employment side of it.

Mayor Browning asked if there were further comments.

Councilman Autrey asked if Mr. Lukasik was aware of the reason for the increase in awareness in their Community. Mr. Lukasik replied that he doesn't know what prompted it to grow to the

extent that it did in 2002-2003. He also advised that it is an area with a significant need for unskilled labor and there was a significant drop-off in the activities post Katrina.

Councilman Autrey asked if funding was an area of interest. Mr. Lukasik stated that they have grant-writing people who volunteer to try to get the funding. He also advised that they receive private contributions from individuals.

Councilman Louda asked if they ran into places where residences allow workers to live on their property. Mr. Lukasik replied that they hadn't run into that situation.

Councilman Lipp asked if data had been used for the Federal Census. Mr. Lukasik replied no.

Councilman Louda stated that the issue of workers living on the properties is a collateral concern.

Mr. Lukasik advised that as a strategy in their Community they needed to employ to address a certain concern. He stated that the policy decision would be up to the Non-profit.

Councilman Louda stated that he could estimate 10% might be living as renters on personal property.

Councilman Autrey stated that the entire conversation is based on Okeechobee Blvd. He also asked if Center Street had stoplights or signs. Mr. Lukasik replied predominantly stoplights.

Discussion ensued between Councilman Autrey and Mr. Lukasik regarding the car activity around the Center. Mayor Browning asked what type of commute was used mostly. Mr. Lukasik replied that mostly they ride bikes or walk.

Mr. Lukasik stated that some Centers are using parking lots and it can work. Vice-Mayor Herzog stated that a parking lot is not an issue.

Mayor Browning asked if there were further comments from Council members.

There being no further discussion from the dais Mayor Browning opened the floor to Public Comments.

6. Public Comments:

Ms. Crawford- E Road requested municipal garbage pails and suggested south side of Okeechobee to make the Center work. She stated that many of the workers are abused and shorted pay; they might benefit from some of the protection. She also stated that providing a place is a good idea. She then cautioned the Council to think hard if they wished to get into the whole matching up thing. She advised that it would be a hard thing to find a Charity to staff the place 7 days a week.

Ms. Fried-Tobin asked Mr. Lukasik if they had a problem in Jupiter with drunks. She stated that the concern on B road is with drunks crashing on the side of the street. Mr. Lukasik explained that the City of Jupiter is in the process of establishing an acting open container ordinance.

Ms. Klahr stated that open container laws are generally when you're mobile. Vice-Mayor Herzog stated that public drunkenness is a Statute. Mayor Browning stated that it is not just B Road.

Ms. Isaacs thanked Mr. Lukasik for speaking.

Ms. Crawford- E Road stated that she has seen quite a few drunk drivers.

Ms. Isaacs suggested that the Town provide counseling and education to assist the Day Workers.

Councilman Lipp suggested the need for the Town to find a charity. Mayor Browning advised that letters would be sent out to local churches and charities to request assistance.

Mr. Ryan- A Road suggested finding a location to provide a port-a-let and a basic rain shelter. He also stated that it should have a place where bicycles could be locked up.

Mayor Browning asked for further comment from the Public. There being no further public comment the chair opened to floor to discussion of item 7.

7. Town Clerk Comments (workshop announcements):

Town Clerk Lippman referred to memorandum No. 2007-030, prepared by Mr. Tolces, and reviewed highlighted excerpts. There being no further discussion, Mayor Browning opened the floor to Council Member Comments.

8. Council Member Comments:

Councilman Autrey asked if the Town had to be involved with some ownership, to satisfy the communication requirement.

Ms. Klahr replied yes. She then stated that the issue is to the extent fostering a partnership and funneling, in that fashion would achieve the goal.

Councilman Louda asked in reference to traffic redirection if traffic impact would decrease if the Center were located on Okeechobee. He also suggested that signs be posted in English, Spanish, and Creole. Ms. Klahr advised that signage is regulated by ordinance and could not necessarily be regulated by the same ordinance. She also stated that it can encompass more issues within the ordinance but may be separate parts.

Councilman Louda asked if the ordinance is written correctly if there could be a second layer to get rid of solicitation concerns.

Town Clerk Lippman explained that it cannot be blanketed as the ordinance must be specifically targeted to the problem at hand.

Vice-Mayor Herzog stated that the group for the Cinco De Mayo Permit showed interest to work with the Town. She advised that they already had the expertise with setting up Town Centers. Town Clerk Lippman suggested getting the information and contacting the group. Councilman Louda suggested inviting them to the next meeting.

Ms. Vorsteg - Bryan Road stated that she has a concern with the park being used; being a parent, it raises safety issues for children.

Vice-Mayor Herzog thanked Mr. Lukasik for attending.

Mayor Browning recommended that the churches be contacted. He also advised that he liked Darlene's idea about garbage cans and agreed with the housing issue mentioned by Councilman Louda, but that they may have to deal with it separately, by going after housing.

Discussion ensued regarding the pick up and dumping of garbage containers.

Town Clerk Lippman recommended that the Council move forward to get the people here via a follow-up workshop. Town Clerk Lippman also suggested that they should think about a date to come back. Councilman Autrey stated that the reason he wanted to see the Commissioner and representatives present is that this is a national problem and should be handled regionally.

Town Clerk Lippman advised that many of the people contacted were unable to attend.

Mr. Rosenbaum suggested having an afternoon meeting; which might be more convenient for those invited.

Vice-Mayor Herzog stated that this is good for Guatemalans to hear that people are concerned about their well-being.

Mayor Browning pointed out that the landscape contractors are adding to the problem.

Ms. Fried-Tobin - B Road announced that a Teenage 4H Agricultural Project has been started at her farm. She provided an open invitation to anyone who might be interested and asked everyone to spread the word.

9. Town Attorney Comments:

Ms. Klahr stated that it was a pleasure attending the meeting.

10. Adjournment:

There being no objections or further business to discuss and no additional public comment, Mayor Browning adjourned the meeting at 8:49 p.m.

Dave Browning
MAYOR DAVE BROWNING

ATTEST:

Matthew Lippman
Matthew Lippman, Town Clerk

9-18-07
Date Approved