



**CITY OF COOPER CITY  
CITY COMMISSION**

**SPECIAL MAGISTRATE  
WORKSHOP MINUTES  
APRIL 2, 2019 at 6:30 PM**

1. Pledge of Allegiance

Mayor Ross opened the meeting at 6:30 PM and led the assembly in the Pledge of Allegiance.

2. Roll Call

Present were Commissioners Pulcini, Meltzer, Green, Curran and Mayor Ross.

3. Public Comments (four minutes each)

David Nall, 3620 NW 89th Way, spoke on the backup in Ms. Edwards resume and his concerns with Mr. Hartman being impartial and discussed a previous special magistrate case.

4. Interview of Special Magistrate Candidates (alphabetical order)

- a. Theresa Edwards
- b. Bradley Hartman
- c. Hofit Lottenberg

Mr. Hartman advised he has been a practicing law for 40 years come July. The last 25 years practicing in Cooper City, he has lived in Cooper City for 27 years. He has served on many City boards and the Chamber of Commerce. He has served as the Alternate Special Magistrate here in Cooper City and is AV rated.

Commissioner Green thanked Mr. Hartman for serving as the alternate Special Magistrate and his civic involvement in the City. He asked what factors would Mr. Hartman take into account when considering a reduction in liens or fines.

Mr. Hartman advised he takes into account compliance and efforts of compliance.

Commissioner Green asked about his process when defendants want to share evidence.

Mr. Hartman advised anyone who appears in front of the Magistrate can present evidence they believe is relevant. Mr. Hartman explained a previous case in which selective enforcement was brought up and he did not believe that selective enforcement was relevant.

Commissioner Meltzer thanked Mr. Hartman for his 6 years as Alternate Magistrate and asked what criteria he considers in making an order?

Mr. Hartman answered if the respondent admits or contests there's a violation. If they admit there's a violation, what have they done or what are they willing to do about it. In what period do they think they can address the issue and make an order. If the respondent contests the violation an evidentiary proceeding will happen. Once that occurs an order will be made seeking the respondent to comply and reappear.

Commissioner Meltzer asked how would you handle a violation that proposes a threat to health, safety or welfare to the community.

Mr. Hartman answered every violation affects the community and the severity of which would need an order to comply in a time within reason.

Commissioner Meltzer advised the situation is an abandoned pool.

Mr. Hartman advised he would have the City rectify the situation and impose the costs on the homeowner.

Commissioner Pulcini asked Mr. Hartman if he would be available on short notice to sign orders.

Mr. Hartman advised his office is virtually around the corner and his home is a mile away. He would have opportunities to review and sign orders.

Mayor Ross thanked Mr. Hartman for his service as Alternate Special Magistrate and his time on the Business Advisory Board. He asked in regards to the previously mentioned case would it have been better handled to admit the evidence knowing he was the one giving the appropriate weight.

Mr. Hartman answered sure he could have accepted the evidence however he received the proffered of evidence. In the long run he believes the evidence offered was not relevant to the issue.

Mayor Ross asked Mr. Hartman if he has ever discussed cases on social media.

Mr. Hartman answered he doesn't believe so.

Mayor Ross asked Mr. Hartman if he has ever gone out to an area to view an issue in real time or does he look at photos alone.

Mr. Hartman answered no, he has never gone to a scene of a case that's on his docket.

Mayor Ross asked Mr. Hartman what do you find the most difficult about being the Magistrate.

Mr. Hartman answered the most difficult part is making decisions that not everyone will agree with but making the right decisions.

Mayor Ross asked Mr. Hartman with being employed by the City do you have any issue with fining against the City.

Mr. Hartman answered no.

Mayor Ross asked Mr. Hartman if he looked at his ballots and how many times he found against the City.

Mr. Hartman answered no.

Commissioner Curran asked Mr. Hartman if the residents ability to pay is a factor in his rulings?

Mr. Hartman answered that ability to pay does factor into what it takes to obtain compliance from a party in some circumstances. A business has a greater ability to pay than a widowed retiree on a fixed income. In each of those situations you need to find a solution that will obtain compliance without causing undo harm to the party involved.

Commissioner Curran asked how do you feel about leniency towards banks and realtors.

Mr. Hartman answered each case depends on circumstances of the particular case and how long they have had the property and efforts they have made to get the issue in compliance.

Commissioner Curran asked do you see Magistrate as a financial tool for the City or a service to the City.

Mr. Hartman answered as a service to the City and the goal is to help encourage compliance to the code and keeping this a great place to live.

Commissioner Meltzer asked as a Cooper City resident how would you handle sitting in judgement of your neighbors.

Mr. Hartman answered this is an issue he has had before and he handles it by asking the neighbor if there comfortable with him hearing the case or if he needs to recuse himself.

Mayor Ross asked Mr. Hartman if he sees the Special magistrate position as a stepping stone.

Mr. Hartman answered no, just a way to keep serving.

Brenda Kezar, spoke on her concerns with a prior magistrate hearing, her concerns with a prior code officer and the need for a clean slate in the City.

Ms. Lottenberg advised she is an attorney at Frank, Weinberg & Black and has been there for 7 years. She has been a Cooper City resident for 7 years and has been nominated to the Business Advisory Board. She advised her relevant experience is in representing homeowner's associations. She has a vested long term interest in the City and hopes she can help the City.

Commissioner Curran asked Ms. Lottenberg how she feels about leniency towards banks and realtors.

Ms. Lottenberg advised she has represented both sides. Discretion can be given to a property owner who purchased a property with violations and rectifies it immediately. If a lender takes title and ignores the violations, she would use the City's lien power.

Commissioner Curran asked Ms. Lottenberg if she still works with HOA's.

Ms. Lottenberg said yes through her office.

Commissioner Curran asked about the situation of having friends and neighbors appearing in front of her as Magistrate.

Ms. Lottenberg answered she will remain impartial or recuse herself.

Commissioner Curran asked if Ms. Lottenberg sees the Magistrate process as a way for the City to make money or as a convenience to the residents.

Ms. Lottenberg answered the process is to preserve the City's beauty. Revenue is a penalty not a source of income.

Commissioner Green asked Ms. Lottenberg if she would discuss cases on social media.

Ms. Lottenberg answered she is on social media but would not utilize it to discuss community affairs or anything she's presiding over.

Commissioner Green asked if there are any HOA's Ms. Lottenberg represents in Cooper City and if so how would you handle the situation of an HOA she's handling has to appear in the Magistrate Court.

Ms. Lottenberg answered she does not represent any HOA's in Cooper City but if she did she would recuse herself.

Commissioner Green thanked Ms. Lottenberg for her involvement and service to the City. Commissioner Green asked how would you handle a violation for an elderly widowed individual on a fixed income.

Ms. Lottenberg answered its difficult but you must enforce the rules and discretion can be exercised firmly and fairly.

Commissioner Meltzer thanked Ms. Lottenberg for her service to the City and the Business Advisory Board. He asked Ms. Lottenberg what she has learned from handing property owners that can help in dealing with the residents as Special Magistrate.

Ms. Lottenberg answered she would not be so biased. In representing homeowners, she has compassion but being an attorney she follows the rules.

Commissioner Pulcini asked Ms. Lottenberg if she will have time to dedicate to becoming Magistrate knowing she has a full time job.

Ms. Lottenberg advised she spoke to the current Magistrate about the time requirements and this will be her priority.

Mayor Ross asked Ms. Lottenberg if she would have any difficulty ruling against the City being that she would work for the City.

Ms. Lottenberg answered no.

Mayor Ross asked Ms. Lottenberg if she would be fair and let individuals submit evidence and then give that evidence the proper weight.

Ms. Lottenberg answered she would consider everything.

Mayor Ross asked Ms. Lottenberg if she understands part of the job is allowing people to vent.

Ms. Lottenberg replied it happens.

Mayor Ross asked if she would give constrictive criticism to the Code Officers after the hearings.

Ms. Lottenberg answered no.

Mayor Ross asked if she sees a code officer giving citations to many residents that she rules in against the City would she speak to the Code official to better handle the situation.

Ms. Lottenberg answered no she believes it's the City Attorneys job.

Mayor Ross asked Ms. Lottenberg if she has an edge being a resident or does being a resident work against her.

Ms. Lottenberg answered she believes it's in the code that they prefer a resident because they have long term vested interest.

Commissioner Meltzer asked when your considering an order what do you consider in formulating the order.

Ms. Lottenberg answered the facts.

Commissioner Meltzer asked if there's an abandoned swimming pool that poses a threat to help safety and welfare how would you handle the situation.

Ms. Lotteberg answered the City Manager could go in and remedy the situation and impose cost on the owners.

Ms. Theresa Edwards appeared by telephone.

Ms. Edwards advised she is a great choose because she has the temperament for this type of position and enjoyed her work that she has done in the Town of Davie recently.

Commissioner Curran asked Ms. Edwards if she believes a magistrate is a money maker or a service to the residents.

Ms. Edwards answered she believes it's a help to the residents and also its good if they Magistrate system sets itself up.

Commissioner Curran asked how Ms. Edwards feels about leniency towards banks and realtors.

Ms. Edwards answered she would not be inclined to give reductions with investors involved.

Commissioner Curran asked what makes Ms. Edwards the perfect candidate for the Magistrate job.

Ms. Edwards answered she believes because she's been an attorney for many years and she believes giving consideration to everyone and listening to them works well for her.

Commissioner Green asked Ms. Edwards what has been the most difficult part of serving as a Magistrate judge.

Ms. Edwards answered she hasn't found any part of it difficult. She enjoys the position.

Commissioner Green asked if she lives in Cooper City.

Ms. Edwards answered she resides in Davie and she previously lived in Cimarron in Cooper City.

Commissioner Green asked if she would have an advantage by serving outside of Cooper City.

Ms. Edwards answered it wouldn't matter because she treats everyone thoughtfully.

Commissioner Green asked about a residents question earlier in Ms. Edwards referring to "Cowboy Culture" and if she could explain that reference.

Ms. Edwards answered that she has been living in Davie since her early 20's. She is very familiar with the culture and she's familiar with the change of culture.

Commissioner Meltzer asked as a Davie resident and Magistrate has she ever had to precide over a case from a neighbor.

Ms. Edwards answered she had to previously had to recuse herself due to a case that was someone who rents space at her office. It may be inappropriate to see a neighbor's case and she would recuse herself.

Commissioner Meltzer asked if there's an abandoned swimming pool that poses a threat to help safety and welfare how would you handle the situation.

Ms. Edwards answered she would take action to secure the fence

Commissioner Meltzer asked what factors do you formulate when making an order.

Ms. Edwards answered it would depend on the circumstances and she does not try to come down hard on residents who are trying.

Commissioner Pulcini asked what would happen if there's a conflict between Davie and Cooper City.

Ms. Edwards answered Davie's Magistrate hearings are on Tuesday mornings and if there was any conflict she would work it out.

Mayor Ross asked were Cimarron was in Cooper City

Ms. Edwards answered on the corner of Pine Island and Orange Drive.

Mayor Ross asked if she paid water to Davie.

Ms. Edwards answered that was a long time ago.

Mayor Ross asked what Ms. Edwards makes in the Town of Davie.

Ms. Edwards answered \$125 an hour.

Mayor Ross asked if we could not match that, is that an issue.

Ms. Edwards answered she's willing to consider it.

Mayor Ross asked Ms. Edwards if she considers the position a stepping stone.

Ms. Edwards answered no it's an opportunity to use the things she's learned to help.

Mayor Ross asked if she would be at a disadvantage because she's a nonresident and not vested in the community.

Ms. Edwards answered no because she doesn't make a distinction between Davie and Cooper City and the people are very easy going.

Mayor Ross asked do you believe Davie is similar to Cooper City or a difference between the towns.

Ms. Edwards answered Cooper City is more rural and the houses are more organized in the way there set up, and Davie is less organized.

Mayor Ross asked that she has said she will enforce the Code for the convenience of the people. Will she enforce the code for compliance?

Ms. Edwards answered compliance is for the comfort and safety of the people.

5. Commission Discussion

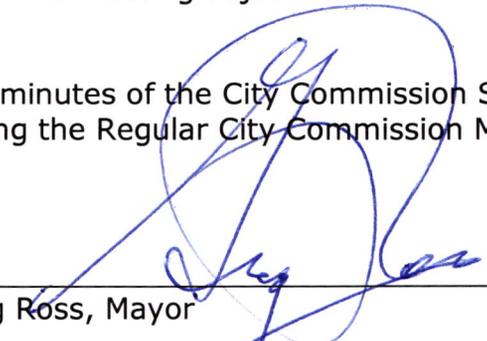
6. Public Comments (two minutes each)

David Nall, 3620 NW 89th Way spoke on his support of fresh and new candidates and his concern of having a Magistrate that's a resident has changed.

7. Adjournment

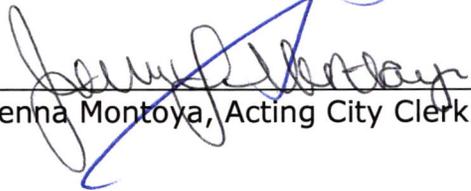
The meeting adjourned at 7:46 PM.

The minutes of the City Commission Special Meeting of April 2, 2019 were approved during the Regular City Commission Meeting of August 20, 2019.



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Greg Ross, Mayor



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Jenna Montoya, Acting City Clerk

**NOTICE:** This meeting is open to the public. In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Office of the City Clerk, 954-434-4300 ext. 220, not later than two days prior to such proceeding. One or more members of the City of Cooper City Advisory Boards may be in attendance and may participate at the meeting. Anyone wishing to appeal any decision made by the Cooper City Commission with respect to any matter considered at such meeting or hearing will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Agenda items may be viewed online at [www.coopercityfl.org](http://www.coopercityfl.org) or at the Office of the City Clerk, City of Cooper City, 9090 SW 50 Place, Cooper City, Florida, 33328, 954-434-4300.