

**MINUTES OF MEETING
MIDTOWN MIAMI
COMMUNITY DEVELOPMENT DISTRICT**

The Board of Supervisors of the Midtown Miami Community Development District held a Regular Meeting on May 10, 2022 at 2:00 p.m., at the offices of the CDD, Shops at Midtown Miami, 3401 N. Miami Avenue, Suite 132, Miami, Florida 33127.

Present were:

Joseph Padula	Chair
Alex Miranda	Vice Chair
Kiahna Perez	Assistant Secretary

Also present were:

Cindy Cerbone	District Manager
Jamie Sanchez	Wrathell, Hunt and Associates, LLC (WHA)
Daniel Rom (via telephone)	Wrathell, Hunt and Associates, LLC (WHA)
Ginger Wald	District Counsel
Juan Alvarez	District Engineer
Deborah Samuel	Operations Manager
Lindsey Vicha	Resident

FIRST ORDER OF BUSINESS

Call to Order/Roll Call

Ms. Cerbone called the meeting to order at 2:00 p.m. Supervisors Padula, Miranda and Perez were present, in person. Supervisors Riccobono and Vadia were not present.

SECOND ORDER OF BUSINESS

Public Comments

No members of the public spoke.

THIRD ORDER OF BUSINESS

Acceptance of Resignation of Supervisor Alberto Vadia, SEAT 2; *Term Expires November 2022*

Ms. Cerbone presented Mr. Vadia's resignation letter.

On MOTION by Mr. Padula and seconded by Mr. Miranda, with all in favor, the resignation of Supervisor Alberto Vadia from Seat 2, 2022, was accepted.

**Consider Appointment of Qualified Elector
to Fill Unexpired Term of Seat 2**

Mr. Padula nominated Ms. Lindsey Vicha to fill Seat 2. No other nominations were made.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, the appointment of Ms. Lindsey Vicha to Seat 2, was approved.

FIFTH ORDER OF BUSINESS

**Administration of Oath of Office to Newly
Appointed Supervisor *(the following to be
provided in a separate package)***

Ms. Sanchez, a Notary of the State of Florida and duly authorized, administered the Oath of Office to Ms. Lindsey Vicha. Ms. Cerbone provided and explained the following items:

- A. Guide to Sunshine Amendment and Code of Ethics for Public Officers and Employees**
- B. Membership, Obligations and Responsibilities**
- C. Financial Disclosure Forms**
 - I. Form 1: Statement of Financial Interests**
 - II. Form 1X: Amendment to Form 1, Statement of Financial Interests**
 - III. Form 1F: Final Statement of Financial Interests**
- D. Form 8B: Memorandum of Voting Conflict**

The record retention policy, public records requests and keeping CDD files separate from business and personal files, were discussed. Ms. Vicha was advised to copy Ms. Cerbone on emails if she uses a different email address for CDD business than the one created for her.

The Board Members were reminded to file Form 1 by the July 1, 2022 deadline.

Ms. Wald suggested Ms. Vicha review the items in the Supervisor's package and to contact Ms. Samuel with any questions about CDD operations.

SIXTH ORDER OF BUSINESS

**Consideration of Resolution 2022-01,
Designating Certain Officers of the District,
and Providing for an Effective Date**

Ms. Cerbone presented Resolution 2022-01. Mr. Padula nominated the existing slate of officers, as follows, with Ms. Vicha replacing Mr. Vadia, as Assistant Secretary:

Joseph Padula

Chair

Alex Miranda	Vice Chair
Craig Wrathell	Secretary
Kiahna Perez	Assistant Secretary
Pietro Riccobono	Assistant Secretary
Lindsey Vicha	Assistant Secretary
Cindy Cerbone	Assistant Secretary
Daniel Rom	Assistant Secretary

No other nominations were made. Prior appointments by the Board for Treasurer and Assistant Treasurer remain unaffected by the Resolution.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Resolution 2022-01, Designating Certain Officers of the District, and Providing for an Effective Date, as nominated, was adopted.

SEVENTH ORDER OF BUSINESS

Consideration of Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Miami-Dade County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date

Ms. Cerbone presented Resolution 2022-02 and read the title. Seats 1, 2 and 3, currently held by Supervisors Padula, Vicha and Miranda, respectively, will be up for election at the November 2022 General Election. Candidates must qualify with the Supervisor of Elections during the qualifying period of noon June 13, 2022 through noon June 17, 2022.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Resolution 2022-02, Implementing Section 190.006(3), Florida Statutes, and Requesting that the Miami-Dade County Supervisor of Elections Begin Conducting the District’s General Elections; Providing for Compensation; Setting for the Terms of Office; Authorizing Notice of the Qualifying Period; and Providing for Severability and an Effective Date, was adopted.

MIDTOWN MIAMI CDD
EIGHTH ORDER OF BUSINESS

May 10, 2022

Consideration of Resolution 2022-03, Approving Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date

Ms. Cerbone presented Resolution 2022-03. She reviewed the proposed Fiscal Year 2023 budget, noting increases and decreases compared to the Fiscal Year 2022 budget, and explained the reasons for any adjustments. She and Ms. Samuel noted the following:

- **Field Expenditures:** With the imminent construction of Midtown 7, costs for certain field operations line items were increased to ensure the property is maintained properly.
- **New budget line items** included “Animal waste removal” and “General capital outlay” that lists specific expenditures, such as the M Park – dog park, etc.
- **M Park – dog park:** The Architect is reviewing the feasibility of a separate area for larger dogs, in response to the CDD insurance carrier’s requirements. The firm mitigating for the DERM is concerned about a dog digging through the turf and damaging the plastic barrier.
- **Vendors** were notified that requests for increasing prices due to inflation will not go into effect until Fiscal Year 2023.
- **Enterprise Fund Fiscal Year 2023 Capital Outlay Project:** No funds were budgeted for the NB waterproofing membrane project, as it is expected to be completed before season.
- **The proposed Fiscal Year 2023 budget** is being approved for the purposes of setting the public hearing but it can be modified until adopted at the public hearing.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Resolution 2022-03, Approving Proposed Budgets for Fiscal Year 2022/2023 and Setting a Public Hearing Thereon Pursuant to Florida Law for September 13, 2022 at 2:00 p.m., at the Shops at Midtown Miami, Office of the CDD, 3401 N. Miami Avenue, 2nd Floor Parking Garage, Suite 132, Miami, Florida 33127; Addressing Transmittal, Posting and Publication Requirements; Addressing Severability; and Providing an Effective Date, was adopted.

NINTH ORDER OF BUSINESS

Consideration of Resolution 2022-04, Designating Dates, Times, and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year

2022/2023 and Providing for an Effective Date

Ms. Cerbone presented Resolution 2022-04.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Resolution 2022-04, Designating Dates, Times, and Locations for Regular Meetings of the Board of Supervisors of the District for Fiscal Year 2022/2023 and Providing for an Effective Date, was adopted.

TENTH ORDER OF BUSINESS

Consideration of Proposal for Stormwater Management Needs Analysis

Mr. Alvarez discussed the purpose of the Stormwater Management Needs Analysis Report and noted that the drainage system and most of the roads belong to the City, so the City will report on those items. The CDD will only report on items related to the CDD, such as drainage wells and some other items. He presented the proposal to prepare and submit the Report by June 30, 2022. The CDD name will be updated in the proposal, where necessary.

Ms. Samuel noted flooding issues and asked if this reporting has any bearing on increasing capacity, as City Staff told her that flooding in the area is due to capacity issues. Mr. Alvarez replied no and offered to work with the City on this matter.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, the Alvarez Engineers proposal, as amended, to prepare and submit the 20-Year Stormwater Management Needs Analysis Report, billed hourly with a not-to-exceed amount of \$8,000, was approved.

ELEVENTH ORDER OF BUSINESS

Consideration of Updated Restocon Change Order

Mr. Alvarez distributed and presented the updated Restocon Change Order #10, which reflects a 6% freight and fuel surcharge increase of \$29,550; if the Board wants, payment of a 2% performance bond of \$9,850 can be added. He felt that the performance bond is not necessary, as the company is stable. He described the scope of work, which will be completed in four phases, and reviewed the project schedule that, without permitting issues, is expected to be completed within the specified September 15, 2022 deadline.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, Updated Restocon Change Order #10, with the addition of a 6% increase for freight and fuel surcharges, in the amount of \$29,500, was approved.

TWELFTH ORDER OF BUSINESS

Acceptance of Unaudited Financial Statements as of March 31, 2022

Ms. Cerbone presented the Unaudited Financial Statements as of March 31, 2022.

On MOTION by Ms. Perez and seconded by Mr. Padula, with all in favor, the Unaudited Financial Statements as of March 31, 2022, were accepted.

THIRTEENTH ORDER OF BUSINESS

Approval of January 11, 2022 Regular Meeting Minutes

Ms. Cerbone presented the January 11, 2022 Regular Meeting Minutes.

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, the January 11, 2022 Regular Meeting Minutes, as presented, were approved.

FOURTEENTH ORDER OF BUSINESS

Staff Reports

A. Operations Manager: *Deborah Samuel*

I. Monthly Report

Ms. Samuel presented the Operations Manager’s Report. When asked about Trader Joe’s opening date, she believed they are waiting to receive the liquor license permit.

II. Parking Information

- **Executive Summary**
- **Transient Parking Year Over Year Comparison**
- **Revenue By Lane Reports**

These items were included for informational purposes.

B. District Counsel: *Billing, Cochran, Lyles, Mauro & Ramsey, P.A.*

There was no report.

C. District Engineer: *Alvarez Engineers, Inc.*

At the invitation of the Architect and Developer of the Residential Project, Mr. Alvarez attended one of their periodic consultants’ meetings. The project is still in the design phase.

- **Update: Status of Monitoring Plan Permits for Well Monitoring**

Mr. Alvarez reported more delays due to the consultant’s recent change in personnel and the City of Miami requesting additional information.

D. District Manager: *Wrathell, Hunt and Associates, LLC*

I. Communication to City of Miami of TIF Status

Ms. Cerbone distributed a spreadsheet of the amounts owed by the City/CRA to the CDD. She reported the following:

- The City of Miami is submitting funds to the CDD to make the debt payment on the garage bonds for May and November.
- The CDD is not reducing assessments to any applicable property owners for the second year because the City is not submitting surplus TIF funds to the CDD.
- She sent periodic emails and was notified that the City engaged a third party to review this matter and, in response to her public records request, she determined only that it is a municipal financial advising company.

Discussion ensued about the amount owed and in dispute and the odds that the City did not complete the audit so it will not be public record until presented to the City Commission.

II. NEXT MEETING DATE: June 14, 2022 at 2:00 P.M.

- **QUORUM CHECK**

The next meeting will be held on June 14, 2022, unless cancelled.

FIFTEENTH ORDER OF BUSINESS

Public Comments

There were no public comments.

SIXTEENTH ORDER OF BUSINESS

Supervisors’ Requests

There were no Supervisors’ requests.

SEVENTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Padula and seconded by Ms. Perez, with all in favor, the meeting adjourned at 3:01 p.m.



Secretary/Assistant Secretary



Chair/Vice Chair