

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

The Board of Supervisors of the Midtown Miami Community Development District held Public Hearings and a Regular Meeting on September 13, 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
Lindsey Vicha	Assistant Secretary

**Also present were:**

Cindy Cerbone	District Manager
Daniel Rom	Wrathell, Hunt and Associates, LLC (WHA)
Ginger Wald	District Counsel
Juan Alvarez	District Engineer
Deborah Samuel	Operations Manager
Shawn Almy	Public

**Residents present were:**

Fatima Peters	Russell Peters	June Marcus	Desiree Cachette
Krystal McCain	Gary Wong	Anabel Poleo	

**FIRST ORDER OF BUSINESS**

**Call to Order/Roll Call**

Ms. Cerbone called the meeting to order at 2:12 p.m. Supervisors Padula, Miranda and Vicha were present, in person. Supervisors Riccobono and Perez were not present.

▪ **Consideration of Covenant in Lieu of Unity of Title (3055 N. Miami Avenue)**

• **Sketch and Legal**

**This item, previously the Fifth Order of Business, was presented out of order.**

Ms. Wald introduced Mr. Shawn Almy, who represented Midtown Opportunities XIIB LLC, the landowner of separately owned tracts within the CDD.

Mr. Almy presented the Covenant in Lieu of Unity of Title, which allows the owners of the individual tracts to jointly seek necessary approvals for the project proposed for the site depicted on Exhibit A, the site formerly known as the Walmart site. He displayed a rendering of the proposed project and noted that, to proceed with any development, a Covenant in Lieu of Unity of Title is required by the City and the County.

Ms. Wald stated no changes to the Construction, Operation and Reciprocal Easements Agreement (COREA) are being requested in conjunction with the project contemplated for the open public space on Tract G.

**On MOTION by Mr. Padula and seconded by Mr. Miranda, with all in favor, the Covenant in Lieu of Unity of Title for 3055 N. Miami Avenue, was approved.**

**SECOND ORDER OF BUSINESS**

**Public Comments**

Resident June Marcus asked about the future use planned for the area known as the entertainment block. Mr. Padula stated there are currently no plans for that lot. Ms. Cerbone stated the CDD does not own the parcel; it is private property within the CDD boundaries. Mr. Padula stated Midtown Opportunities is the Landowner of the property. Ms. Samuel stated she was advised that the trailer will be removed from the property.

Ms. Marcus asked if minutes of the meeting will be available, since she could not hear everyone. Ms. Cerbone stated that meeting minutes are posted on the website as part of the next meeting agenda. If the Board meets next month, the minutes will be included in the agenda posted on the website for that meeting. The final meeting minutes are not posted as executed, standalone documents on the CDD website until they are reviewed and approved by the Board.

Resident Desiree Cachette stated her questions are about the dog park and the budget. Ms. Cerbone suggested the budget questions be addressed during the budget Public Hearing. There is currently not a dog park but this will be discussed during the Operations Manager Report. Ms. Wald stated the dog park has been discussed over the last two to three years but has not moved past the discussion phase. She noted that meetings are open to the public and

public comments are welcome at meetings regarding items on or not on the agenda. Ms. Samuel stated, while the dog park was originally planned in conjunction with the kid park, the decision was made to proceed in stages to determine the best use of the park. One issue to be addressed is that the insurance company recommended separate areas for small dogs and large dogs but there is not enough space. Other obstacles include remediation and, while it is a budgeted item, it is currently unclear if the project will proceed.

Resident Gary Wong expressed concern about truck traffic since Trader Joe’s opened and asked if these meetings are the appropriate venue to voice these concerns. If so, he wanted to know the next steps and how residents can help. He is concerned because four cars were stolen from the garage in the last month.

Mr. Padula stated he also observed increased traffic. Ms. Wald stated, while the CDD owns the two garages, most streets are owned by the City and some are owned by the County and those entities are responsible for traffic management. Regarding crime, while the CDD has on-site security and concerns can be raised at CDD meetings, the CDD has no police powers; the City Commission is the main entity to contact for a mixed-use community such as this.

Mr. Wong discussed parking issues related to a restaurant/nightclub in their residential building and noted that building management mandates delivery time windows and requires an on-duty manager for receiving for the nightclub and there is only one service elevator. He felt that residents should work together to address the issues and asked what else can be done.

Mr. Padula stated Trader Joe’s and the building’s management company manage the parcel; they control elevator access and loading zones. Ms. Samuel stated she will provide contact information for the appropriate parties.

Ms. Cerbone suggested the Board and Staff allow members of the public to complete their comments before responding.

**THIRD ORDER OF BUSINESS**

**Public Hearing on Adoption of Fiscal Year  
2022/2023 Budget**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

**B. Consideration of Resolution 2022-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date**

Ms. Cerbone reviewed the proposed Fiscal Year 2023 budget, which was unchanged since it was presented in May. She highlighted any line item increases, decreases and adjustments, compared to the Fiscal Year 2022 budget, and explained the reasons for any adjustments.

**On MOTION by Mr. Miranda and seconded by Mr. Padula, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the Public Hearing was closed.**

Ms. Cerbone presented Resolution 2022-05.

**On MOTION by Mr. Padula and seconded by Mr. Miranda, with all in favor, Resolution 2022-05, Relating to the Annual Appropriations and Adopting the Budget for the Fiscal Year Beginning October 1, 2022, and Ending September 30, 2023; Authorizing Budget Amendments; and Providing an Effective Date, was adopted.**

**FOURTH ORDER OF BUSINESS**

**Public Hearing to Hear Comments and Objections on the Imposition of Special Assessments for Operations and Maintenance for Fiscal Year 2022/2023, Pursuant to Florida Law**

**A. Proof/Affidavit of Publication**

The affidavit of publication was included for informational purposes.

- B. Consideration of Resolution 2022-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including But Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date**

**On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the Public Hearing was opened.**

No members of the public spoke.

**On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the Public Hearing was closed.**

Ms. Cerbone presented Resolution 2022-06.

**On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, Resolution 2022-06, Making a Determination of Benefit and Imposing Special Assessments for Fiscal Year 2022/2023; Providing for the Collection and Enforcement of Special Assessments, Including But Not Limited to Penalties and Interest Thereon; Certifying an Assessment Roll; Providing for Amendments to the Assessment Roll; Providing a Severability Clause; and Providing an Effective Date, was adopted.**

**FIFTH ORDER OF BUSINESS**

**Consideration of Covenant in Lieu of Unity of Title (3055 N. Miami Avenue)**

- **Sketch and Legal**

This item was presented following the First Order of Business.

**SIXTH ORDER OF BUSINESS**

**Presentation of Consulting Engineer's Report**

Mr. Alvarez presented the Engineer's Report dated July 1, 2022, and noted the following:

- The Report is required by the Master Trust Indenture, related to Special Assessment Bond Series 2004.
- The on-site roads, landscaping, streetscape, garages and Mid-Block Plaza are in good working order and condition.
- The accompanying map shows where the CDD owns infrastructure.

**On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the Consulting Engineer's Report, was accepted.**

**SEVENTH ORDER OF BUSINESS**

**Presentation of Audited Financial Report for the Fiscal Year Ended September 30, 2021, Prepared by Berger, Toombs, Elam, Gaines & Frank**

Ms. Cerbone presented the Audited Annual Financial Report for the Fiscal Year Ended September 30, 2021. There were no findings, recommendations, irregularities or instances of noncompliance; it was an unmodified opinion, otherwise known as a clean audit.

**EIGHTH ORDER OF BUSINESS**

**Consideration of Resolution 2022-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021**

Ms. Cerbone presented Resolution 2022-07.

**On MOTION by Mr. Padula and seconded by Mr. Miranda, with all in favor, Resolution 2022-07, Hereby Accepting the Audited Financial Report for the Fiscal Year Ended September 30, 2021, was adopted.**

**NINTH ORDER OF BUSINESS**

**Ratification of Stormwater Management Needs Analysis Report**

Mr. Alvarez presented the Stormwater Management Needs Analysis Report, which was submitted by the June 30, 2022 due date. The majority of the CDD’s drainage infrastructure is maintained by the City. He recommended budgeting \$6,000 annually for stormwater management needs.

**On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the Stormwater Management Needs Analysis Report, was ratified.**

**TENTH ORDER OF BUSINESS**

**Acceptance of Unaudited Financial Statements as of July 31, 2022**

Ms. Cerbone presented the Unaudited Financial Statements as of July 31, 2022. Negative earnings due to poor market conditions are reflected in the loss in value shown in the Debt Service Fund. Ongoing work in the parking garage is nearly complete. Despite uncertainty regarding timing of work and cash available, expenses are slightly under budget.

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

**ELEVENTH ORDER OF BUSINESS**

**Approval of May 10, 2022 Regular Meeting Minutes**

Ms. Cerbone presented the May 10, 2022 Regular Meeting Minutes.

**On MOTION by Ms. Vicha and seconded by Mr. Padula, with all in favor, the May 10, 2022 Regular Meeting Minutes, as presented, were approved.**

**TWELFTH ORDER OF BUSINESS**

**Staff Reports**

- A. Operations Manager: *Deborah Samuel***

**I. Monthly Report**

Ms. Samuel presented the Operations Manager's Report.

Regarding a possible dog park, discussion ensued about the insurance carrier's recommendation to limit it to small and medium-sized dogs only, which would require policing, and the need to remediate the area due to the possibility that a dog can sever the cap.

**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.***

Ms. Wald discussed the following legislative updates:

- Legislative changes allowing legal advertising to be done on the County's website are unlikely to go into effect in Miami-Dade County within the next year.
- Information regarding CDD security and cybersecurity are exempt from public records requests. Should a cybersecurity attack occur, the CDD is not permitted to pay a ransom.
- While two changes will affect auditors, no cost increases have been observed yet.

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

- **Update: Status of Monitoring Plan Permits for Well Monitoring**
- **Update: Status of Restocon Garage Work**

Mr. Alvarez stated the arsenic monitoring well is under review by the City of Miami. Terracon is handling the application. Comments were received regarding managing traffic during installation of wells, which will require an excavator and will necessitate road closures. Most wells are on CDD property, outside the City. Terracon is notifying the Department of Emergency Resource Management (DERM) about permit delays.

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

- I. 1,759 Registered Voters in District as of April 15, 2022**
- II. Update: Communication to the City of Miami Regarding TIF**

Ms. Cerbone stated nearly \$16 million still has not been remitted. She emailed the City to request proof of funds and received an accounting report that showed a high dollar amount that included interest. She emailed another request for an estimated time for an audit but has not received a response so far. She is following up regularly.

Discussion ensued regarding timely completion of Supervisors' forms.

The need to accommodate and inform residents of the functions of the CDD and resident misconceptions were discussed. Given meeting space limitations, the consensus was that meetings can be held in the garage, if necessary.

**III. NEXT MEETING DATE: October 11, 2022 at 2:00 P.M.**

**○ QUORUM CHECK**

The next meeting will be held on October 11, 2022, unless cancelled.

**THIRTEENTH ORDER OF BUSINESS**

**Public Comments**

There were no public comments.

**FOURTEENTH ORDER OF BUSINESS**

**Supervisors' Requests**

There were no Supervisors' requests.

**FIFTEENTH ORDER OF BUSINESS**

**Adjournment**

**On MOTION by Mr. Padula and seconded by Ms. Vicha, with all in favor, the meeting adjourned at 3:05 p.m.**

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

  
Secretary/Assistant Secretary

  
Chair/Vice Chair