CITY OF DORAL
NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **LOCAL PLANNING AGENCY (LPA)** meeting on **September 27, 2023 beginning at 5:30 PM** to consider the adoption of the annual update to the Capital Improvement Element of the City's Comprehensive Plan. The meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53rd Terrace, Doral, Florida, 33166.**

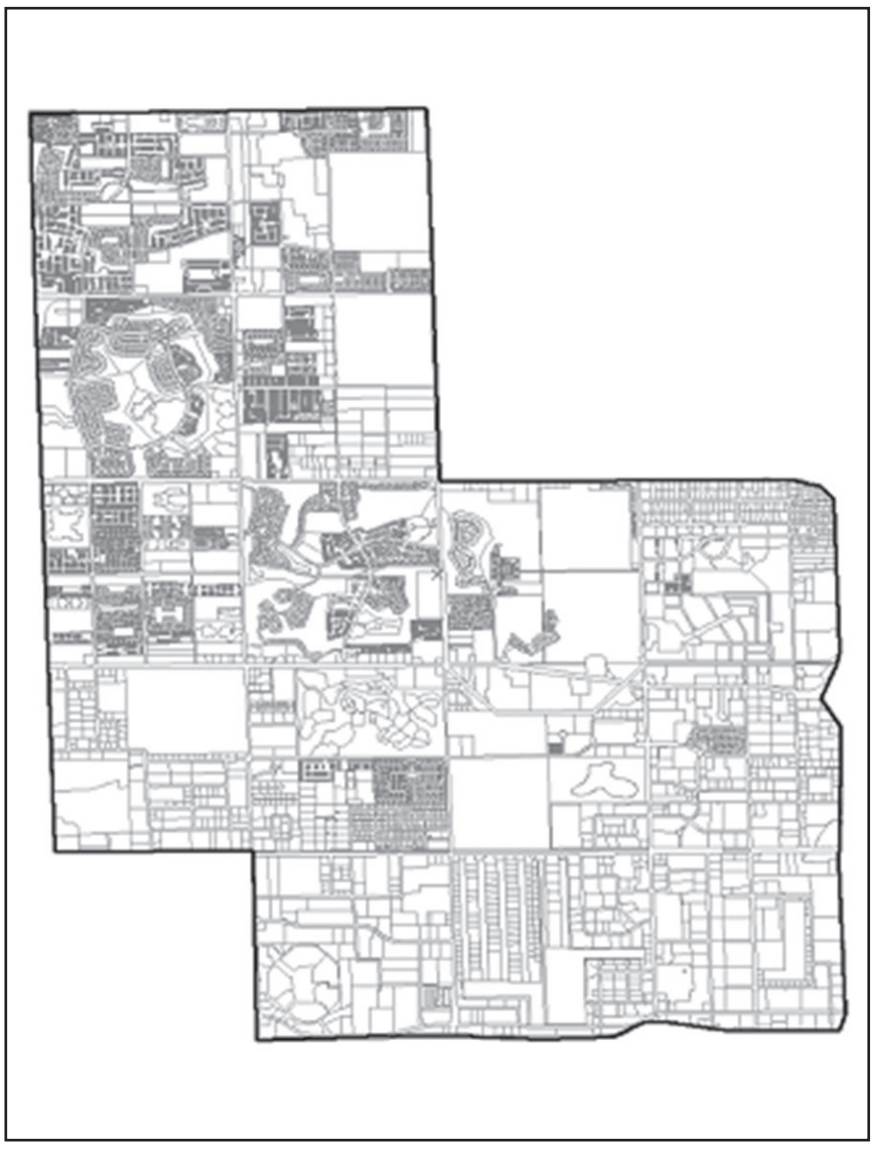
The City of Doral proposes to adopt the following Resolution:

RESOLUTION No. 23-

A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, SITTING AS THE LOCAL PLANNING AGENCY, RECOMMENDING APPROVAL / DENIAL OF, OR GOING FORWARD WITHOUT A RECOMMENDATION TO THE LOCAL GOVERNING BODY THE ADOPTION OF THE ANNUAL UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT (CIE) OF THE CITY'S COMPREHENSIVE PLAN FOR 2023 AND THE FIVE-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS FOR FISCAL YEARS 2023/2024 – 2027/2028 PURSUANT TO SECTION 163.3177(3)(B), FLORIDA STATUTES; AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 23-09-DOR-01
APPLICANT: City of Doral
REQUEST: The City Manager's Office respectfully recommends that the Mayor and City Councilmembers authorize approval of the annual update to the Capital Improvements Element (CIE) of the City's Comprehensive Plan for 2023 and the Five-Year Schedule of Capital Improvements for Fiscal Years 2023/2024 – 2027/2028.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they 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. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral

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FROM THE COURTS

Is the Supreme Court Actually Deciding 'Cases' or 'Controversies'?

by Jimmy Hoover

Last Friday night, Joe Kennedy was on the sidelines coaching his first Bremerton High School football game in nearly eight years. It would also be his last.

The Marine turned religious-liberty hero had spent the better part of a decade fighting to get his job back as an assistant coach for the Knights after being placed on administrative leave for his practice of joining students in prayer circles at the 50-yard-line after games.

Kennedy took his case all the way to the U.S. Supreme Court, which ruled in June 2022 that his conduct was constitutionally protected by the free speech and free exercise clauses of the First Amendment. The decision turned Kennedy into a cause célèbre of the religious right who gives talks to different groups. His book, "Average Joe: The Coach Joe Kennedy Story," is out in October and a movie is also reportedly in the works.

Amid this publicity tour, Kennedy was rehired as an assistant coach for Bremerton's football team and last Friday night, he picked up where he left off, helping lead a new generation of Bremerton football players to a 27-12 win over Mount Douglas Secondary School.

After the game, Kennedy made a lone march to mid-field and, with various supporters erupting in cheers, keeled in a silent prayer before walking off victorious.

"It was that perfect icing on the cake, and we finished the race," he told one interviewer.

And then, he quit.

After just one game back with the Knights, Kennedy submitted his resignation to the school district.

Kennedy's sudden disinterest in coaching the team is not entirely a surprise. He hinted at it in media remarks in the days before the game. What's more, the school district had pointed out in the Supreme Court that Kennedy and his wife had sold their home in Washington state and purchased a property in Pensacola, Florida, where Kennedy had also become a registered voter.

Bremerton had unsuccessfully argued in a brief to the justices that the case was now moot, given the unlikelihood that Kennedy could satisfy the year-round demands of the coaching job.

But Kennedy's lawyers asserted to the Supreme Court that he is nevertheless "ready, willing, and able to return to his job" and that the move to Florida was "temporary." They included a declaration from Kennedy stating that he moved to Florida to take care of his cancer-stricken father-in-law.

"If permitted, I fully intend to return and resume the job I love—coaching high school athletes on the football field for BHS," Kennedy told the justices. "I declare under penalty of perjury that the foregoing is true and correct."

According to the *Seattle Times,* Kennedy has attributed his decision to quit to alleged retaliation by the school district and his father-in-law's health ailments in Florida.

Under Article III of the Constitution, federal courts are only empowered to resolve "cases" or "controversies," terms that have led to the development of jurisdictional doctrines that prevent judges from issuing advisory opinions outside of a live legal dispute. As Chief Justice John Roberts Jr. put it in a 2021 dissent, judges should not be "advice columnists."

But critics say the Supreme Court's 2022 ruling in *Kennedy v. Bremerton School District* is part of a broader trend of the justices deciding sweeping legal issues questions based on questionable factual assertions, or as some would put it, "fake cases."

This past term, the same six-justice conservative majority behind Kennedy's victory handed down a landmark First Amendment ruling in *303 Creative LLC v. Elenis*, recognizing a Christian website designer's constitutional right to refuse to design wedding websites for same-sex customers. Lorie Smith had filed a lawsuit in federal court seeking a declaratory judgment that Colorado's civil rights agency could not use an anti-discrimination law to force her to accommodate same-sex wedding customers.

The state had argued that Smith lacked standing to bring such a pre-enforcement challenge because she had now shown a "credible threat" of enforcement by the agency to bring such a challenge. After all, Smith had only expressed her desire to branch out into the wedding website business and had not actually turned down a request from a same-sex couple or faced an enforcement complaint.

"The Company's hypothetical wedding websites and theoretical future customers do not constitute a record fit for review," the state said.

Days before the court's ruling, the *New Republic* reported that one of the documents in the case—purportedly showing that Smith had received a response to an online form from a gay couple seeking wedding services—was not legitimate.

In his decision for the majority, Justice Neil Gorsuch credited Smith's assertion that she "worries that, if she [launches her wedding website business], Colorado will force her to express views with which she disagrees." He then went on to explain that the U.S. Court of Appeals for the Tenth Circuit, ruling against Smith below, nevertheless found that she faced a "credible threat" of sanctions that established her standing.

As of Sept. 8, Smith's website advertises services for custom wedding sites that are "coming soon."

In a recent article, Cornell Law School Professor Michael C. Dorf wrote that the *303 Creative* decision and other recent rulings shows that "the Justices continue to manipulate standing and related threshold jurisdictional doctrines."

Other cited examples include the court's decision striking down President Joe Biden's massive student debt relief plan after finding that Missouri had standing to challenge the program due to revenue losses incurred by the Missouri Higher Education Loan Authority, which is an independently run state entity that had declined to participate in the case. By letting Missouri sue on behalf of a separate party's purported injury, the Supreme Court had flouted limits on federal court jurisdiction, Dorf wrote.

Jimmy Hoover covers the Supreme Court for The National Law Journal, an ALM affiliate of the Daily Business Review. Contact him at jihoover@alm.com. On X: @JimmyHooverDC.