



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **Zoning Workshop** on **Thursday, June 27, 2019 at 6:00 PM**. This meeting will be held at the **City of Doral, Government Center, Council Chambers located at 8401 NW 53 Terrace, Doral, FL 33166** to consider the following public hearing application:

HEARING NO.: 19-6-DOR-07

APPLICANT: Federico Rafael Escalona (the "Applicant")

PROJECT NAME: Adriana Plaza

PROJECT OWNER: Sigma Investments of South Florida, LLC

LOCATION: The property is located at 8205 NW 12 Street, Doral, FL 33126

FOLIO NUMBER: 35-3034-037-0010

SIZE OF PROPERTY: 1.05± Acres

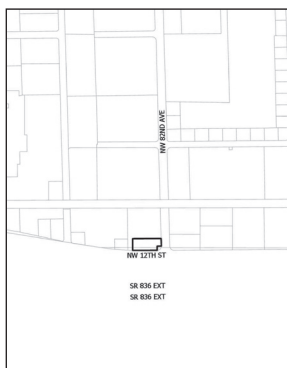
PRESENT LAND USE: Business

PRESENT ZONING: Corridor Commercial (CC) District

REQUEST: The Applicant is proposing to redevelop the existing tire service shop into 8 retail bays with 47 parking spaces.

LEGAL DESCRIPTION: MIAMI INTL COMMERCE CTR SEC 18, PB 147-44 T-18556, TR 18-A, LOT SIZE 1.057 AC, F/A/U 30-3034-005-0010, OR 18653-4453 0699 1, F/A/U 30-3034-037-0010

Location Map



ZONING WORKSHOP PROCESS: The zoning workshop consists of two sessions:

1. **First Session.** The first session of a zoning workshop shall provide a forum for members of the public to learn about proposed developments within the city. Developments may be presented to the public simultaneously, in several locations within the meeting site. During this session, members of the public are encouraged to ask questions and to provide feedback to the applicant about the proposed development. The applicant shall provide visual depictions, such as renderings, drawings, pictures, and the location of the proposed development. In addition, representatives of the applicant shall be available to answer questions that members of the public may have about the proposed development. The members of the City Council shall not be present during the first session of the zoning workshop. No meeting shall start before 6:00 PM Eastern Standard Time and shall take place at a time and date to maximize public participation.

2. **Second Session.** The second session of a zoning workshop shall provide a forum for the City Council to learn about the proposed developments discussed at the first session of the zoning workshop. No quorum requirement shall apply. Developments shall be presented by the applicants sequentially, one at a time, for the City Council's review and comment. The applicant shall again present visual depictions of the proposed development. In addition, the applicant shall be available to answer any questions that members of the City Council may have about the proposed development.

No quorum requirement shall apply nor will any vote on any project be taken, but roll call will be taken, as it is a publicly noticed meeting.

Information relating to this request is on file and may be examined in the City of Doral, Planning and Zoning Department located at **8401 NW 53rd Terrace, Doral, FL 33166**. All persons are invited to appear at this meeting or be represented by an agent, or to express their views in writing addressed to the City Clerk, **8401 NW 53rd Terrace, Doral, FL 33166**. Maps and other data pertaining to these applications are available for public inspection during normal business hours in City Hall. Any persons wishing to speak at a public hearing should register with the City Clerk prior to that item being heard. 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, all persons 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.

NOTE: If you are not able to communicate, or are not comfortable expressing yourself, in the English language, it is your responsibility to bring with you an English-speaking interpreter when conducting business at the City of Doral during the zoning application process up to, and including, appearance at a hearing. This person may be a friend, relative or someone else. A minor cannot serve as a valid interpreter. The City of Doral DOES NOT provide translation services during the zoning application process or during any quasi-judicial proceeding.

NOTA: Si usted no está en capacidad de comunicarse, o no se siente cómodo al expresarse en inglés, es de su responsabilidad traer un intérprete del idioma inglés cuando trate asuntos públicos o de negocios con la Ciudad de Doral durante el proceso de solicitudes de zonificación, incluyendo su comparecencia a una audiencia. Esta persona puede ser un amigo, familiar o alguien que le haga la traducción durante su comparecencia a la audiencia. Un menor de edad no puede ser intérprete. La Ciudad de Doral NO suministra servicio de traducción durante ningún procedimiento o durante el proceso de solicitudes de zonificación.

Connie Diaz, MMC
City Clerk
City of Doral

6/21

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FROM THE COURTS

Delaware Court Revives Derivative Suit Over Blue Bell Listeria Outbreak



SHUTTERSTOCK

The complaint had alleged that Blue Bell's board was not informed of "red and yellow flags" concerning growing food-safety issues at its plants in Texas, Oklahoma and Alabama and had no mechanisms in place to identify and respond to the threat.

by Tom McParland

The Delaware Supreme Court has revived a shareholder derivative suit that targeted the directors of Blue Bell Creameries USA Inc. in the wake of a deadly listeria outbreak in 2015 for allegedly failing to enact measures to safeguard its ice cream products from contamination.

A unanimous panel of the high court said Tuesday that plaintiff Jack L. Marchand II had supported claims that two Blue Bell executives, and the company's board, had failed to implement any system to monitor the safety of the Texas-based company's product and its compliance with state and federal regulations.

The ruling, outlined in a 37-page opinion, reversed a Chancery Court decision last year that dismissed the suit on demand futility grounds and gave new life to Marchand's *Caremark* claim against the board, commonly seen as the most difficult theory to prove under Delaware corporate law.

Chief Justice Leo E. Strine said that Marchand's complaint supported a "reasonable inference" that Blue Bell's directors had even tried to put adequate systems in place to prevent the outbreak, which killed three people and sickened nearly half a dozen others in two states. Listeria, a foodborne bacterial illness, can cause infections of the bloodstream and is most commonly contracted by eating improperly processed deli meats and unpasteurized milk products.

The complaint, Strine said, had alleged that Blue Bell's board was not informed of "red and yellow flags" concerning growing food-safety issues at its plants in Texas, Oklahoma and Alabama and had no mechanisms in place to identify and respond to the threat.

"At this stage of the case, we are bound to draw all fair inferences in the plaintiff's favor from the well-pled facts," Strine wrote.

"In short, the complaint pleads that the Blue Bell board had made no effort at all to implement a board-level system of mandatory reporting of any kind."

Attorneys for both sides did not return calls Wednesday seeking comment on the ruling.

Vice Chancellor Joseph R. Slight III last September dismissed the case, finding that the complaint came up one vote

short of showing that a majority of the Blue Bell board was unable to impartially assess whether to initiate its own litigation over the order, which later forced the company into a liquidity crisis.

As to the *Caremark* claim, he said, there were no allegations that the board had acted in bad faith by not implementing monitoring and reporting systems.

"What plaintiff really attempts to challenge is not the existence of monitoring and reporting controls, but the effectiveness of monitoring and reporting controls in particular instances," Slight said at the time.

Strine, however, said Slight's opinion overlooked one director, W.J. Rankin, who was independent of Paul Kruse, Blue Bell's president and CEO, giving Marchand the majority he needed to plead demand futility.

But Strine also said Slight's focus on the effectiveness of Blue Bell's systems was misguided. The "key issue" for the court, he said, instead was whether Marchand deserved an inference that the board did not "undertake good faith efforts to put a board-level system" in place.

"Although *Caremark* is a tough standard for plaintiffs to meet, the plaintiff has met it here," Strine said. "When a plaintiff can plead an inference that a board has undertaken no efforts to make sure it is informed of a compliance issue intrinsically critical to the company's business operation, then that supports an inference that the board has not made the good faith effort that *Caremark* requires."

Marchand is represented by Robert J. Kriner Jr. and Vera G. Belger of Chimicles Schwartz Kriner & Donaldson-Smith in Wilmington and Michael Hawash and Jourdain Poupore in Houston.

The Blue Bell directors are represented by Paul A. Fioravanti Jr. and John G. Day of Prickett, Jones & Elliott in Wilmington.

Kruse and Greg Bridges, Blue Bell's vice president of operations, are represented by Srinivas M. Raju and Kelly L. Freund of Richards, Layton & Finger in Wilmington.

The case is captioned *Marchand v. Barnhill*.

Tom McParland of Delaware Law Weekly can be contacted at 215-557-2485 or at tmcparland@alm.com. Follow him on Twitter @TMcParlandTLI.