

Flooded/from A1

to hold the barriers in place during Hurricane Helene last year.

As a result, the couple and many other businesses in the center were denied claims by their insurance companies. Months later, the city paid \$55,000 to help replace dry-wall and do other repairs to the couple's units.

This year, the city bought a Tiger Dam inflatable barrier in preparation for future hurricanes. The couple said that's not enough of a guarantee they won't flood again.

"No one from the city has come to speak to us about improvements to the building," Patti Haley-Herndon said. "If we stay in this location, we are afraid we would be completely alone."

Stephan Herndon said the city's barriers are still missing pieces.

"You are welcome to go inspect them," he said.

City Council member Janis Denton asked the couple what they did to protect their businesses.

Herndon said he sealed the doors shut but the water came in under the barricades.

"It was a river that came into the units," he said.

Patti Haley-Herndon said while they were preparing to reopen



SUN PHOTO BY ELAINE ALLEN EMRICH

Patti Haley-Herndon and her husband, Stephan, ask the Punta Gorda City Council to terminate the lease of two city-owned units at Herald Court in downtown Punta Gorda.

months later, their unit was burglarized. The couple filed a police report citing \$10,000 in stolen chocolate.

Denton asked if the couple considered relinquishing the lease after the floods. She said it would have been cheaper to do it then.

"It's a lot of money, you want forgiveness of several months of rent," she said. "But, now we are having to rent it out. I don't feel right (absorbing) more loss. But, I don't love the situation you are in."

Mayor Debi Lux asked if the couple tried to sublease the two units to another business.

"My understanding is the city was looking to take over these locations so it would go back to the city," Haley-Herndon said.

Lux said it was just a discussion.

"But did you try to get anyone else in there?" she said.

Haley-Herndon said in March she sent a letter to the city explaining her concerns. She said they intended to relocate to higher ground in the city.

City Manager Melissa Reichert said she never received the letter.

Lux said the couple should have followed up with the city before moving out.

"A lease is a lease," she said.

Interim City Attorney Steve Leskovich said the lease is vague, which is helpful to the business

owners. But, he said, it's also clear it could be legally enforced in court.

Lockhart said she didn't want the city to go to court over the lease. She said the couple poured money into the community for years.

Lockhart said she would have felt differently if they were a new business and didn't do their homework and know the downtown floods. However, the couple did everything they could to protect their assets but still lost everything.

"They have been through enough," City Council member Greg Julian said.

Lockhart agreed.

"Are we trying to be supportive of businesses in Punta Gorda or are we trying to bankrupt them?" Lockhart asked. "None of us were prepared for the devastation that happened. It's time to wave the slate clean."

Lockhart made a motion to have the couple pay the property taxes on both units totaling \$855 and to terminate the lease.

City Council member Jeannine Polk recused herself because her son is a contractor working on the building.

Only Julian and Lockhart voted making it a 2-2 vote. The motion failed.

Denton made a motion to keep the security deposit, which was one-month's rent and to pay the \$855 in taxes, and to end the lease.

The motion passed unanimously with Polk abstaining.

The couple told *The Daily Sun* they were glad it's over.

"We want to put this behind us and move forward," Patti Haley-Herndon said.

After Thanksgiving, Punta Gorda Chocolate & Wine will open in the old SunTrust building at 1107 W Marion Ave., No. 119.

While they are closed, they have a selection of wine, cheese and chocolates at their table at the Punta Gorda Farmers Market on Saturdays.

During councilmember comments, Polk suggested the city use a listing agent to advertise the three vacant units.

Denton suggested the city raise the rent slightly on the flood-prone units to help make up for the loss in revenue.

Polk said the city may eventually need a property management company to run Herald Court. It's was suggested three years ago by former City Council member Bill Dryburgh while discussing the condition of Herald Court and the nearby parking garage.

Appeals/

known was West Villages.

WV4RG wanted Wellen Park to be deannexed and return to being unincorporated Sarasota County. The group sued the city in 2020.

NORTH PORT STATEMENTS

On Wednesday, North Port's Deputy City Attorney Michael Golen sent an email to city staff updating the information from the District Court of Appeals.

"The DCA has concluded that when the Commission voted to deny the petition for contraction, the

Commission was acting in its legislative capacity and the petitioners cannot challenge legislative action," Golen stated in his email.

That meant, according to the email, a circuit court had no purview in the original decision.

"The DCA agreed with the city that the petitioners had no statutory right to challenge the Commission's decision because that right had expired and was the only way to challenge a decision under the annexation/contraction statutes,"

Golen said there is "no avenue for petitioners to overturn the Commission's

rejection of their petition for contraction."

And that, Golen said, "effectively precludes petitioners from filing any other action challenging the rejection going forward," the email stated.

The WV4RG has about a month to appeal to the Florida Supreme Court.

Golen stated in the email that it is "unlikely the Supreme Court will accept jurisdiction of this case as such requests are infrequently granted."

If the required notice is filed to the Supreme Court, Golen stated, the city will "file a brief to

address whether the Court has jurisdiction, and, if so, whether it should exercise its discretion to hear the appeal."

"If nothing is filed with the Supreme Court, the DCA's decision will be final and not subject to further challenge," Golen stated in the email.

"The only step remaining will be for the circuit court judge to enter an order dismissing the case pursuant to the DCA's opinion. Once the circuit court enters its order, the litigation is officially over," Golen said in an email.

North Port issued an statement late Wednesday.

"The city has remained confident in its position throughout this case, and the court's latest ruling affirms that position once again," it stated.

It recognized those challenging the annexation may have a "genuine concern"

for their community, but noted it has been a "long and extremely costly" dispute for North Port taxpayers.

"With today's decision, it's time to close a divisive chapter and focus our collective energy where it belongs — on the future of our growing city," it stated.

"We invite the West Villagers group, and all our neighbors, to join us in a renewed spirit of collaboration so we can work together on the opportunities and challenges ahead for North Port."

So far, North Port has spent about \$225,000 on legal costs for the deannexation case.

Additionally, officials said, North Port also spent about \$74,000 for the "City Boundaries Feasibility Study" conducted in response to the deannexation petition. Those figures, officials say, do not

account for staff time used over the years as well.

JOHN MEISEL STATEMENT

Meisel stated in a message to *The Daily Sun* that the WV4RG will ponder taking the case to the Florida Supreme Court.

"While disappointed, we are not surprised that the 2nd DCA would not acknowledge their prior erroneous ruling and instead rule that they do not have jurisdiction to review 12th Circuit Court ruling," Meisel stated in a text message.

"This is the same court that upheld a prior ruling against the City of North Port for exactly the same action," Meisel added. "We are going to analyze the ruling and make a determination if an escalation to the Florida Supreme Court is warranted."

SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

NOTICE Declaration of Phase I Water Shortage

The District's Governing Board has approved Water Shortage Order No. SWF 25-015. A Phase I water shortage is in effect Dec. 1, 2025 through July 1, 2026 Districtwide.

WHAT DOES THIS MEAN?

Water resource conditions are below normal and may get worse before they start to improve. In addition to alerting the public, conditions warrant requiring water utilities to take certain actions.

SUMMARY OF RESTRICTIONS & OTHER REQUIREMENTS:

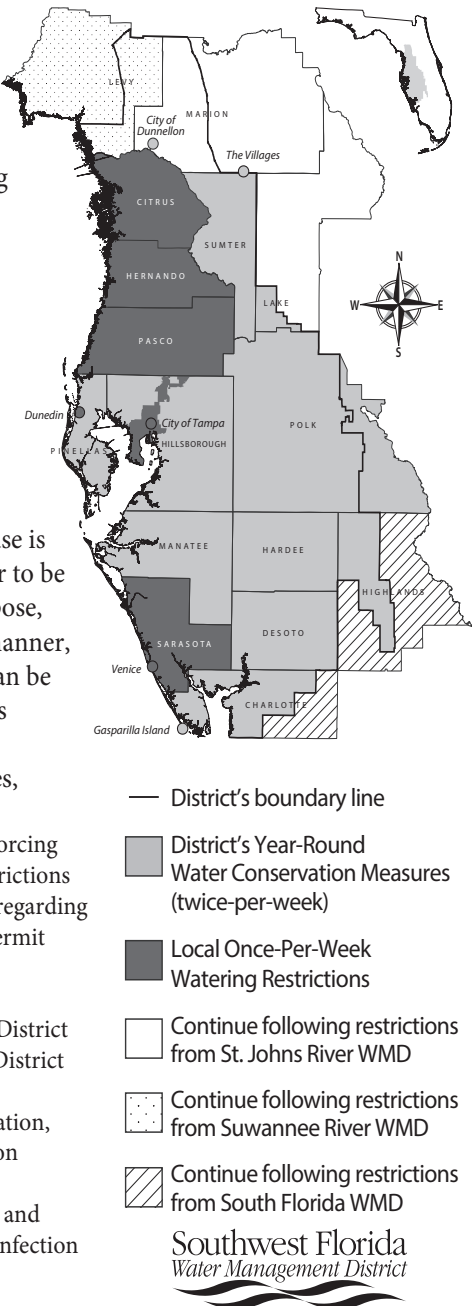
Effective Dec. 1, 2025

- Everyone must continue following current lawn and landscape irrigation restrictions for their community
- "Wasteful and Unnecessary" water use is prohibited, including: allowing water to be dispersed without any practical purpose, using water in a grossly inefficient manner, and using water for a purpose that can be readily accomplished by other means
- Water utilities, in consultation with applicable local enforcement agencies, must:
 - Review, update and implement enforcing year-round and water shortage restrictions
 - Report information to the District regarding violations involving a Water Use Permit holder
 - Respond to residential and other enforcement referrals made by the District
 - Transmit enforcement data to the District on a monthly basis
 - Inform customers about the declaration, local supplies and water conservation opportunities
 - Address inquiries from the District and citizens about line flushing and disinfection activity

ANY QUESTIONS?

- Visit the District's website at [WaterMatters.org/Restrictions](https://www.watermatters.org/Restrictions) for more information.
- Send an inquiry to Water.Restrictions@WaterMatters.org at any time.
- Call (813) 856-5679 during business hours.

This advertisement is only a summary of Order No. SWF 25-015.



The Southwest Florida Water Management District (District) does not discriminate on the basis of disability. This nondiscrimination policy involves every aspect of the District's functions, including access to and participation in the District's programs, services and activities. Anyone requiring reasonable accommodation, or who would like information as to the existence and location of accessible services, activities, and facilities, as provided for in the Americans with Disabilities Act, should contact the Human Resources Office Chief, at 2379 Broad St., Brooksville, FL 34604-6899; telephone (352) 796-7211 or 1-800-423-1476 (FL only); or email ADACoordinator@WaterMatters.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice). If requested, appropriate auxiliary aids and services will be provided at any public meeting, forum, or event of the District. In the event of a complaint, please follow the grievance procedure located at [WaterMatters.org/ADA](https://www.watermatters.org/ADA).

adno=3975930-1

NOTICE OF PUBLIC HEARING

Notice is hereby given that the below ordinance(s)/resolution(s) will be considered at the regularly scheduled Public Hearings/Meetings of the Planning Commission (PC), sitting as the Local Planning Agency, and Board of County Commissioners (Board) on the dates and times listed below, or as soon thereafter, as they may be heard on those dates. All public hearings will be held in the County Commission Meeting **Room 103, Administration Building, 201 E. Oak Street, Arcadia, Florida**. Copies of the applications and staff reports are available at the Development Department Room 204, Administration Building, 201 E. Oak Street, Arcadia, Florida five days prior to the meeting dates and are available on the County's website at www.desotobocc.com under Department News and News & announcements. Members of the public may appear and be heard on the matters to be considered. Pursuant to Section 286.0105, F.S., if you want to appeal any decision of the Planning Commission or Board, you will need a record of the proceedings, and for such purpose, you may need to arrange for a verbatim transcript to be prepared.

PLANNING COMMISSION: (PC) Tuesday, December 2, 2025 at 5:30 PM
BOARD OF COUNTY COMMISSIONERS: (Board) Tuesday, December 16, 2025 at 3:00 PM

1. Ordinance, Creating Section 20-233 Family Homestead Exemption of the Land Development Regulations (County Initiated) PC 12-2-25 at 5:30 PM & Board 12-16-25 at 3:00 PM

AN ORDINANCE OF DESOTO COUNTY, FLORIDA, CREATING SECTION 20-233 "FAMILY HOMESTEAD EXEMPTION," TO ARTICLE III "SUBDIVISION PROCEDURES" OF CHAPTER 20 OF THE COUNTY'S LAND DEVELOPMENT REGULATIONS; PROVIDING FOR REQUIREMENTS WHEN SUBDIVIDING LAND UNDER THE FAMILY HOMESTEAD EXEMPTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

2. Resolution, Comprehensive Plan Amendment Transmittal (COMP-0015-2025) PC 12-2-25 at 5:30 PM & Board 12-16-25 at 3:00 PM

A RESOLUTION OF THE DESOTO COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING FOR TRANSMITTAL TO ALL REQUIRED ENTITIES A PROPOSED TEXT AMENDMENT TO THE FUTURE LAND USE ELEMENT TO THE DESOTO COUNTY COMPREHENSIVE PLAN TO AMEND POLICY 1.1.2, THE LAND USE SUMMARY TABLE AND POLICY 1.1.3 AND POLICY 1.1.4, RELATED TO DENSITY AND INTENSITY BONUS CRITERIA AND ADDING AN EXISTING OVERLAY TO THE TABLE; TO AMEND OBJECTIVE 1.9, POLICY 1.9.1, 1.9.2, AND 1.9.8 CORRECTING THE NAME OF THE URBAN CENTER MIXED USE LAND USE DESIGNATION FOR CONSISTENCY; TO AMEND POLICY 1.9.3 RELATED TO DENSITY FOR CONSISTENCY; TO AMEND POLICY 1.4.3, 1.5.3, 1.6.5, AND 1.9.4 RELATED TO UTILITY CONNECTION REQUIREMENTS; TO MAKE CONSISTENT POLICY 1.6.9 WITH LAND DEVELOPMENT REGULATIONS; TO CREATE NEW POLICY 1.6.13 IN THE NEIGHBORHOOD MIXED USE FUTURE LAND USE CATEGORY AND POLICY 1.9.9 IN THE URBAN CENTER MIXED USE FUTURE LAND USE CATEGORY TO CREATE NEW BONUS DENSITY MAXIMUMS FOR WORKFORCE AND AFFORDABLE HOUSING DEVELOPMENTS; TO CREATE NEW POLICY 1.9.10 IN THE URBAN CENTER MIXED USE FUTURE LAND USE CATEGORY TO CLARIFY THE EXISTING BASE AND BONUS INTENSITY MAXIMUMS; TO CREATE NEW POLICY 1.14.9 TO PROVIDE CLARITY ON COMPATIBILITY; CREATING DEFINITIONS TO IMPLEMENT THE AFOREMENTIONED AMENDMENTS; TO PROVIDE CLARIFICATION OF COMPATIBILITY REQUIREMENTS; AND OTHER RELATED MINOR CHANGES; AND PROVIDING FOR AN EFFECTIVE DATE.

PUBLISH: AS DISPLAY AD Friday, November 21, 2025

adno=3975931-1