

**MINUTES**  
**CODE ENFORCEMENT SPECIAL MAGISTRATE MEETING**  
**September 18, 2025**  
**3000 Bellemead Drive Daytona Beach Shores, FL 32118**

**1. CALL TO ORDER**

A. Opening Statements by Special Magistrate deLaroche  
SM deLaroche called the meeting to order at 9:00 am.

B. Swearing in Witnesses  
All witnesses were sworn in for the day's hearings.

**2. OPENING REMARKS**

A. Notification of Items Removed from Agenda by City Staff  
There were no items removed from the agenda.

**3. MINUTES**

A. Code Enforcement Special Magistrate Minutes July 17, 2025  
The SM approved the minutes of July 17, 2025.

**4. ADVANCED HEARINGS (Post-Initial Hearings)**

**5. INITIAL HEARINGS**

A. Property Owner: PIRATES COVE (VOLUSIA COUNTY) CONDOMINIUM ASSOCIATION, INC.  
Violation Address: 3501 Cardinal Blvd. in Daytona Beach Shores, Florida  
Code Enforcement Case #: 25-0006  
Volusia County Tax Parcel ID #: 6302 0103 0080

Mr. Rondi requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. The property is currently a vacant lot. The three violations on the property were stated for the record and slides were shown. A picture from February 4, 2023, was shown that depicted grading work being done and that it did not have a permit attached. Violation a) concrete debris is still located on the property. Violation b) asphalt/paving conducted on site without permits. The property no longer has grass on site as it did in 2020. Violation c) there is a portable office module stored on the vacant lot. It is unclear when the unit first arrived onsite. The property is not zoned to include storage of any type. Mr. Rondi stated that good service had been achieved for the notice of violation and hearing. He requested an Order #7 be issued, allowing the respondent 90 days to comply. He also requested reimbursement of the Administrative Fee in the amount of \$162.89. In attendance were Ms. Alycia Delligatti, CAM

Manager for Pirate's Cove and Mr. Philip Martin, owner of the modular structure on the vacant property. Mr. Martin asked Mr. Rondi when he was given notice of the violation. His response was that he performed an Initial Inspection on May 23, 2025, and it was onsite at that time. MR. Rondi questioned Chief Building Official Steve Edmunds about the accuracy of the documents and slides shown and events presented. He replied they were true and accurate. Mr. Edmunds clarified that storage is a zoning issue because storage is not allowed on the property. It was noticed over 9 months ago. The previous management of Pirate's Cove intended to make the property into a parking lot. A plan was started with initial drawings and some work began. It was left unfinished with the asphalt milling on the ground. The site plan was also left unfinished. The need for a permit was discussed. The property needs to be returned to its original state. Mr. Martin asked when he was aware and if anyone had called him. Mr. Edmunds replied that he had driven by and seen it. It was forwarded to Code Enforcement, but the office has been busy. Mr. Martin inquired if Pam Whitlock had called him. Mr. Edmunds stated she had not, but he had spoken with Ms. Whitlock hoping for assistance in getting the unit removed. Ms. Whitlock informed him that the owner wished to move the unit onsite at 3501 S. Atlantic Avenue. Mr. Edmunds also explained the process to make that happen. Mr. Martin felt that Ms. Whitlock has a vendetta against him. She is the VP of the condo association.

Ms. Delligatti explained that the COA and Mr. Martin were currently in mediation talks. Pirate's Cove will need to return the property to its original state. If the millings needs to be removed, she would like more than 90 days to accomplish that. Mr. Martin stated that he owns the modular kitchen and in order for it to be moved, he would need a crane as it is not mobile. He has been in mediation with the COA for a few months. He does own a unit at Pirate's Cove as well as the restaurant inside, but he is not on the board. The modular unit was supposed to be placed on the side of the building, near the existing restaurant. Construction from the past hurricanes is taking longer than expected. SM inquired how long it would take to move the unit. Mr. Martin stated it could be moved in 10 days. Mr. Rondi asked if he had permission to store the unit on the vacant lot. Mr. Martin stated he did, the original COA board approved the storage.

The Special Magistrate issued Order #7 for only Violation a, concrete debris, allowing until October 15, 2025, to correct the violations, including obtaining approved final inspections on all required permits or a fine of \$250 per day will be imposed. The Administrative Fee of \$149.09 is due within 30 days. For Violations b) and c) the city did not properly plead the case for the evidence presented.

- B. Property Owner: Oceans 25 Homeowners Association, Inc..  
Violation Address: 1 Oceans Circle. in Daytona Beach Shores, Florida  
Code Enforcement Case #: 25-0007  
Volusia County Tax Parcel ID #: 5327 2400 0001

Mr. Rondi requested that each of the documents included in the PowerPoint file, whether presented during the hearing or not, by the City for this case be accepted as evidence, most of which have been provided to the Special Magistrate and all of which have been presented to the Respondent or their rep. The Special Magistrate accepted the documents with no objection. There was only one violation; a common area wall in disrepair. Mr. Rondi stated that back in October 2024, there had been an accident and a car went through the wall. He has been in email communication with Ms. Tina Morbitzer, who is the HOA Manager. He noted that there are no current permits for that property. He requested Order #7 be issued, allowing 90 days for compliance. Ms. Morbitzer spoke on behalf of the Respondent. She stated that a contract was signed on May 6th, with Florida Wall Concepts that included obtaining proper permits. She will call to inquire about the permit later today. She expected them to begin work next week and was unsure how long it would take.

The Special Magistrate issued Order #7 as provided, allowing until December 17, 2025, to correct

the violations, including obtaining approved final inspections on all required permits or a fine of \$100 per day will be imposed. The Administrative Fee of \$162.89 is due within 30 days.

## **6. APPEAL OF TRESPASS WARNING**

- A. Person Warned: Joseph J.S. Waid  
Trespass Location: 2540 S. Atlantic Ave. in Daytona Beach Shores  
Case #: SH250800078  
Tresspass Date: August 20, 2025

Community Services Director Stewart Cruz spoke on behalf of the city. The appellee, Mr. Joseph Waid was not in attendance today. The Notice of Hearing was posted as required. He was also called numerous times with no answer and a certified letter was sent. The SM asked for the address where the trespass took place to ascertain if it was indeed listed as a city park and the name of the park. He also wanted the conduct that merited the trespass and how it violated the city ordinance. Officer Glen Ingerman was called as the city's witness. He stated the incident took place back in August at 2540 S. Atlantic Avenue, otherwise known as Andrinopolis Park. SM deLaroche confirmed the location as a listed city park. The officer received a positive ID from Mr. Waid and ran him in through the database to confirm. Mr. Waid was found lying on a park bench horizontally and appeared asleep. Officer Ingerman approached, and the gentleman woke up. He stated that he didn't see any signs posted in the park regarding sleeping. Officer Ingerman confirmed that sleeping on a bench was a violation of the park rules.

SM deLaroche declared that after hearing the testimony and approving the evidence, he denied the trespass appeal.

## **7. CLOSING REMARKS**

- A. October's C.E.S.M. Meeting is scheduled for Thursday, October 16, 2025, at 9:00 a.m.
- B. November/December C.E.S.M. Meeting is scheduled for Thursday, December 4, 2025, at 9:00 a.m.
- C. January's C.E.S.M. Meeting is scheduled for Thursday, January 15, 2026, at 9:00 a.m.

## **8. SPECIAL MAGISTRATE COMMENTS**

## **9. ADJOURNMENT**

The meeting ended at 9:56 am.

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**Special Magistrate, Steven deLaroche**

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**Recording Secretary, Cheri Schwab**