



The Town of Fenwick Island

800 Coastal Highway, Fenwick Island, DE 19944-4409

302-539-3011 ~ 302-539-1305 fax

www.fenwickisland.delaware.gov

CHARTER & ORDINANCE COMMITTEE MEETING

November 21, 2025, at 9:00 a.m.

Town Hall

Minutes

Members Present: Natlie Magdeburger, Ann Riley, Scott Mumford, Tim Leahy, Jacque Napolitano (Zoom), Dave Reifschneider (Zoom), John Nason (Zoom), Lucy Wilder (Zoom)

Members Excused Absent: Ben Waide

Others Present: Erin Ellinger, Kinsley Hazel (Zoom), Roy Williams (Zoom), Victoria Williams (Zoom), Rose Mary Hoy (Zoom)

Flag Salute and call to order.

Welcome new Members and discuss how Charter & Ordinance Committee functions, role and keeping compliant with FOIA Requirements.

New members Lucy Wilder, Tim Leahy and Scott Mumford were welcomed to the committee. It was noted that the committee meets on an as-needed basis in response to Town Council needs. Members were reminded that informational materials may be shared via email for reference only, and that discussion among members must not take place outside of a public meeting to ensure FOIA compliance, including avoiding "reply all" response.

Discussion and Potential Action items:

1. Approval of the Minutes from May 20, 2025, meeting.

Motion: To approve the minutes of May 20, 2025, meeting.

Moved by: Ann Riley

Seconded by: Natalie Magdeburger

Result: Motion passed unanimously.

2. Follow up with previous areas of discussion and possible action:
 - a. Discussion of potential areas of Charter Changes re: constitution of Council, term limits, election cycles.
 1. Mileage requirement re: constitution of Council
 2. Term limits
 3. Election cycles
 4. Contact with Rep. Gray and Senator Hocker
 5. Survey



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Mayor Magdeburger reported that she spoke with Representative Gray, who expressed support for the Town moving forward as desired. A survey issued by Town Council received approximately 250 responses, with most respondents not indicating a need for significant changes, other than consideration of locality requirements for members living closer than the current 200-mile limit. Term limits will be further discussed once all survey results are reviewed, and the timing of the election cycle will also need to be evaluated. This item was tabled pending additional information.

Motion: To table the issues until survey results are further completed/reviewed.

Moved by: Natalie Magdeburger

Seconded by: Ann Riley

Result: Motion passed unanimously.

b. Business to Business—payment for use of parking spaces from one business to another. ADOPTED by Town Council.

The Mayor clarified that Council had formally adopted this action.

3. Old Business

See below.

4. New Business/Referrals from Town Council.

- a. Referral from Town Council re: request from a business owner that the Town consider an amendment to Section 160-10 F and G of the Code of Fenwick Island to allow parking on unimproved lots in the commercial district:

Surf Bagel is experiencing heavy customer traffic, and its on-site lot frequently reaches capacity. Street parking along Essex Street is limited, and vehicles backing into the roadway, stopping in the street, and other traffic maneuvers have created hazardous conditions, resulting in pedestrian and traffic safety concerns and complaints from nearby residents.

Mayor Magdeburger presented a draft ordinance outlining parameters for potential temporary parking arrangements that could be sought by a temporary parking zone pass. She emphasized the need to balance commercial demand with residential impact, stating the goal is not to create commercial parking lots in residential areas. She noted that unmanaged parking increases calls for police intervention, encourages parking on private driveways/yards, and creates safety hazards. Any future parking arrangement would require an application, a hearing before Town Council, and clear terms between the property owner and business.

Key points discussed by the committee included:



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- **Safety and Traffic**
 - Members noted the area had become “a wild west,” with vehicles parking unpredictably on an unimproved lot without marked spaces.
 - Street-side parking on Essex Street contributes to dangerous backup movements.
 - RT 1 access was deemed essential; entrance use from Essex Street was strongly discouraged.
- **Requirements Proposed in the Draft**
 - A temporary parking permit would require a Council hearing.
 - A staffed parking attendant should be mandatory.
 - Parking fees and overnight parking would be prohibited.
 - Any approved lot must be associated with a permanent structure on site with utilities and a publicly accessible restroom (for customers or employees).
 - Conditions, including number of permitted spaces, could be set by Council.
 - Annual renewal was suggested to ensure adjustments based on performance.
 - Parking on the shoulder on the north side of Essex Street must be prohibited.
- **Concerns & Suggestions**
 - **Dave Reifschneider** was not supportive of the proposed change and expressed concern over enforcement, parking ratios, and stated the lot design must be improved; suggested a pick-up area behind Surf Bagel, though this space may also be needed for deliveries.
 - **Tim Leahy** noted the lot will likely be used by beachgoers if not monitored and that marked, controlled parking should be required.
 - **Lucy Wilder** suggested exploring use of Mancini’s lot as a structured parking alternative during morning hours.
 - **John Nason** supported protections against commercial parking expansion in residential areas; emphasized the importance of resident input.
 - **Jacque Napolitano** asked whether residents will be heard before any vote and whether a limit on the number of parking spaces would be included—both were confirmed.
 - **Scott Mumford** recommended the permit operate on an annual basis to allow changes and corrective measures.
- **Public Participation**
 - **Victoria Williams** said oversized vehicles need to be addressed in the ordinance. She and her husband, Roy, are against any change in the ordinance that prohibits unimproved lots from being utilized.
 - **Kinsley Hazel** noted the rear area of Surf Bagel is a fire lane and could not be used as Dave Reifschneider suggested; she believes a managed parking solution on the unimproved lot is reasonable and reminded the committee member that the property will not remain unimproved indefinitely.



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Mayor Magdeburger reported she discussed curb cuts with DelDOT, and the existing access points may remain directly on Route 1. Utilizing access from Route 1 would cut down on traffic congestion on Essex Street.

Mayor Magdeburger will revise the draft, schedule a follow-up meeting in December, and include information in her Mayor's Message to encourage public feedback. The goal is to finalize the proposal and consider Council action at the next Town Council meeting.

Proposed Modifications are as follows:

Section 160-10 **MODIFIED**

C. Location of parking spaces.

[Amended 2-22-2013]

(1) Residential. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:

(a) Within a permitted garage or carport.

(b) On an open area of the lot.

(2) Commercial. Parking spaces shall be located on the same lot(s) with the structure they are intended to serve in one of the following ways:

[Amended 2-23-2018]

(a) Parking in the Commercial Zone is permitted on improved lots, but only those that have been improved with permanent structures that have working utilities and one or more bathrooms that are operational and available for employee, customer or client use during business hours **or application has been made and approved by Town Council for parking on an unimproved lot as set forth in Section 160-10 F;**

(b) If approved by the Town Council, open parking spaces required for a structure may be located on a lot(s) other than those intended to be served, provided that:

[Amended 2-24-2023]

[1] It is not practicable to locate such spaces in accordance with Subsection **C(2)** because of:

[a] Unusual shape, size or dimensions of the lot; or

[b] The lack of an alley or the lack of appropriate ingress or egress facilities through existing or proposed alleys or streets; or

[c] Traffic hazards.



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[2] No more than 15% of the total required spaces is located on a lot(s) other than those intended; and

[3] There is a written agreement provided to Town Council, attested to by the owners of record. The agreement shall:

[a] List the names and ownership interest of all parties to the agreement;

[b] Provide a legal description of the land;

[c] Include a site plan showing the area of the parking parcel and the open space reserved area which would be provided for future parking;

[d] Describe the hours of use of the area of the parking parcel and establish that the use will be unencumbered by any condition which would interfere with its use;

[e] Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;

[f] Assure the continued availability of the spaces for joint use and provide assurance that all spaces will be usable without charge to all participating uses;

[g] Describe the obligations of each party, including the maintenance responsibility;

[h] Describe the method by which the covenant shall, if necessary, be revised, with a provision to notify the Town of any revision; and

[4] The peak parking hours of the lot(s) will not be the same as the structure intended to be served; and

[5] The lot(s) to serve the structure are not located in the Residential Zone; and

[6] The lot(s) to serve the structure are within 500 feet of the structure intended to be served.

[7] The Council may impose conditions in addition to those in Subsection C(2)(b)[1] through [6] above as to screening, coping, setbacks, fences, the location of entrances and exits or any other requirement it shall deem necessary to assure the continued provision and maintenance of such spaces.

F. Vehicle parking on an unimproved lot in the commercial zone for a fee or not and with or without the permission of the lot owner is prohibited [Added 4-28-2000]

unless application has been made to and approved by Town Council for a temporary unimproved parking lot permit as set forth below:

1. Property Owner and any other involved business owner seeking to have vehicles park on unimproved lot make application to Town Council for a hearing on their request and shall include in the application:

- a. Identity of lot which is proposed for parking and legal owner;



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- b. Identity of all business owners with an interest in the use of the lot for parking;
 - c. Proposed parking usage including days of the week, hours of the day and dates of use;
 - d. Business property owner/licensee to which the parking will benefit;
 2. Town Council shall have sole discretion to grant or deny the application and:
 - a. Shall consider only those applications that seek to grant a temporary unimproved parking permit for unimproved lots that are contiguous to Route 1;
 - b. Shall consider the impact that a temporary parking permit for unimproved lot would have on the property which it would serve as well as the surrounding properties;
 - c. Shall impose whatever restrictions and/or requirements that Town Council, in its sole discretion, deems necessary to maintain the parking usage for the sole use of providing parking for the business owner/licensee's patrons who seek to utilize the parking while physically being in the building of the business owner/business licensee only, including, but not limited to:
 - i. hours of operation;
 - ii. dates of operation;
 - iii. ingress and egress requirements;
 - iv. maximum length of time parking per vehicle limitations;
 - v. number of parking spaces to be utilized;
 - vi. requirement of parking attendant;
 - vii. screening, setbacks, fences;
 - viii. and any other restriction, limitation or requirement, not specifically referenced herein, that Town Council deems necessary to assure the proper use of the temporary parking on unimproved lot permit;
 - d. Shall have a public hearing either as an agenda item at a regularly scheduled Town Council meeting and/or schedule a special hearing date that is published to the public
 - e. Shall ensure that public participation on the proposed usage be permitted during a hearing;
4. Town Council may revoke the temporary parking on unimproved lot permit at any time and for any reason, with five (5) days written notice to the parties seeking the permit or, in the event any of the conditions, limitations or requirements established by Town Council for parking use are not met and/or there is a traffic hazard created by the use of the lot for parking, the Chief of Police may revoke the temporary parking on unimproved lot permit without



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notice, pending review by Town Council at the next scheduled Town Council meeting.

5. Parking fees imposed directly on the patron utilizing the unimproved lot for parking shall be prohibited.
6. Any approved temporary parking on unimproved parking permit by Town Council shall expire within the date set forth by Town Council in the permit and, in any event, no later than one (1) year from the date of issuance.

5. Public Participation

Public participation was previously included as part of the discussion.

6. Adjournment

Motion: To adjourn the meeting at 10:20 AM.

Moved by: Ann Riley

Seconded by: Scott Mumford.

Result: Motion passed unanimously.