



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL

Friday, August 28, 2026

MEETING HELD IN PERSON AND VIA ZOOM

MINUTES

In Attendance

Town Council Members:

Mayor Magdeburger, Secretary Napolitano, Treasurer Wilder, Councilmember Zanelotti, Councilmember Simpson, Councilmember Garavi, Bill Rymer joined the Council following his appointment and swearing-in during the meeting.

Staff in Attendance:

Town Clerk Ellinger, Police Chief Morrissey, Beach Patrol Captain Rykaczewski (via Zoom), Finance Director Green, Building Official Locke

Others in Attendance:

In addition to Town Council and staff, ten participants attended via Zoom and seven attended in person

Call to order and flag salute at 1:00 PM.

1. President's Report – Mayor Magdeburger

A representative of the Senior League Softball World Series Committee presented a plaque to Chief Morrissey and the Fenwick Island Police Department in recognition of the Department's generous support and dedication to the Senior League Softball World Series.

The presentation highlighted the positive impact of the annual beach party for participating teams from around the world and the value of personal interactions between the athletes and police officers. Chief Morrissey also thanked the local business and restaurant community for donating food, pizza, and water.

Mayor Magdeburger thanked the Committee and the Police Department and stated that the Town was honored to host the athletes in Fenwick Island.

2. Approval of Minutes

a. Motion: To approve the minutes of August 14, 2026, Special Town Council Meeting.

Moved by: Kurt Zanelotti

Seconded by: Lucy Wilder

Result: Motion passed with five votes in favor and one abstention by Secretary Napolitano.

3. **Treasurer's Report – Bill Rymer**

Bill Rymer presented the fiscal year-end report because the report and closeout remained under his name. He thanked Finance Director Jerry Green for completing the July closeout before the Council reorganization and reported the following:

July 31 was the Town's official end to its financial year, so the information discussed is for a full 12 months.

As of July 31, the Town's overall cash balance was \$3.4 million, which was a decrease of \$210,000 from last month's end. This decrease was anticipated since we have a full lifeguard patrol and revenues slow down this time of year. Of this \$3.4 million, 96% was fully covered by FDIC protection. This ending cash balance includes more than \$3.2 million in non-committed reserves which exceeded the original FY26 Budget by more than \$500,000 and was also \$140,000 higher than the forecast we recently used to support the FY27 Budget. As of July 31, the Town had 13.4 months of operating expenses in its non-committed reserves which far exceed the internal goals and external guidance of 4 to 6 months of operating reserves.

Ultimately, the Town exceeded both the original budget and recent forecasts related to cashflows.

For the full year, operating revenues were \$2.68 million, which was 1% higher than the original FY26 Budget. This excess was a combination of both positives and negatives with building permits, interest income and grant monies offsetting lower than anticipated revenues from short-term residential rental fees and parking ticket revenues.

For the full year, total operating expenses were \$46,000 higher than the original FY26 Budget. As previously mentioned, the unexpected ACLU lawsuit was the sole reason for this excess. Without the impact of that lawsuit, total expenses would have been below budget by more than \$50,000.

RTT revenues finished stronger than anticipated with \$82,000 reported in July. Full year RTT revenues totaled \$471,000 as compared to the original FY26 Budget of \$350,000.

All in all, it was a solid year for the Town when comparing cashflows and operating results to the FY26 Budget.

Motion: To accept the July 2026 Treasurer's Report.

Moved by: Natalie Magdeburger

Seconded by: Jim Simpson

Result: Motion passed unanimously.

4. **Business & Residential Public Participation**

Mayor Magdeburger opened the floor for business and residential public participation on items listed on the agenda for discussion and possible action. No public comments were offered at that time.

5. For Discussion and Possible Action:

a. Action Form 2026-005 – Parking Ordinances

Chief Morrissey proposed additions to the Town’s parking regulations. He explained that the Town Code currently does not limit how long a permitted vehicle may remain in the same on-street parking space and does not adequately address inoperable or abandoned vehicles.

The proposal would establish a 72-consecutive-hour limit for a vehicle to remain in one on-street parking space and would permit ticketing or towing when a vehicle is not moved. A vehicle left in the same location for more than seven days could be considered abandoned and subject to ticketing or towing, even if it displays a residential parking permit. A vehicle presenting an immediate safety concern could be towed promptly.

Chief Morrissey stated that the proposed changes would protect revenue-producing parking spaces, confirm that vehicles are operable, preserve the Town’s appearance, and provide a proactive remedy before abandoned vehicles become a larger problem.

Motion: To refer Action Form 2026-005 to the Charter and Ordinance Committee for review and a possible recommendation to Council.

Moved by: Natalie Magdeburger

Seconded by: Lucy Wilder

Result: Motion passed unanimously.

b. Mayoral nomination to fill the open Council seat and confirmation by Council

Mayor Magdeburger reported that Gary Burch, Stuart Rubenstein, and Bill Rymer had expressed interest in the vacant Council seat. She recognized the qualifications and interest of all three individuals and encouraged continued involvement by those not selected.

Citing Mr. Rymer’s five years of Council service, demonstrated financial expertise, knowledge of Town operations, and ability to serve without a learning curve, Mayor Magdeburger nominated Bill Rymer to fill the vacancy.

Council members thanked Mr. Rymer for his prior service and emphasized the value of his financial experience. Council Member Jim Simpson stated that he had encouraged Gary Burch to seek the position

and would continue to support Mr. Burch, while making clear that his position was not a criticism of Mr. Rymer's service.

Mayor Magdeburger encouraged Mr. Burch to become involved in a Town committee or another service opportunity.

Motion: To nominate Bill Rymer to fill the vacant council seat.

Moved by: Natalie Magdeburger

Seconded by: Lucy Wilder

Result: Motion passed 5-1 with Jim Simpson opposed.

Roll Call Vote:

- Mayor Magdeburger — Yes; stated that Mr. Rymer is an excellent choice and will be able to assist Treasurer Wilder.
- Council Member Zanelotti — Yes; concurred with the reasons previously stated.
- Council Member Garavi — Yes; stated that he is delighted to serve with Mr. Rymer.
- Secretary Napolitano — Yes; expressed her support and appreciation.
- Treasurer Wilder — Yes; concurred with the comments previously stated.
- Council Member Simpson — No; expressed support for Gary Burch, whom he believed would have been a valuable asset to the Town Council.

c. **Update on Fenwick Shores' variance application to the Office of the Alcoholic Beverage Control Commissioner and the Town's response**

Mayor Magdeburger updated Council on Fenwick Shores' application to the Office of the Alcoholic Beverage Control Commissioner for a variance that would allow alcohol service from the upstairs pool-area bar.

She explained that the Town had advised the Commissioner that Fenwick Shores had not obtained the required Town certification of zoning compliance and that the proposed use conflicted with Town ordinances governing bars, restaurant affiliation, and elevated open-air service areas.

After counsel for Fenwick Shores responded, the Town submitted an additional letter maintaining that the ordinances were neither vague nor ambiguous and reiterating the Town's objection.

The Town had not yet been advised whether or when a hearing would occur. Mayor Magdeburger stated that the Town would continue its active but professional and polite opposition under authority previously

granted by Council and would consider further action, including a possible appeal, if a final decision were unfavorable.

She emphasized that the Town's concern involved the consistent application of its ordinances, the precedent that could be created for other businesses to seek a similar variance, and preservation of the Town's character—not opposition to Fenwick Shores as a business.

d. **Motion to authorize Lucy Wilder with signing rights of banking documents**

Mayor Magdeburger explained that adding Lucy Wilder as an authorized signer would provide an additional signer for Town banking documents and was appropriate following her election as Treasurer.

Motion: To authorize Lucy Wilder to have signing authority for Town banking documents.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

Result: Motion passed unanimously.

Council specifically directed that the unanimous authorization be reflected in the minutes for banking documentation purposes.

e. **Town committee and board applications – September 10 deadline**

Mayor Magdeburger announced that applications from new and returning committee and board members are due by September 10, 2026. Appointments are expected to be presented at the September Town Council meeting. Interested individuals are asked to submit the required online application before the deadline.

f. **Marine Science Camp summer 2027 request – June 21-25, July 12-16, July 26-30, and August 9-13**

The Marine Science Camp requested use of Town Hall for four weeks in 2027:

June 21–25

July 12–16

July 26–30

August 9–13

Council expressed support for the program but discussed the operational and scheduling effects of using the principal meeting room during the busy summer season.

Council generally agreed that three weeks would provide a valuable program while limiting disruption to Town operations. The June and August weeks were supported, with staff to coordinate one of the two July options after reviewing the 2027 election and event calendars.

Motion: To approve three camp weeks—June 21–25, August 9–13, and one of the two requested July weeks—and to authorize Town Clerk Erin Ellinger to work with the camp to select the July dates.
Moved by: Natalie Magdeburger
Seconded by: Jacque Napolitano
Result: Motion passed unanimously.

g. **Town Manager discussion**

Mayor Magdeburger reported that funding for a Town Manager position was included in the budget, although Council had not determined whether the position should be full-time or part-time, filled by an employee or independent contractor, or what qualifications and responsibilities should be required.

Council is developing a needs assessment and a list of desired qualifications. A decision on whether and how to advertise the position was anticipated around the September or October meeting timeframe.

No formal action was taken.

6. Committee Reports - Audit, Beach, Budget & Finance, C&O, Dark Sky, Environmental, Infrastructure, Planning Commission

Audit – Bill Rymer

No report was presented.

Beach – Kurt Zanelotti

Councilmember Kurt Zanelotti reported that the August showings of Minions and Casablanca were successful despite uncertain weather. Casablanca attracted a different audience, including many older residents, and the Committee and Council discussed continuing to include a classic movie in future seasons.

Council expressed support for retaining four movie nights if the budget permits. The Committee thanked the Police Department and Beach Patrol for providing logistical assistance.

The Committee provided a donut breakfast and watermelon day for the lifeguards and purchased an approximately \$500 refrigerator for the Bayard Street shed using privately raised lifeguard funds.

Planning will next focus on the Fenwick Freeze on January 1. The Committee is also seeking additional members.

Budget & Finance – Bill Rymer

Property owners were reminded to pay their Town property tax bills. No additional report was presented.

C&O – Natalie Magdeburger

The Committee had not met while awaiting referrals from the DarkSky and Infrastructure Committees. With the new parking ordinance referral, a meeting is expected to be scheduled for late September or early October.

DarkSky – Rose Mary Hoy

Rose Mary Hoy reported on the Committee's educational activities at the Town bonfire and its August 5 working session.

The Committee is completing a final side-by-side review of proposed lighting ordinance amendments before referring them to the Charter and Ordinance Committee.

The Committee is also considering a public symposium on nighttime lighting and safety to explain the proposal, address common misconceptions, and provide practical guidance.

The Chief Executive Officer of DarkSky International expresses interest in visiting Fenwick Island and potentially connecting with other coastal communities working on similar initiatives.

The Committee also continues its summer partnership with the Yacht Club, including a weather-dependent moonlight sail.

Environmental – Report given by Mayor Magdeburger on behalf of Colleen Wilson

The Committee's Story Time in the Pollinator Park was held in August with support from the Barefoot Gardeners.

Horticulturist Greg Tepper read *Mirabelle in the Garden*, children completed garden-themed art activities, and each family received an autographed copy of the book.

The Committee's next meeting was announced for September 9 at 9:00 AM.

Infrastructure – Report given by Mayor Magdeburger on behalf of Susan Brennan

The Committee continued discussions with the Mid-Atlantic Regional Association Coastal Ocean Observing System regarding the installation of a tide gauge in Little Assawoman Bay to improve local tidal data.

Tim Bergin was working with Dr. Tim Canty of the University of Maryland, with engagement from Ocean City and South Bethany and potential collaboration with the University of Delaware.

FEMA BRIC grant applications had been submitted for the two mitigation projects approved by Council, with an update not expected before October or November.

Straughan Environmental are developing design drawings for projects at West Dagsboro Street and West South Carolina Avenue and working on a comprehensive Town-wide mitigation and resiliency plan.

The second Bayside Resiliency Planning and Flood Mitigation Strategy Forum was held on August 21 with approximately 65 attendees, roughly half of whom had not attended the first forum.

The presentation addressed tidal and stormwater flooding, mitigation tools, and possible ordinance education and implementation. The presentation, recording, and question-and-answer materials were available on the Town website.

The Committee's next meeting was announced for September 8 at 10:00 AM.

Planning Commission – Report given by Mayor Magdeburger on behalf of Susan Brennan

The Planning Commission had not met. Its required annual report had been submitted to the State, and future work would include monitoring Town committees' progress toward established goals.

7. Department Highlights

Building & Public Works – Mike Locke

Mike Locke reported that the department was preparing to transition from summer operations.

Mayor Magdeburger recognized Mr. Locke and Town staff for assisting Mancini's following the vehicle crash, including coordinating a structural assessment, promptly issuing a rebuilding permit, and waiving Town permit fees.

She also thanked Town Clerk Erin Ellinger and Chief Morrissey for arranging a grief-counseling session at Town Hall for Town personnel and Mancini's employees.

Council discussed whether protective planters or similar attractive barriers could help reduce vehicle-strike risks at businesses with head-in parking.

Mayor Magdeburger and Chief Morrissey had begun researching options that could improve safety without detracting from the appearance of the resort community. No formal action was taken.

Police Department – Michael Morrissey

Mayor Magdeburger and Chief Morrissey recognized the immediate response of PFC Quirk and Master Corporal Steve Majewski to the Mancini's crash.

The officers entered the damaged building before its structural stability had been confirmed and provided advanced first aid to severely injured individuals until fire and emergency medical personnel arrived.

Chief Morrissey noted that patrol vehicles carry medical kits and that the Department's training and equipment supported the response.

Chief Morrissey reported that equipment funded through an approximately \$19,700 Office of Highway Safety grant had begun arriving. The equipment included updated radar, laser, and portable breath-testing equipment, as well as pedestrian crossing signs.

New electronic speed signs had also arrived and would be assembled and installed after Labor Day. The signs can display short public-safety messages, such as flood warnings.

The Department intends to continue aggressively pursuing grants to obtain equipment and training at minimal cost to the Town.

The Mancini's crash investigation remained open, with assistance from the Delaware State Police crash team and Master Corporal Majewski serving as lead investigator.

Chief Morrissey reported continued outreach to the injured family and noted that a community fundraiser at the Crab Cake Factory reportedly raised more than \$30,000 for Mancini's staff. Reopening could be delayed until approximately November because of structural, insurance, and legal reviews.

The Town had responded to a DelDOT memorandum of understanding request concerning the pedestrian crossing-flag program with comments. The flags would remain in place while the Town worked with DelDOT to address its concerns. Reflective tape had been added to the flags, and Council members reported that the flags were highly visible and appeared effective. Community comments were very

positive about the program with some saying that the flags were a “game changer” in terms of assisting crossings.

Administration – Erin Ellinger

Town Clerk Erin Ellinger reported that staff was processing property tax payments and updating Town records as contact and property declaration forms and voter registrations were received.

She also reported that approximately 65 people were seated for the Casablanca movie, with additional viewers stopping or standing nearby.

Beach Patrol – John Rykaczewski

Captain Rykaczewski reported that the Beach Patrol’s awards dinner was held at Fenwick Social.

Scott Larson received Lifeguard of the Year and Chamber of Commerce Guard of the Year. Sophie Kammer received the Captain’s Award, and Brooke Golba received Rookie of the Year.

Mayor Magdeburger congratulated Captain Rykaczewski and the Fenwick Island lifeguards on their achievements at the national competition. She recognized Captain Rykaczewski for earning two silver medals in his age group—one in beach flags and one in the beach sprint. Brooke Dolby earned a silver medal in the beach run, and Assistant Captain Josh Strine earned a bronze medal in his age-group beach sprint and narrowly missed earning a medal in beach flags. Mayor Magdeburger also recognized the Sussex County team for winning the national championship for the third consecutive year and thanked Captain Rykaczewski and the Beach Patrol for their continued dedication to Fenwick Island.

Late-season staffing has decreased to approximately 10 to 12 lifeguards covering about six stands during weekdays, with stronger staffing on weekends.

Mobile units continued to patrol, signs directed beachgoers to swim near guarded areas, and the public was asked to use beaches near open lifeguard stands.

Year-to-date activity included:

- 13 rescues
- 49 assists
- 127 minor first-aid cases
- 11 major first-aid cases
- Nine lost-person reports

- 205 handicapped beach transports

8. Old Business

No old business was presented.

9. New Business

Motion: To proceed as discussed in Executive Session.

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

Result: Motion passed with six votes in favor and one abstention by Councilmember Rymer.

Motion: For Lucy Wilder to resign as Treasurer while remaining on the Council and to nominate Bill Rymer to serve as Treasurer.

Moved by: Lucy Wilder

Seconded by: Natalie Magdeburger

Result: Motion passed unanimously.

Following the vote, Bill Rymer assumed the office of Treasurer, and Lucy Wilder continued serving as a Councilmember

Business Keychains

Council Member Simpson reported that the Bank of Ocean City had funded new keychains featuring a QR code linking to an online directory of Fenwick Island shops and restaurants.

Amy Tingle prepared the graphic design. Because no Town funding or Town management of the project was requested, Council expressed no objection to making the keychains available at Town Hall and local businesses.

No formal action was required.

10. Upcoming Events and Meetings:

September 4	Beach Committee	9:30 AM
September 7	Town Hall Closed	All Day
September 8	Infrastructure Committee	10:00 AM
September 9	Environmental Committee	9:00 AM
September 24	Planning Commission	9:00 AM
September 25	Town Council Executive Session	11:00 AM
September 25	Town Council Regular Meeting	1:00 PM

11. Adjournment

Motion: To adjourn the meeting at 2:30 PM.

Moved by: Behrooz Garavi

Seconded by: Lucy Wilder

Result: Motion passed unanimously.