



The Town of Fenwick Island

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REGULAR MEETING OF THE TOWN COUNCIL

Friday, September 25, 2026

MEETING HELD IN PERSON AND VIA ZOOM

MINUTES

In Attendance

Town Council Members:

Mayor Magdeburger, Secretary Napolitano, Treasurer Rymer, Councilmember Simpson, Councilmember Garavi (via Zoom)

Council Members Excused: Councilmember Zanelotti and Councilmember Wilder

Staff in Attendance:

Town Clerk Ellinger, Administrative Assistant Grab, Police Chief Morrissey, Beach Patrol Captain Rykaczewski (via Zoom)

Others in Attendance:

In addition to Town Council and staff, six participants attended via Zoom and four attended in person

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

1. President's Report – Mayor Magdeburger

Mayor Magdeburger reported that bayside flooding had worsened over successive high tides and was expected to continue through Saturday. Public Works had placed new high-water warning signs, and Town staff and police were monitoring conditions. Residents who needed help moving their vehicles were asked to contact the Town. High-water parking is available at Town Hall, and the church had also offered parking. The Mayor said the dunes appeared to be holding but warned that the surf was dangerous and the beaches were unguarded. She urged residents and visitors to stay out of the water and use caution when walking on the beach.

The Mayor updated Council on the Town's litigation with the ACLU concerning voting rights for entities, including trusts. She reported that the Town had prevailed in Superior Court and that the Delaware Supreme Court had heard the appeal earlier that week. A decision was pending. She also discussed a proposed state constitutional amendment that could affect those voting rights and said she intended to write to legislators to explain the Town's concerns.

The Mayor reported that the investigation into the fatal incident at the Mancini family restaurant remained ongoing while investigators awaited the medical examiner's report. She said the Town had completed the work requested of it and continued to support the state investigation. The Mayor also shared that the injured minor had been released

from the hospital and rehabilitation facility. She thanked Master Corporal Majewski for staying in contact with the family and arranging for the young person's favorite author to send signed books. The family had expressed its appreciation for the Fenwick Island community's support.

2. Approval of Minutes

a. Motion: To proceed as discussed in September 25, 2026, Executive Session.

Moved by: Jacque Napolitano

Seconded by: Bill Rymer

Result: Motion passed unanimously.

b. Motion: To accept the minutes of August 28, 2026, Executive Session.

Moved by: Jim Simpson

Seconded by: Jacque Napolitano

Result: Motion passed with Bill Rymer abstained.

c. Motion: To accept the minutes of August 28, 2026, Regular Meeting.

Moved by: Jacque Napolitano

Seconded by: Jim Simpson

Result: Motion passed unanimously.

3. Treasurer's Report – Bill Rymer

Council Treasurer Rymer reported that we are now officially one month into the new fiscal year, so this is a 30-day update.

As of August 31, the Town's overall cash balance was \$3.8 million, which was a \$400,000 increase from last month's end. Typically, the Town generates cash during August and September since property tax payments are being received.

One significant expense item relates to the ACLU lawsuit which has already taken a large bite out of our annual legal budget. The appeal will likely be more expensive than expected.

RTT revenues were \$62,000 reported for the month, which is a good start for the year. July was stronger than anticipated so that may make the annual budget a steeper climb. Please pay your property taxes if you haven't done so.

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

Moved by: Natalie Magdeburger

Seconded by: Jacque Napolitano

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- 006 – Outstanding Fees and Fines

Chief Morrissey proposed withholding nonemergency permits, parking passes, bonfire permits and similar services from persons or businesses owing the Town fees or fines until their obligations were paid. He requested a written ordinance to support consistent practice.

Motion: To forward the proposal to the Charter & Ordinance Committee for consideration.

Moved by: Jacque Napolitano

Seconded by: Bill Rymer

Result: Motion passed unanimously.

b. Committee Assignments

The Mayor presented nominations by board or committee. Council voted by roll call on each group.

Audit Committee: Bill Rymer, chair; Greg DesRoches and John Nason.

Motion: To approve the appointments to the Audit Committee.

Moved by: Jacque Napolitano

Seconded by: Jim Simpson

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, the audits go smoothly with this group.

Jacque Napolitano – in favor, this group does a great job.

Natalie Magdeburger – in favor, they are superstars.

Jim Simpson – in favor, the financials speak for themselves.

Behrooz Garavi – in favor, same reasons as above.

Beach Committee: Kurt Zanelotti, chair; Anne Hodges, Beth Chapman, Karrie Pronio, Melissa Rufo, Natalie Olbers, Pam Pridgen, Sharon Harris, Suzanne Smith and Jim Simpson.

Motion: To approve the appointments to the Beach Committee.

Moved by: Jacque Napolitano

Seconded by: Bill Rymer

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, very appreciative of their work.
Jacque Napolitano – in favor, Kurt has done a great job as chair.
Natalie Magdeburger – in favor, this is a good group.
Jim Simpson – in favor, this is a good group.
Behrooz Garavi – in favor, same reasons as above.

Board of Adjustment: Ann Riley was reappointed for a three-year term. The other members are Ginger Burris, Paul Wilson, Liz Lear and Vicki Carmean.

Motion: To appoint Ann Riley for a 3-year term on the Board of Adjustment.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, Ann does a wonderful job.
Jacque Napolitano – in favor, for same reason above.
Natalie Magdeburger – in favor, for same reason above.
Jim Simpson – in favor, for same reason above.
Behrooz Garavi – in favor, for same reasons as above.

Board of Elections: Liz Lear, Lisa Benn, Benjamin Waide, Stuart Rubenstein, Geri Verlaque and Colleen Wilson.

Motion: To approve the appointments to the Board of Elections.

Moved by: Bill Rymer

Seconded by: Jim Simpson

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, very supportive and happy to see Colleen Wilson returning.
Jacque Napolitano – in favor, for same reason above.
Natalie Magdeburger – in favor, for same reason above.
Jim Simpson – in favor, for same reason above.
Behrooz Garavi – in favor, for same reasons as above.

Budget and Finance Committee: Bill Rymer, chair; Natalie Magdeburger, Jacque Napolitano, Lucy Wilder, Jim Simpson, Behrooz Garavi, Kurt Zanelotti, Benjamin Waide, Julie Lee, Liz Lear, Stuart Rubenstein and Tim Leahy.

Motion: To approve the appointments to the Budget and Finance Committee.

Moved by: Bill Rymer
Seconded by: Jacque Napolitano
Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, thanks all members and appreciative of two new members.

Jacque Napolitano – in favor, for same reason stated above.

Natalie Magdeburger – in favor, for same reason stated above and great job.

Jim Simpson – in favor, for same reasons stated above.

Behrooz Garavi – in favor, for same reasons stated above.

Charter and Ordinance Committee: Mayor Magdeburger, chair; Ann Riley, Benjamin Waide, Dave Reifschneider, John Nason, Lucy Wilder, Jacque Napolitano, Janet Eschbach, John Miller, Scott Momford, Tim Leahy and Stuart Rubenstein.

Motion: To approve the appointments to the Charter and Ordinance Committee.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, wishes them well.

Jacque Napolitano – in favor, looks forward to working with the group.

Natalie Magdeburger – in favor, this is a good diverse group.

Jim Simpson – in favor, this is a good group and thankful they asked to serve.

Behrooz Garavi – in favor, same reasons as above.

DarkSky Committee: Rose Mary Hoy, chair; George Stone, Sharon Harris and Frank Conklin.

Motion: To approve the appointments to the DarkSky Committee.

Moved by: Bill Rymer

Seconded by: Jim Simpson

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, they have done an excellent job.

Jacque Napolitano – in favor, for the same reasons stated above.

Natalie Magdeburger – in favor, for the same reasons stated above.

Jim Simpson – in favor, Rose Mary does a great job as chair.

Behrooz Garavi – in favor, for same reasons stated above.

Environmental Committee: Colleen Wilson, chair; Beth Chapman, Cynthia Kerns, Jim Simpson, Liz Lear, Lois Twilley, Pam Pridgen, Stuart Rubenstein, Susan Brennan and Suzanne Smith.

Motion: To approve the appointments to the Environmental Committee.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, thankful the committee is expanding.

Jacque Napolitano – in favor, they do a great job.

Natalie Magdeburger – in favor, great job.

Jim Simpson – in favor, for same reasons stated above.

Behrooz Garavi – in favor, for same reasons stated above.

Infrastructure Committee: Susan Brennan, chair; Jack Armstrong, Janet Eschbach, Jay Ryan, Jim McGarry, John Miller, Kim Knight, Tim Bergan and Tim Leahy.

Motion: To approve the appointments to the Infrastructure Committee.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, thankful as this is a strong group.

Jacque Napolitano – in favor, thankful to members.

Natalie Magdeburger – in favor, the berm is holding well on Farmington St.

Jim Simpson – in favor, this is an impressive group.

Behrooz Garavi – in favor, for same reasons stated above.

Planning Commission: Mayor Magdeburger was nominated for reappointment to a five-year term following a unanimous recommendation by the Planning Commission. Susan Brennan was identified as chair.

Motion: To approve the appointment of Natalie Magdeburger to renew her 5-year term on the Planning Commission.

Moved by: Jacque Napolitano

Seconded by: Bill Rymer

Result: Motion passed with Natalie Magdeburger abstained.

Roll Call Vote:

Bill Rymer – in favor, is supportive of this nomination.

Jacque Napolitano – in favor, thanks to Mayor for serving.

Jim Simpson – in favor, for same reasons stated above.

Behrooz Garavi – in favor, for same reasons stated above.

Natalie Magdeburger – abstained from the vote.

c. **Pile driving discussion re: start and end dates**

The Mayor proposed changing the permitted pile-driving season from September 1–May 31 to September 15–May 15. She noted that the proposed dates would align with the Town’s unpaid parking season and other seasonal construction restrictions, while better reflecting the length of the visitor season. Councilmembers discussed the effects on residents and builders and expressed general support for the proposed dates. Mayor Magdeburger will prepare a first-reading amendment for the October Town Council meeting and asked to please contact Town Hall if you would like to weigh in on this topic.

Motion: To direct preparation of a first-reading amendment to § 61-14 Hours of construction; pile driving, changing the permitted pile-driving season to September 15 through May 15.

Moved by: Bill Rymer

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.

d. **First Reading of an Amendment to Town Code Chapter 146-4, “Levying of Tax”**

Council considered a first reading of an amendment to Town Code § 146-4 to reflect the rental tax rates already set by resolution: 4% for hotels and 7.5% for other rentals in residential or commercial districts, with the former short-term and long-term distinction removed. Mr. Rymer explained the relationship between Town and state rates and that the principal current change affected formerly lower-taxed long-term rentals. A second reading was requested for the October meeting.

Motion: To proceed using the written amendment as posted without reading its full text aloud.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

Result: Motion passed unanimously.

Motion: To approve the proposed amendment on first reading.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

Result: Motion passed unanimously.

Roll Call Vote:

Bill Rymer – in favor, as it is consistent with the resolutions that were passed in connection with the previous budget.

Jacque Napolitano – in favor, for the same reason stated above.

Natalie Magdeburger – in favor, for the same reason stated above.

Jim Simpson – in favor, for the same reason stated above.

Behrooz Garavi – in favor, for same reason stated above.

e. **ARCGIS demonstration – Tim Leahy**

Tim Leahy demonstrated the Town’s ArcGIS mapping portal and an interactive story map prepared with the Town’s engineers. Maps illustrated historical aerial imagery, bayside flooding, wave exposure, proposed barrier heights and mitigation concepts for South Dagsboro Street and West South Carolina Avenue. Mr. Leahy explained that the platform could maintain a continuing record of Town drainage and resiliency assets as work is completed. Council discussed publishing selected maps or screenshots on the Town website, subject to appropriate access settings and rights to photographs and other material. Maintaining the mapping data over time may require specialist support after the current engineering contract. No expenditure or public release was approved.

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

Audit – Bill Rymer

The annual audit was reported to be scheduled to begin in the first week of November.

Beach – Mayor Magdeburger on behalf of Kurt Zanelotti

Mayor Magdeburger reported that the committee had a successful summer. She particularly enjoyed the showing of Casablanca, which drew a different group of attendees on a beautiful evening. She encouraged the committee to consider including more classic films in next year’s Fenwick Flicks lineup.

Budget & Finance – Bill Rymer

No new information to report.

C&O – Natalie Magdeburger

Mayor Magdeburger reported that the committee had not met while awaiting items for review. With new members joining and several matters now ready for consideration, she expects the committee to have a full agenda. She noted that the DarkSky Committee has substantially finalized its proposed lighting ordinance

recommendations for review.

DarkSky – Mayor Magdeburger on behalf of Rose Mary Hoy

Mayor Magdeburger reported that the committee has completed its review of the Town’s lighting ordinance and submitted recommendations to the Charter and Ordinance Committee. The proposal updates older language to reflect current lighting terminology and identifies suggested additions and modifications. The recommendations are color coded to distinguish those changes from provisions that retain the intent of the existing ordinance. The Charter and Ordinance Committee will review the proposal. Mayor Magdeburger thanked the DarkSky Committee for its work.

Environmental – Mayor Magdeburger on behalf of Colleen Wilson

Mayor Magdeburger reported that the committee met on September 9 and discussed the natural fence, or “dead hedge,” made from fallen branches at the Faucett Okie Family Nature Preserve. Neighbors were invited to share their concerns, particularly about the potential fire risk from discarded cigarettes and the fence’s appearance. The committee will discuss the matter further on October 14 and make a recommendation to Council.

Colleen Wilson met with horticulturist Greg Tepper to discuss possible pathways and areas of interest within the preserve. Workdays are planned for October 8 and 9 to remove remaining invasive species, place replacement plants received from the Center for Inland Bays, and discuss gradually thinning the bamboo. A Salisbury University professor and senior-level student will identify the preserve’s tree and shrub species, with Lois Twilley assisting in the project.

The committee is also planning a Halloween event at the preserve on Friday, October 30, with ghost stories, costumes, decorations, and refreshments for children and adults. Details will be shared as plans are finalized.

Mayor Magdeburger noted that Pollinator Park had many visitors throughout the summer. The committee will work with the Barefoot Gardeners on October 23 to prepare the gardens for winter. Its next meeting is scheduled for October 14.

Infrastructure – Susan Brennan

Susan Brennan reported that a draft engineering report was expected within weeks. The proposed projects may exceed anticipated grant funding of roughly \$2.1 million combined; the committee would review scope, priorities, survey needs and permitting. A decision on the grant could come no earlier than late October, but the timing was uncertain. Approximately 60 people attended the August 21 public forum. The committee was considering guidance for individual bayside and canal-facing properties, future code recommendations, Town-owned street ends including Georgetown Street, and deferred road maintenance. Members discussed water-level data and monitoring options, while continuing to explore an existing potentially grant-funded approach.

Planning Commission – Susan Brennan

Susan Brennan reported the commission was preparing a shoreline public access and waterway management plan requested through DNREC guidance. Members had divided the drafting work and hoped to present a draft to Council in November for review before the December meeting. The commission also began considering the next update to the 2024 Comprehensive Plan and a community survey during the winter.

7. Department Highlights

Police Department – Michael Morrissey

Chief Morrissey reported installation of one replacement electronic speed sign near Royal Farms; a second sign was to be installed on the north end after the storm. The signs can display safety messages. The Police Department had also acquired four solar-powered flashing pedestrian signs at no Town cost, with Essex Street identified as an initial location. He reported efforts to obtain free firearm safety locks for public distribution.

Building & Public Works – Mayor Magdeburger on behalf of Mike Locke

The Mayor presented quotations of \$22,500 for the Atlantic Street bulkhead and \$16,500 for the Madison Street bulkhead. Madison Street was described as the more urgent safety concern. The quotations would be shared with the Infrastructure Committee to review design elevation, permitting and consistency with resilience work before any Council approval. Public Works are removing seasonal beach equipment; some Mobi-Mats would remain available for accessibility as conditions allowed.

Beach Patrol – John Rykaczewski

Captain John Rykaczewski reported 17 rescues, 49 assists, 170 minor first-aid cases, 15 major first-aid cases, 11 lost persons who were all reunited, and 235 transport trips during the 2026 season. He thanked the Ocean City Surf Club for donating a rescue board valued at approximately \$2,000 and said recruitment, training and policy work would continue in the off-season.

Administration – Erin Ellinger

Town Clerk Erin Ellinger reported that she and Kathy Grab were processing returned property-status declarations and voter registration forms and updating Quickbase records. She described plans to organize and scan Town contracts and update administrative procedures. She was planning the holiday tree lighting with Jammin' by the Sea and invited ideas. Council discussed encouraging use of online forms in future

mailings while retaining help for residents who need it. Ms. Ellinger reported that the Bryx alert list had grown to approximately 1,200 recipients.

8. Old Business

No old business was presented.

9. New Business

Motion: To refer a request concerning Town Code § 160-8B to the Charter and Ordinance Committee for review of the boat-lift provisions.

Moved by: Natalie Magdeburger

Seconded by: Jim Simpson

Result: Motion passed unanimously.

Motion: To excuse Councilmember Jim Simpson's absence from the October Council meeting, if needed.

Moved by: Natalie Magdeburger

Seconded by: Bill Rymer

Result: Motion passed unanimously.

Treasurer Rymer announced that St. Matthew's Church would host a storm preparedness event on Tuesday, September 29, 2026, at 4:30 PM. Chief Morrissey is scheduled to speak about evacuation routes and communications during major storms. Rymer said the church was also collecting cleaning supplies to have available for the community after a storm.

10. Upcoming Events and Meetings:

October 2	Beach Committee	9:30 AM
October 7	DarkSky Committee	10:00 AM
October 13	Infrastructure Committee	10:00 AM
October 14	Environmental Committee	9:00 AM
October 23	Town Council Executive Session	11:00 AM
October 23	Town Council Regular Meeting	1:00 PM

11. Adjournment

Motion: To adjourn the meeting at 2:55 PM.

Moved by: Jim Simpson

Seconded by: Jacque Napolitano

Result: Motion passed unanimously.