



Why does this property still look like this? Find out below...

Fenwick Islanders,

As commercial property owners in the Town of Fenwick Island, we feel it necessary to notify you of activities in Fenwick that will adversely affect the business community and the future of Fenwick Island. Although we recognize the issue that Council is trying to address, they seem intent upon using a nuclear weapon to swat the troublesome fly, while ignoring other issues which are likely more important than a few traffic tickets being written in our quiet town. While we applaud the fact that Council attempts to be transparent, the monthly Newsletter has manipulated our words with the sole intent of casting unfavorable view of the business community and their involvement over the past few months.

Fenwick Island Town officials are moving towards the passage of an extreme change in parking ratios. This ordinance does not address the non-conformity that will be created at virtually every commercial location in Fenwick. The proposed ordinance would also restrict all parking in setback areas and also takes a "one size fits all" approach to businesses that may differ greatly in model but are grouped together as a "Restaurant" regardless of that businesses model or square footage. ***Does an ice cream store or coffee shop need the same parking as a full-service sit-down restaurant?*** According to this ordinance, yes it does. And what of multi-use centers where people travel from store to store within the same shopping center, shouldn't the parking ratio be shared amongst the stores?

The public record shows there is little evidence that there is even a need for these ordinance changes. In December 2021 a Residential Advocacy committee member state that there is a need for stricter parking regulations. Shortly after, the Town Council banned LSV vehicles in March 2021, thus doing away with the Nantucket's Shuttle which previously allowed local residents an alternative to driving to our local restaurants and shops. Soon after this, it was announced that Fenwick Island has a full blown "Parking Crisis" during the C&O Committee in May 2022. We, the business community were immediately confused, where is all of the evidence to support a crisis? You would expect numerous complaints during public participation, or letters being read into the record, but there were none. As far as those of us in the business community are concerned, a handful of citizens whom mostly are serving on town committees or as an elected officials are the only ones driving this conversation and inventing a "parking crisis" for their benefit. ***Did you elect town officials, so that they could personally benefit from their roles?*** These damaging changes to our town code will drastically affect the entire town and will do nothing to change the so called current "parking crisis" which is driving this legislation. The only thing the proposed ordinance will do is stop any future development, prevent a new tenant from filling existing vacant locations (Dairy Queen is the perfect example of this) and finally will thwart businesses to even remodel their properties because by simply renovating an existing property it could cause additional parking requirements.

You have been told that the business community have offered no alternatives to address the

parking problem and that statement is simply FALSE. For the past five months, the business community has attended numerous committee meetings and public hearings regarding this legislation, all of which were occurring during their busiest time of the year when business committee members were already putting in 60-70 hour work weeks. ***Does that sound like a group that has failed to engage in the process?*** Numerous suggestions have been brought to the table by highly reputable business people like Scott Mumford from Warren's Station, Virginia Davidson from Sea Shell City and Kinsley Parker-Hazel whose family owns the old PNC Bank building, all of whom are members of the Ad Hoc Parking Committee, but the committee chair only allowed for those ideas to be tabled for future discussion and kept the conversation strictly focused on parking ratios as it suits the purposes of the proponents. The framework of this ordinance seems untouchable and any attempt by the business community to work on the framework has been squashed. ***Do you believe that we ever stood a chance, when that the Ad Hoc Parking Committee is being chaired by the same person who Chairs not only the C&O Committee responsible for writing the new ordinance, but also is the President of Town Council who it goes without saying is responsible for passing the new ordinance?***

The above-mentioned business community representatives presented ample evidence to prove that the ordinances are uncalled for, however it is clear that the changes are being fast tracked by city officials who have refused to even entertain the idea of a professional study (even if funded by the business community) nor are they willing to wait for the Comprehensive Plan to be completed next year. Following the final Ad Hoc Parking Committee Meeting, we put together a sample site plans to show that the new parking requirements are impossible to meet on the small commercial lots in Fenwick Island. We have provided these site plans for your review at the end of this letter.

Those same city officials have provided no evidence that a widespread problem exists, let alone a parking crisis. Rather, they lend their ears to a few individuals, aggrieved for one reason or another and have provided only anecdotal evidence such as parking ticket data to justify the proposed parking changes. Mayor Magdeburger and Ed Bishop have presented time and time again, that 80% of the parking tickets in the evening are occurring due to Matt's Fish Camp's lack of parking, but it was presented this way to make it seem like there is an out-of-control problem. However, when pressed most recently at the final Ad Hoc Parking Committee Ed finally admitted that there were only 101 parking tickets written, during a 5-month period of time consisting of 153 days; that is less than one parking ticket per day! ***These are tickets being issued do to complaints being called in by Residents due to people parking illegally, so does that sound like a parking problem, or rather a signage problem?***

A survey of available parking was done by one business owner one evening this Summer and it showed a significant number of open spaces throughout the commercial district, during peak evening hours throughout Fenwick Island. This information was provided to the Town officials, only to be ignored and discounted. Additionally, the Mayor insisted during multiple meetings that a business patron would never walk if they had to park more than one block away from business or restaurant, therefore insisting that this increase in parking ratios is warranted and would benefit the business community. If that is the case then why is the entire Town Council so concerned with the need for sidewalks? ***Are you willing to walk more than one block, to visit your favorite restaurant?***

In 2019 there were 295+- municipal spaces per the 2019 Community Sustainability Plan and since then many have been allowed to "disappear" in the last few years by the Town's officials. ***Did you know that if we continue to allow municipal parking spaces to disappear at an alarming rate and continue to restrict parking for out of town visitors, that we will inevitably lose our funding for beach replenishment?*** The Army Corps of Engineers will not replenish private beaches and that is exactly the direction this town his headed. Beach parking is already restricted to resident's only, no shuttle service, less municipal parking, and making the east side of Route 1 for local traffic only are making Fenwick Island more restrictive and more private.

There is supposedly a "parking crisis" yet this Council has banned Nantucket's Shuttle from operating, prohibits commercial property owners from allowing residents to use a few spaces on their parking lots for special events, allowed the erosion of our municipal parking spaces and refuses to allow parking at Town Hall after hours and will never consider the idea of a municipal parking lot. ***Does this seem like they are looking for solutions, or simply just more restrictions?***

Therefore, we appeal to you, the good citizens/owners of Fenwick Island to help us fight this injustice as only widespread citizen objections will influence your elected officials to refrain from passing these measures and thereby preserve the serendipitous balance in Fenwick Island. Let's not face the possibility of using our tax dollars to defend yet another action taken by this Council.

Did you know that the legal fees the Town Council has incurred in 2021-2022 are already at a 125% increase year over year, as of July 31, 2022?

Please help us as we try to preserve the balance between the residential and business sectors. **If you have a particular problem coming from a business, talk to that business owner and try to resolve the issue.** We are not your enemies. No business owner encourages bad behavior, but I believe we all can agree that bad behavior presented in a public setting is best left to Chief Devlin and his staff. Not everything requires yet another regulation. We don't need that nuclear weapon simply to swat the fly.

Enclosed are sample site plans for two undeveloped commercial properties in the Town of Fenwick, which were generated to show you how impossible it is to meet the strict requirements of this proposed ordinance. As you can see the land mass to support the proposed ordinance does not exist and this ordinance will prevent any new growth to our great Town of Fenwick Island.

Thank you,
Concerned Business Owners of Fenwick Island

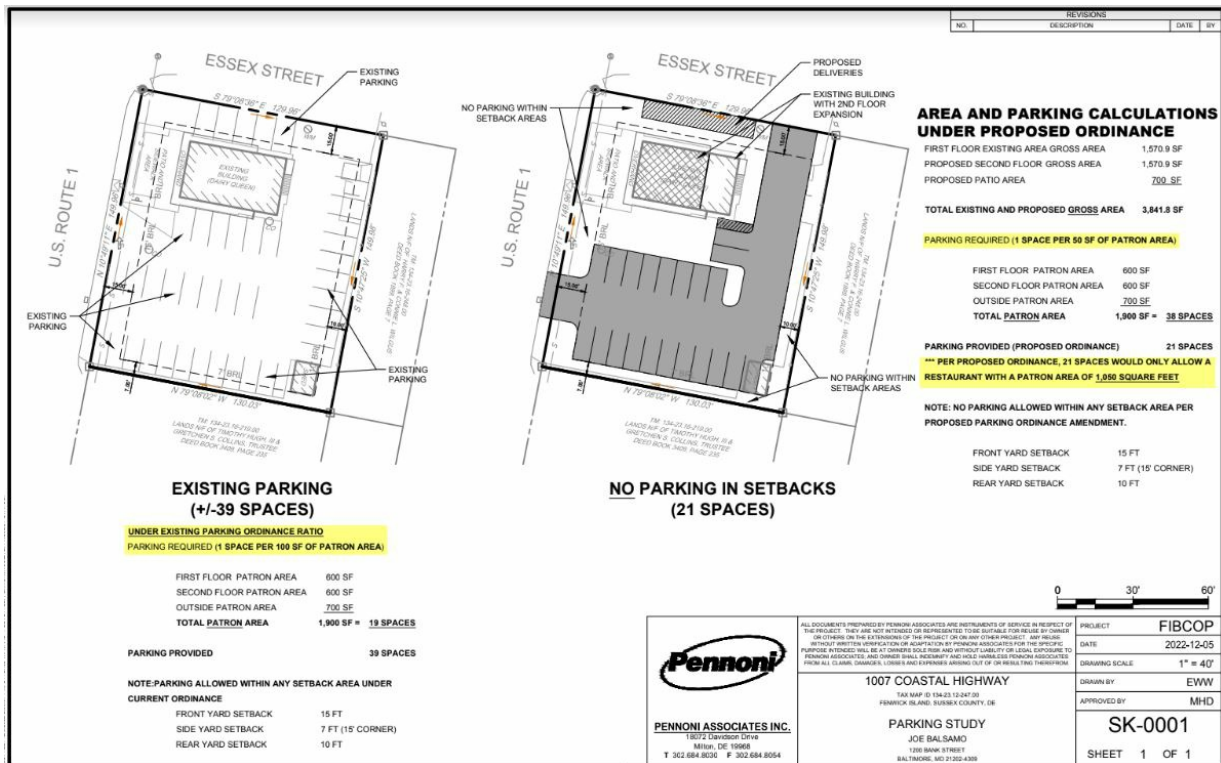
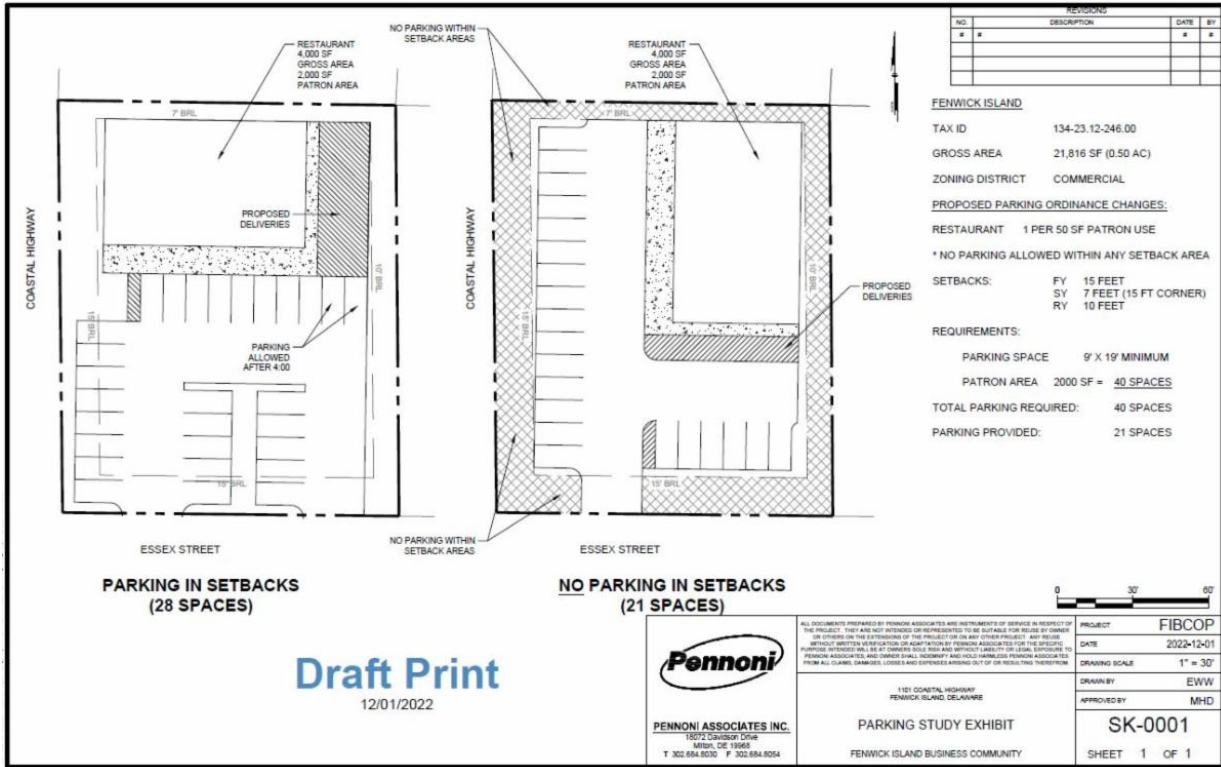
REGULAR MEETING OF THE TOWN COUNCIL
December 19, 2022 at 3:00 p.m. Town Hall Agenda
Call in #: 1-301-715-8592 Meeting ID: 831 6478 1479 or
<https://us02web.zoom.us/j/83164781479>

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SAMPLE SITE PLANS

Both of the sample site plans below fall short of the required parking per the proposed ordinance. Even if parking is allowed within the setbacks, it is impossible to meet the proposed parking requirements.



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