

The following questions were received from Richard Benn earlier this month. Each question is restated in its entirety, followed by my response to each, specific question. Because I thought, perhaps, others in Town might have similar questions, I decided to make the questions and answers available to everyone by publishing them on the Town's website. I will continue this practice as needed.

1. Why are we making so many zoning changes without going through the planning process and involving the community?

Zoning changes have always followed the same procedures and the Town has continued to follow those procedures in connection with the recent zoning changes that were approved. It should be emphasized that the Town's zoning process complies with State law and that the process has always and will always include community involvement in that public meetings and hearings are always held each and every time a zoning decision needs to be made. With specific regard to recent zoning changes, they took a fair amount of time to be fully considered and then passed by the Town Council, i.e., 2 years for the commercial change, 1 year for the height change. During that time the public had many opportunities to learn about the changes. Committee meetings, Council meetings, public hearings and the media provided ample time and opportunity for the public to educate themselves regarding the upcoming changes, as well as provide them with a platform to be heard. No one is ever denied the right to participate, if they choose to participate.

2. Why did the new height regulation not include the new construction language that was used in the survey?

After further discussion, a majority of the Town Council decided that it was equitable to include renovation projects and commercial projects so everyone may take advantage of lower flood insurance rates and have greater protection from increased flooding due to sea level rise. The consensus was that the chance that anyone would incur the cost of removing their roof and trusses to gain 2 more feet is practically nil and very unlikely to happen.

3. Why did you state in the winter newsletter that the height change survey was for new residential construction and then pass an ordinance that included commercial? Answered in number 2.
4. Why do residential properties pay such an exorbitant refuse removal management fee?

This Comprehensive Refuse Fee includes trash pickup, recycling, yard waste and bulk pickup twice a year. Historically, it has always been called a fee. We can call it something else, however, in order for the Town to continue providing the services I just described, the fee itself has been lowered, but it will not go away.

5. When will you address this ridiculous fee?

It was addressed in the Budget Committee meeting. I disagree with your assertion that the fee is ridiculous. What makes you think it is ridiculous?

6. Why has the Council not addressed the vast difference in the residential rental tax rate (7.5%) and the commercial rental tax rate (3%)?

In 2002 the current tax rates were adopted by Town Council. At the last Budget Committee meeting, forming an ad hoc committee was discussed to investigate this issue.

7. Why has the Council not revisited the bedroom and bathroom limitations on residential properties in light of new FAR regulations and rental occupancy regulations?

I know from comments you have previously made that you are opposed to the modest height increase of 2 feet recently approved, the purpose of which is to aid property owners, yet your question implies that you are in favor of increasing the overall size of the homes in Town, which is what I believe would happen if bedroom and bathroom limitations were removed or relaxed. I thought the purpose of your group is to keep Fenwick a small sleepy town and not to increase the number of large party houses. To suggest that the Town Council should

revisit the bedroom and bathroom rules for residential properties does not appear to be in keeping with that purpose.

8. Has Fenwick Island considered doing comprehensive surveys of citizens as South Bethany has done? If not, why?

Fenwick Island has an active and robust system of committees. These committees provide ample opportunity for participation and citizen input, as well as having their voices heard at Town Council meetings and through phone and email. I personally don't think we need to implement a comprehensive survey.

9. How are the recent changes in zoning going to benefit Fenwick Island in the future?

I believe that all of the recent zoning changes will benefit the Town in some way. I would have not have voted in favor of them if I did not think they were of some benefit. Some changes, in particular, that I think are of great benefit are the changes requiring new sidewalks in connection with commercial development and redevelopment, attempting to get new structures along Rt. 1 closer to Rt. 1 and farther away from abutting residences, and the 5 ft. rear buffer zone to protect residents from trash and dumpsters. All of the foregoing are examples of recent zoning changes approved by the Town Council. I don't believe that FI will ever be a bustling community, primarily because it is defined by geographic boundaries and not subject to growth beyond our current boundaries. However, from time to time we need to make changes to improve what we already have for everyone's benefit, the examples I cite in this answer do that, I think, in that they improve the commercial zone and the residential zone at the same time.

10. What is your vision of the future of Fenwick Island, do you see it as a sleepy little town or a bustling community?

Answered a bit above, but just to restate, Fenwick Island will never be a bustling community. That could, perhaps, change in my opinion if we were to increase the number of bedrooms and bathrooms, opening the door to a

greater possibility of large group rentals and party houses, as your earlier question appeared to advocate.

11. Why do we not define eligible voters the way sought [sic] Bethany does to allow for proper estate planning? (*an excerpt from South Bethany Charter defining eligible voter: any natural person who holds title of record either in his/her own name or as trustee to a fee simple estate or a life estate in and to real property located within the corporate limits of the town. They also allow the spouse of a freeholder whether listed on the deed or not.*)

Initially, the trusts had no votes. An earlier Council proposed that the trusts and other artificial entities have one vote, which they at that time approved, and which the General Assembly also approved since a Charter change was required. My question back to you is, how would the number of votes that each trust has in our municipal elections have any effect on estate planning? A person may still engage in whatever estate planning he or she chooses regardless of the voter qualification provisions in the Town's Charter.

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