

The Bedford Citizen

THE NEWS YOU NEED TO GUIDE YOUR CITY

Vol. 1 No. 64

Monday

December 3, 2007

FEATURES

NOV. 27 COUNCIL MEETING: COUNCIL DISCUSSION OF GAS DRILLING ORDINANCE

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NOV. 27 COUNCIL MEETING: GAS DRILLING ORDINANCE PUBLIC HEARING

During the public hearing, eight Bedford citizens spoke. Six expressed reservations while two were ready to go forward with gas drilling.

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FEATURES

NOV. 27 COUNCIL MEETING: COUNCIL DISCUSSION OF GAS DRILLING ORDINANCE

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During this Council meeting, there was extensive discussion by Council members and by participants in the public hearing.

Steve Johnson introduced the ordinance and highlighted the changes. He reported that Chesapeake had submitted more questions.

Addressing Councilman Whistler's desire that the planned routes for pipelines be disclosed during the permitting process, Chesapeake requested that this not be a part of the permitting process since this might drive up the price of the real estate they would need to purchase.

Chesapeake asked to be allowed to self-insure. The ordinance has been changed to allow for this to be negotiated.

Four distances were left open in earlier drafts of the ordinance. The staff has suggested that:

- ◆ Page 33: The setback for gas emission and burning restriction be set at 75 feet.
- ◆ Page 37: Mr. Johnson said there were two numbers changed on this page, but he did not say what they were.
- ◆ Page 38: The setback from a residence, building, occupation, church, or park be set at 500 feet.

Mayor Story asked if the 500 foot setback would be measured from the actual hole in the ground to the residence and observed that, with all of the other equipment at the drilling site, there actually might be only 300 feet between the equipment and the residence. Mr. Johnson confirmed the Mayor's observation.

Councilman Turner then asked if the residential setback isn't the most critical number in the ordinance. Mr. Johnson agreed.

Councilman Whistler observed that a 500 foot setback would literally eliminate any drilling in the City. Mr. Johnson responded that the staff took into consideration maintaining as much of the quality of life as possible for the residents of the City. He said the staff also tried to minimize the wear and tear on the City's roads and to minimize the increased load on City services such as police and fire. Mr. Johnson went on to point out that what we do here will set the direction for the next 80 or so years. He also pointed out that the energy companies could go to individual owners and offer to buy their property in order to gather together the necessary land.

Dr. Turner said he had looked at the maps and calculated that, at 200 feet, there are 13 possible drilling sites: Bedford Boys Ranch, Stormy Jones, and Brook Hollow parks; a hospital; Spring Garden Elementary; Meadow Park, which Bedford does not own; two properties near 157 which are zoned commercial and very close to Trinity High School and a church; two are business zoned in areas with a high development potential; two are

businesses on 121 at Cummings and the land across L. Don Dodson from the Bank One building. At 400 feet, only the land across from the Bank One building would remain.

Mayor Story then asked what has been determined about the routing of pipelines. Mr. Johnson replied that they have been in discussions with Chesapeake, Harding, and Tri-Star. The City staff has mentioned that they should start working with the Trinity River Authority (TRA) to co-locate the gas line with the 60 inch water main the TRA is planning to run from Lake Arlington along Trinity Parkway, up through Eules and generally up Murphy Drive to Cheek-Sparger Road. This construction was discussed during the June 12 Council meeting and is reported in the June 13 issue of *The Bedford Citizen* which can be viewed at:

http://www.bedfordcitizen.com/BACK_ISSUES/070613W_04_Bedford_Citizen.pdf

He went on to point out that each energy company can put in their own pipelines and they will most likely go by the most direct route to that company's facilities.

Dr. Turner then observed that there are four players in this game: the property owners who have mineral rights, property owners who do not have their mineral rights, the energy companies, and the City, each one have their own interests. Pleasing all four players will be extremely difficult. Safety and aesthetics do have to be considered.

He then told of his visit to Eagle Mountain Lake. He said that when he saw beautiful homes with the pipelines and valves

coming up out of the ground nearby, his minimum setbacks lengthened. After pointing out that Bedford is very densely built out, he asked why we would want to go with smaller setbacks than our neighbors have used?

Councilwoman Nail then raised her concern that at least one energy company has already purchased some prime commercial real estate. Her concern is that this property will not be available to generate sales tax revenue in the future.

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Joyce Johnson

Ms. Johnson expressed her concern that Bedford will suffer when homeowners are exposed to losses from land damage, structural damage, or being held responsible to pay for environmental cleanup. She also voiced her concerns over the resident's health if drilling is permitted in Bedford.

Dorothy McWhorter

"I'm going to give you some observations and food for thought. I may be talking to the choir, but I'm going to tell you what I think. If you make the restrictions so restrictive that the gas companies will not, or cannot, fulfill what you're asking for, you're putting five of you in a position to be

recalled. I want you to think about that. And number two, whatever you do, the next City Council has the authority to overrule whatever you do. Number three. I detect in a couple of council member's comments tonight that maybe Chesapeake might have pulled the rug out from underneath you in negotiating with someone to come in on a piece of our commercial property and develop it. That's the vibes that I get, and that may have a effect on your decision on what to do, but that's just a good business Number four. I want to take you back to 33 years ago when I came to this City. Every piece of property in this City was zoned residential. Where the restaurants are now, where the Albertson's shopping center, all that was residential. Why did that Council, or those Councils, do that? They did it to control the commercial development in this City because the battle cry at that time was, 'keep the commercial development along the freeways and keep it out of the neighborhoods.' Now, Bedford is almost built out, and this Council and the next Council is basically in a box. You don't have any commercial development and you aren't about to get any, so you don't have but one other alternative in the future. Because ... the price of operating government continues to increase each year, you're only going to have one option: raise taxes. ... "

Stuart Updike

Mr. Updike his support for the staff's recommended 500 foot setback from residences, etc., and his relief that several Council members expressed serious concerns about how to move forward. He said he would like to see the City be able to

take advantage of the potential revenues from gas drilling, but we must find a way to do it that does not undermine the quality of life here in the City. He suggested that the City designate in a master plan areas where drilling would be approved and then allow the energy companies to purchase land in those areas if they desire. Since keeping the planned routes for pipelines secret would disadvantage Bedford's residents for the benefit of the energy companies, Mr. Updike said, it would be inappropriate for the City not to require that the planned pipeline routes be a part of the permitting process. He observed that Ms. McWhorter's threat was inappropriate.

Roger Gallenstein

Mr. Gallenstein has also driven out to Eagle Mountain Lake and said he supports Councilman Turner's assessment of the conditions there. He called attention to Councilman Whistler's comment that a majority of those attending the town hall meeting supported drilling and pointed out that there were a large number of persons who could not get into the auditorium at the Old Bedford School to raise their hand.

He voiced his feeling that most of Bedford's residents are not aware that drilling was even being considered. Mr. Gallenstein also noted Ms. McWhorter's threat and expressed his confidence that the Council not fall victim to it and would do the right thing for all of Bedford's residents.

Bob Cochrane

Mr. Cochrane asked that the City measure or survey the potential sites to be sure how the various setback numbers will affect the number of potential sites. He wondered if

Eagle Mountain Lake might be having problems because they do not have the controls that Bedford is contemplating and he stated his belief that pipes, "Christmas trees", etc. can be hidden by landscaping etc. He said that, if Fort Worth is drilling safely, we can do it here.

Ralph Good

Believes it is time for another town hall meeting now that we have all this new knowledge. He expressed his concern over what will be done with the waste water. He does not want that waste water to be pumped back down into the ground. He wants to know that the waste water will be removed from Bedford. Mayor Story responded that the ordinance requires that the water be removed from the City limits.

Brandon Moore

Mr. Moore spoke about his three areas of concern: health impact, environmental impact, and quality of life. Open sludge pits contain toxins that can end up in our creeks and streams. The chemicals used in the hydraulic fracturing process are carcinogenic. Quality of life issues are noise and light and the pipeline valves will be hard to hide. How will the drilling and disposal of waste water impact the quality of our water supply, he asked.

Karen Moore

Thanked the Council for taking the time to listen and fully consider the impacts of drilling on the City. She said her family had looked around at other locations and had decided to stay in Bedford to stay away from the drilling.

Follow-up Council Discussion

Mr. Johnson pointed out that the City has no jurisdiction over isolation valves since they are governed by federal law.

Mayor Story opened the discussion of whether or not to have another town hall meeting. Council members Nail and Turner said they favored another town hall meeting. Councilman Cason said he could support one more town hall meeting, but no more. He also pointed out that only 2,500 of the 32,000 eligible voters bothered to vote in the last election. Councilman Savage agreed. Councilman Whistler said he could not support a 500 foot setback. Cason agreed. Councilwoman Nail pointed out that while more people may have raised their hands in support of drilling during the town hall meeting, the vast majority of those who spoke, spoke against drilling. She also expressed her sense that it is wrong for any group or individual to threaten council members who are trying to do their due diligence.

Mayor Story said he had no problem with a 300 foot setback for purely safety reasons, but that he is undecided with regard to the quality of life issue (noise and lights).

Councilman Turner moved to table until after another town hall meeting. Councilman Savage seconded. Passed 5-1 with Councilman Whistler voting against.

The town hall meeting is planned for early January.