



## FROM THE OFFICE OF THE CITY MANAGER

March 14, 2016

To: Mayor and City Council Members

From: Brian Kischnick, City Manager

Subject: City Council Member Questions and Responses

---

I have discussed questions advanced by Mayor and Council with Staff, and responses are attached. Thank you for asking questions in advance of the meeting.

**Subject: E-02 PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (FILE NUMBER ZOTA 247) - OIL AND GAS EXTRACTION**

**Questions from Council Member Edna Abraham:**

- Does the City have the surface and mineral rights to the civic center, city parks, DPW facilities, etc?  
**Response: In order to fully respond, City Administration would need to do historical research for each property. Most times, the mineral rights are not separated in the conveyance, so the property owner or right of way owner would also have the mineral rights.**
- How does HB5389 compare to the current State of Michigan requirements and Troy's proposed ordinance?  
**Response: HB requires 1320 ft. from residence vs the proposed ordinance of 500 ft. from residence. HB 5389 also requires a Public Hearing and compliance with local ordinances.**
- Is there any indication of when HB 5389 may go for approval by the state legislature?  
**Response: No, it has been referred to the committee on Energy Policy on February 18, 2016.**
- Under today's zoning ordinance, if a homeowner is the surface property owner, but not the mineral property owner, would there be any basis for the homeowner to prevent drilling (should that land be viable for oil or gas extraction)?  
**Response: It depends on the land conveyance.**
- What is the state requirement for environmental testing to ensure that no pollution occurring on the well site to the surface, groundwater, wetlands, etc.? How does it compare to provisions in HB5389 and the proposed Troy ordinance?  
**Response: Currently the State of Michigan Supervisor of Wells monitors any required testing. This is not specifically addressed in HB 5389, but is included in other pending bills that have also been referred to the Michigan Legislative Committee on Energy Policy.**

- Are there any provisions for compensation to surface property owners if their property values are diminished due to nearby gas / oil extraction?

**Response:** It is a civil matter and there is nothing specific in the current proposed Troy ordinance or HB 5389.

**Questions from Council Member Dave Henderson:**

I need clarification on item G: Oil and Gas Processing Facilities. Associated processing facilities that separate oil, gas, and brine and hold said products for transport off-site for further refinement and processing are not permitted.

I am under the impression the word Brine is exclusive to fracking. I also understand the experts at our study session indicated that Oakland County is not an area that would support or require fracking (geologically speaking) to extract oil from the ground.

I am curious why we chose to keep that language in this ordinance. To the experts point, other communities look at these restrictive ordinances to be models for their own. I don't object to Troy being a model for others, but I am not in favor of making irrelevant and unnecessary language provisions simply because it is the buzz word of the day. They don't need to fracture in Troy to get oil from the ground. Why have an ordinance that prohibits it?

J3, & L also make reference to Fracking operations.

I have printed the statement pages from our study session where the experts clearly indicated fracture wells were not a thing in Oakland County, or required, and will bring them to our meeting tomorrow.

**Response:** This proposed ordinance is intended to cover any future technological advances or discoveries which may lead to the use of the fracking process.

- c: Mark Miller, Director of Economic and Community Development
- Tom Darling, Financial Services Director
- Lori Grigg Bluhm, City Attorney
- Table