

Spurred to action - Denton Record-Chronicle (TX) - December 28, 2014 - page NEWS_A01

December 28, 2014 | Denton Record-Chronicle (TX) | PEGGY HEINKEL-WOLFE PHEINKEL-WOLFE@DENTONRC.COM STAFF WRITER | Page NEWS_A01

From resident, to voter, to volunteer, to activist - grass-roots energy surged in 2014, changing the local political landscape for a long time to come.

Rumbles began early in 2014 as the **Denton** Drilling Advisory Group launched a petition drive that would eventually bring about the first ban on hydraulic fracturing in the state.

People registered to vote in large numbers, showed up at the polls to cast their ballots and weighed in on other city matters, large and small. Thousands signed another petition, and thousands more voted, to end the city's prohibition on liquor sales. A big public-private partnership unraveled as community support for a new convention center and hotel plummeted. Public opinion pushed both an obscure property maintenance rule for flag displays and the city's once-perfunctory legislative agenda back to the drawing board to better reflect local priorities.

Fracking ban

Denton became the first Texas city to ban hydraulic fracturing after a citizen-driven proposition cruised to a landslide victory at the polls in November.

Although voter turnout statewide was thought to be the lowest in the nation, local turnout was higher than average for a gubernatorial election. Thousands of people registered to vote in **Denton**. Although not all those newbies cast ballots, the city saw more voters make their choice in the fracking ban than in any other municipal issue in recent history.

Dozens of cities in New York and elsewhere have banned fracking, but Texas is oil and gas country. So **Denton's** proposition over the rights of a Texas city to police what happens within its borders pushed the local battle into the national spotlight.

The campaign was the most expensive in the city's history, by far. **Denton** Taxpayers for a Strong Economy, which opposed the ban, far outraised and outspent Pass the Ban in its **Frack-Free Denton** campaign.

Denton Taxpayers pulled in close to \$700,000 through Oct. 25, the latest campaign finance reporting date, a figure nearly 10 times the \$75,000 raised by Pass the Ban. Chevron and Occidental Petroleum contributed \$95,000 to defeat the ban even though neither operates any gas wells in **Denton**. EnerVest, XTO Energy and Devon Energy, which do have wells in **Denton**, all made six-figure donations that totaled more than \$540,000.

Final campaign finance reports are due in the city secretary's office next month.

Denton Taxpayers sent out several mailers and had ads running in print, broadcast and social media, many of them with an image of a pink piggy bank being smashed by a gavel, in the final days before the election. The group also secured testimonials from former Texas Woman's University chancellor Ann Stuart and former mayor Perry McNeill as well as support from the North Texas State Fair Association, the **Denton** Chamber of Commerce and the **Denton** County Republican Party, which bought its own ads opposing the ban.

Denton voters joined the county at large to send Republican party members back to their elected offices - no Democrats hold a county or statewide office in **Denton** County - but party loyalty was not enough to stop grass-roots support for the ban.

The day after the election, both the state and the oil and gas industry sued the city to block the ban, claiming the measure was unconstitutional. The city answered both lawsuits, claiming fracking is a nuisance and subverts public order.

In addition, the city asked that the state's lawsuit, filed in Travis County, be moved to **Denton** County.

Denton DAG and Earthworks filed to join as intervenors in the defense of the two lawsuits, one from the Texas General Land Office and the other from the Texas Oil and Gas Association.

Hearings have not been scheduled in either case.

The city is expected to lift its moratorium on new drilling permits sometime next year, after it adopts new rules to govern drilling and the nearly 300 wells still producing in the city limits.

The ban on fracking a well officially went into effect Dec. 2.

On Dec. 15, **Denton** District Judge Jonathan Bailey recused himself from presiding over the case filed by the Texas Oil and Gas Association.

On Dec. 17, State Rep. Phil King, R-Weatherford, made good on a pledge he made in the days before the election, pre-filing legislation to limit a city's ability to ban fracking.

Liquor proposition

For years, **Denton** residents have had to drive to Lake Dallas, Lincoln Park or Corral City to stock the liquor cabinet. While some voters may wonder why it took until now for **Denton** to go "wet," other longtime residents knew **Denton's** political climate had to change first.

Denton voters first approved the sale of beer and wine in 1976. Those who wanted to keep **Denton** dry promptly challenged the election in court on a technicality in the ballot language. Rather than wait to see how an appeals court ruled, the dry faction then petitioned for another election to take **Denton** dry. But they lost in 1977 as **Denton** voted in a record turnout.

Eventually, an appeals court ruled the 1976 election null and void, which voided the 1977 election,

too. The 83 businesses that were selling beer and wine faced closure of that part of their business, even as **Denton** voters headed to a third wet-dry election in February 1978.

That time, **Denton** voters approved beer and wine sales 3-to-1 and the legal challenges ended.

Denton First, the special-purpose committee that supported the liquor proposition, raised nearly \$90,000. The money paid for a petition drive, which delivered more than 7,000 signatures, as well as the campaign. If not for the scale of the proposition to ban fracking, the campaign would have gone down in the history books as one of the costliest the city had seen to date.

The new law eases restrictions on local bars, which no longer need to comply with costly-to-administer "private club" rules beginning Jan. 1. It also allows liquor sales in stores.

City officials said they have not heard any serious interest from people looking to open liquor stores, but the City Council has adopted new zoning designations that guide where such stores can be built.

Convention center

The **Denton** City Council walked away from the convention center deal in early November.

In many ways, the council's final decision reflected the erosion of community support the project had suffered throughout 2014. For several months, both county commissioners and the **Denton** school board declined to consider tax breaks for the project. Instead of casting its own decisive vote to bring planning and negotiations to an end, the City Council let the deal die when the time came to authorize another \$75,000 to finish the center's construction drawings.

No one made a motion to do so.

Since 2006, and more formally since entering into a master development agreement in December 2013, the city pursued a public-private partnership with the University of North Texas and O'Reilly Hospitality Management to bring a convention center and full-service hotel to land next to Apogee Stadium.

But after construction bids came back higher than expected this summer, the building shrank from 97,000 square feet to 69,750 square feet. The city also faced increased financing costs, as the deal moved from a 25-year term to a 30-year term. Support for the project shriveled until the council finally killed the deal.

O'Reilly had pledged to help the city fund the gap between any revenue collected at the center (sales, property and hotel occupancy taxes), but specified that property tax breaks from the county and school district were needed for their part of the deal.

The City Council has not yet disbanded the tax-increment finance zone it created to help finance the project.

When a flag becomes a 'wind device'

The City Council plans to revisit the sign ordinance as it relates to the display of the U.S. flag after Andre "Frenchy" Rheault got a ticket for displaying too many flags at his storage yard on Dallas Drive.

Mayor Chris Watts said he had not seen anything like this issue during the three terms he served previously on the City Council. He praised the city for responding quickly to the overwhelming public feedback calling for change in the ordinance.

The city cited Rheault under the part of the city's property maintenance code that allows a property owner to display up to three flags without a permit, including the U.S. and Texas flags and another flag of the property owner's choice. Beyond that, the property owner must get a permit to fly "wind devices."

Rheault, a Vietnam War veteran, parks his lawn and tree service vans in a storage yard in the 1000 block of Dallas Drive. He has about a dozen poles with U.S. flags mounted to the security fence at the front of the yard. A larger U.S. flag also flies on a pole high above the embroidery shop next to the yard, its roof painted with an image of the flag. Many of the service vans are bedecked with U.S. flags, too.

To show solidarity with Rheault, many Denton residents purchased T-shirts printed with an image of the U.S. flag and the message "My flag is not a wind device."

The city dismissed his ticket.

PEGGY HEINKEL-WOLFE can be reached at 940-566-6881 and via Twitter at @phwolfeDRC.

CITATION (MLA STYLE)

HEINKEL-WOLFE@DENTONRC.COM, PEGGY HEINKEL-WOLFE. "Spurred to action." *Denton Record-Chronicle (TX)*, 1 ed., sec. NEWS, 28 Dec. 2014, p. NEWS_A01. *NewsBank: Access World News*, infoweb.newsbank.com/apps/news/document-view?p=AWNB&docref=news/16DA816EB8E53B38. Accessed 5 Nov. 2019.

© Copyright 2014 Denton Record-Chronicle, 3555 Duchess Denton, TX.