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Commentary: Louisville can ‘Prosper’ with shared decision-making and neighborhood planning

By **GUEST AUTHOR** | November 21, 2018 11:00 am

By **Daniel DeCaro**

I take issue with the Insider Louisville article **“Prosper Louisville: Does Louisville want regression or progress?”** The article seems to suggest that some Louisville residents are “regressive” for strongly voicing their legitimate concerns about the proposed TopGolf project at Oxmoor Center. However, my issue is more fundamental than simply the TopGolf project — it’s about the nature of development decisions in Louisville, and in particular, our democracy.

In the Prosper Louisville article, we hear from frustrated real estate agents, fed up with public scrutiny and pushback they feel stunts Louisville’s progress and ultimately harms everyone, including those who oppose it.



Daniel DeCaro

At issue is concern by some residents that the TopGolf development will bring unwanted noise and light pollution, increase drunken driving, and irreversibly transform the area into a night life entertainment district, fundamentally changing their lifestyles.

TopGolf argues residents' concerns are overblown, and that the economic benefits of revitalizing empty commercial spaces in Oxmoor Mall outweigh potential drawbacks. I will not weigh the merits of the TopGolf project — that is for citizens and their government to decide. I will judge the merits of the decision-making process itself and discuss why, and how, public outcry must be taken seriously.

Louisville has made many positive strides in recent years. However, in my opinion, what is “regressive” about Louisville is its city planning (decision-making) and public engagement process.

According to widely **accepted principles of democracy**, genuine public participation is a process of shared decision-making, communication, responsibility, and mutual respect and compromise, not a one-time, unilateral decision event. Yet, that is precisely how many important development decisions are made in Louisville, and elsewhere.

To be sure, the city must develop. In fact, many opponents want TopGolf — just not in their backyards, or without proper precautions. Decisions about Louisville's fate should be made through a process that brings the best of all parties to bear, otherwise the city will “develop” (i.e., change) but not prosper (i.e., thrive, empower, nurture).

As most U.S. cities, Louisville makes decisions through a variety of means, such as public surveys, public hearings, neighborhood plans, and multi-stakeholder forums.

Even so, most commonly used public engagement methods are advisory. Think public hearing: the public offers advice, and government decision-makers can do whatever they want. There is little multi-directional communication and no significant sharing of decision-making power. This process can work well in homogeneous societies, with mundane issues, and high levels of trust.

However, Louisville is diverse, faces complex, vitally important decisions, and has low levels of trust in government. In a recent Louisville Metro **report**, only 27 percent of respondents said local government leadership was “doing well.” They reported significant deficits to “justice,” “accountability,” and “transparency.”

The TopGolf decision is being made by Louisville Metro's [Planning Commission](#) and [Metro Council's Planning/Zoning Committee](#), primarily through standard public hearings. Commissions and councils are units of representative democracy, made of government officials and local stakeholders. Their duty is to represent and balance the welfare of individuals and communities with the city's collective welfare. This is a difficult balancing act.

The [Federal Administrative Procedures Act](#), and its state and local corollaries, require governments to involve citizens in important decisions, but the requirements are minimal. Therefore, governments routinely use public hearings instead of more robust forms of public partnership.

In complex decisions involving high stakes and multiple standpoints, it is very easy for governments to deliberately or accidentally ignore citizens, cater to corporate interests, and ultimately make paternalistic decisions, which lack community support or merit.

Overreliance on public hearings has undermined democracy in the U.S. I encourage all readers to explore the National Civic League's report on this national dilemma: "[Making Public Participation Legal](#)."

Public hearings undermine trust, escalate conflict, and often yield unaccepted decisions, because they give no one, not even governments and developers, adequate opportunity for deliberation and collaborative problem-solving. Citizens receive even less self-determination and procedural justice from hearings. Therefore, it is not surprising that citizens become strongly vocal in public hearings, or resort to costly lawsuits — it's often the only way they can be heard.

More robust forms of public engagement are costly. But failure to properly involve relevant stakeholders is even more costly — economically, socially, politically — because of prolonged lawsuits, disenfranchisement, and ill-conceived projects. Partnership can improve city planning.

Consider Louisville's West End. Racial discrimination, disenfranchisement, and paternalistic city development utterly transformed West End's once thriving communities (see Joshua Poe's [Redlining Louisville](#)). NIMBY projects are like hot potatoes — passed around until they land in our most marginalized communities. Recall the 2012-2016 Food Port and bio-digester debacle.

After decades of paternalism, citizens of West End fought back, refusing to allow any development of the site until their voices were heard. They formed West Louisville Community Council (WLCC) — a grassroots citizen council — to represent their communities.

Louisville Metro partnered with WLCC, delegating the group authority to decide the site's fate. Through a series of meetings and public dialogues, the council chose a track-and-field complex, which provides a recreational space for local communities, sports competition, pride and economic revitalization. This solution is arguably better conceived than any prior city-directed effort.

Citizens can collaborate with government. Louisville Metro already uses collaborative neighborhood plans to inform neighborhood development. Neighborhood plans help government officials, developers and residents work together to pool expertise and solve shared problems.

Why not strengthen neighborhood planning with self-governing community councils, like the West Louisville Community Council? The decisions will carry more legitimacy and encourage compromise. **Cities** throughout the world are already doing this, and more. If this solution seems bizarre, then I ask you to consider: What is democracy in a self-governing society like the U.S. supposed to look like?

Partnership is not a cure-all solution. Public hearings have a place in democracy when used to supplement robust partnerships — not replace them. But blind faith in developers ought to have no place here or anywhere. Partnership is the truest path to prosperity in Louisville, not paternalism.

Daniel DeCaro is a professor of urban public and environmental affairs, and psychological and brain sciences, at the University of Louisville.

This commentary has been updated to correct the attribution to the independent redlining research to Joshua Poe.

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