**From:** Patrick Conant <patrick@prcapps.com>
**Sent:** 2/22/2021 4:03:03 PM
**To:** kimroney@avlcouncil.com
**Cc:**
**Subject:** Re: [#220462] Re: Lack of Council Oversight / Public Input in Hotel Ordinance

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Hi Kim,

Yes, this is the email I was referring to - I probably should have realized that your lack of internet probably meant you hadn't seen my message! I agree we covered the points I made in this email, though I hope having a written reference proves helpful as well.Â
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More than anything, I worry about how much we're talking in "theoreticals" around a policy change that will be so impactful for our community.
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That is why I feel so strongly that a deliberate, careful approach, with oversight by Council and input from the public, is the only way for our City to demonstrate "good governance" around this policy and so many others.Â
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21st Century Government is one that "builds with, not for" the people, and this is one opportunity to take steps towards (or away from) that vision.

Thank you,Â
Patrick Conant

On Mon, 22 Feb at 12:06 PM , Kim Roney <kimroney@avlcouncil.com> wrote:
Patrick, thank you for your time this morning on the call. Hearing you refer to your email, I searched and foundÂ this one. I wish I had a moment to read it beforeÂ our call, but am glad that we seem to have covered many of the points you've made.

Thank you for this call-in and reminding of the importance of messaging. I hear what you're saying and am working on language for Tuesday.

With a Grateful Heart,
Kim

On Sun, Feb 21, 2021 at 3:10 PM Patrick Conant <patrick@prcapps.com> wrote:

Hi Kim,Â

I wanted to email you directly to share my concerns regarding the revised Hotel Ordinance and Overlay map, as well as your advocacy efforts to fight for a "better deal."Â

While I understandÂ your strategy of pushing for a "smaller map / more points," I amdisappointedÂ that your advocacy effortsÂ don't include a call for Council oversight and public input at the end of the process.Â

You've presented the situation as one that places Staff Approval and Council Review as "two divergent paths," using the approvalÂ rate of the past CZ modelÂ as evidence that Council review wouldÂ result in more hotels / less benefits for Asheville.Â

That's a false choice in my mind - we can and must have both. We need projectsÂ to meet the Public Benefits and Overlay Map requirements, before moving to City Council for a public hearing.Â We need the structure of the public benefits table and overlay map to provide a â€œminimumâ€ set of requirements, while requiring Council to exercise oversight and allowing the public to weigh in on the process.Â

Thatâ€™s the only way we continue to evolve these requirements until we get them right - by making these decisions front and center in the short term, and by allowing Council and the public to see how the process works when applied to real projects. Thatâ€™s how we build a government process that is responsive to the needs of residents and ready to adapt as conditions change.Â

Furthermore, Iâ€™m concerned by the wider impacts of your proposal on how we view the role of the public, Council, and staff in the work of local government. Whether it was your intention or not, much of the debate is boiling down to whether we should just â€œtrust staffâ€ to do the right thing because we canâ€™t â€œtrust Councilâ€ to do so.Â

Thatâ€™s quite counter to the direction Iâ€™d like to see our City move over the coming years.Â

I encourage you to advocate for processes that provide the public with a greater voice and the opportunity to hold our elected officials accountable for their votes. Instead, what youâ€™ve proposed is pushing people towards a mindset that we should â€œcut Council and the public out of the process and trust staffâ€ because that will yield better outcomes. Â

When has that approach ever worked for the people of Asheville?Â

I amskeptical this process will actually produce better outcomes - and Iâ€™ll argue my perspective below. However, I need to highlight the risk that this approach will be applied to other critical efforts of our City, increasing the power of staff and cutting out the voice of the community on issues of great importance and public interest. Â

To get down to specifics, hereâ€™s why I donâ€™t believe â€œstaff approvalâ€ without Council oversight is the right process: Â

If we require Council review at the end of the process, after projects meet public benefits and overlay map requirements, we create a clear standard that these requirements are the â€œbare minimumâ€ for approval. Itâ€™s ultimately up to Council to consider the merits of the project, hear from the public, and possibly ask for more from developers.

In that model, the public benefits matrix provides a "floor" in terms of requirements that projects must meet. If we want to focus on outcomes, this model results in less hotels and better benefits than just allowing staff to approve projects.

Instead, the current proposal (even with your advocacy for a â€œbetter dealâ€) - has us going the opposite direction.Â

Staff approval through the public benefits matrix sets the "ceiling" - the absolute maximum benefit any developer will be required to pay for approval. If they want to pay less, or build a hotel, say, on Haywood Rd in West Asheville - all they need to do is go to Council and come up with a good story.Â

In other words, it creates a dynamic where Council can negotiate worse deals for the people of Asheville, but never better ones.Â

How does that fit into an analysis of the tendencies of our Council to approve most hotel projects?Â

Am I to believe that Council, who will approve most hotel projects, is going to hold strong around these â€œnonconformingâ€ Conditional Zoning proposals because they donâ€™t meet the public benefits table? If that is true, then I should be able to trust Council to review â€œconformingâ€ proposals at the end of the process, allow the public to weigh in, and fight for a better deal when necessary.Â

If Council canâ€™t be trusted to reject non-conforming projects, then the framework proposed is simply going to result in even worse deals, and more hotels with less benefits in Asheville.Â

In any case - cutting Council oversight and public input out of the process is the wrong approach for Asheville. Rather than fighting for just a â€œsmaller mapâ€ and / or â€œmore points,â€ I encourage you to also fight for a process that also provides for public input and accountability throughout the process.Â

Thank you for your serviceÂ to our City!Â

Patrick Conant

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