

Get Smart About NIMBY

By Patrick Slevin



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Land use professionals who believe they can just show up, ignore community input, and get approval for their applications need to *Get Smart* about NIMBY. It's amazing how many applicants are still attempting to fly under the radar like a secret agent to avoid community detection.

They are spurred on by the notion that they have political cover and procedural acumen, not to mention, legal validation to proceed with a 007 like confidence.

This air of self-assuredness quickly evaporates when the community grapevine exposes their cover and sets them up for ambush during the public hearing with Jerry Springer type precision and timing.

NIMBYism in America isn't a laughing matter, but we can learn some tenets for overcoming NIMBYism from *Get Smart*, an American comedy television series that ran from September 18, 1965 to May, 1970.

Maxwell Smart

Mel Brooks, writer for *Get Smart*, assigned the character Maxwell Smart the title of Agent 86. The 86 comes from the saying "to eighty-six something." Meaning, everything that Agent 86 engaged turned into a disaster. The rise of the NIMBY industry in America has seen countless real estate projects get 86'd. Land use professionals can learn how to prevent more disasters from the *Get Smart* series.

CONTROL and KAOS

CONTROL was the organization Max worked for as a spy. In land use proceedings, CONTROL would be the notice and hearing process applicants follow. Notice

and hearings provide a legal, logical, and linear mechanism helping applicants navigate with confidence and control over their applications. However, the process is inept in educating stakeholders i.e. diffusing the NIMBY factor.

KAOS, the organization representing evil led by Conrad Siegfried, empowers the NIMBY world. NIMBYism is a political, emotional, and non-linear process causing chaos for land use professionals adhering to the notice and hearing guidelines. When the time comes for elected officials to vote on a project, the political KAOS usually trumps the legal CONTROL. This is most evident when commissioners are up for reelection and are counting votes in city hall i.e. NIMEY (not-in-my-election-year).

Cone of Silence

One of the show's recurring gags was the Cone of Silence. Max would insist on following CONTROL's security protocols (notice & hearing); when in the Chief's office he would insist on speaking under the Cone of Silence — two transparent plastic hemispheres, which were electrically lowered on top of Max and the Chief — which invariably malfunctioned, requiring the characters to shout loudly in order to be understand one another.

The Cone of Silence can no longer keep the lid on development in the community. Land use professionals who try to keep their projects close to the vest are foolishly underestimating their opponents and usually empowering community grapevines.

Catchphrases

"Don't tell me...I asked you not to tell me that." Max didn't want to hear about his mistakes, and applicants do not want to hear about citizen participation or worse yet, about citizens who are opposed to the project. Land use professionals need to engage the community during the earlier stages of planning - well before the first notice goes out.

"The old (verbose explanation) trick...that's the second time I've seen it this month." When land use professionals do not engage in outreach during the early planning stages, they become subject to numerous NIMBY tricks including community petitions, theatrical public hearings, negative publicity, costly concessions, and possible political rejection of their projects.

"Missed it by *that much*." How many commissions started with a majority supporting your application to voting 3-2 against your project? In most cases, NIMBYism tipped the scale against you. It is within this context that investing in outreach on the front end secures and protects political capital on the back end.

"Would you believe...?" Max used this routine whenever he found himself in a tight spot and hoped to bluff his way out of it. For example, Max would say: "You might as well surrender, because at this very moment, you are being surrounded by 5,000 crack Swiss troops." - "I find that very hard to believe, Mr Smart." - "Oh. Well, would you believe 150 Tyrolean skijumpers?"

Once the NIMBY genie has left the bottle and stirred up trouble in the news and city hall, you forfeited the strategic high ground and any possibility of mediating solutions inexpensively. More importantly, the commission has now been pulled into the conflict and your credibility is under question due to the effective campaign by the NIMBYists.

"Sorry about that, Chief." After causing yet another disaster for the Chief, Max apologizes. The chief represents the elected body. Elected officials do not like surprises, high-profile conflict, and expensive lawsuits. The developer who generates community goodwill and demonstrates he cares about the community will avoid having to apologize for a vocal minority antagonizing city hall.

More often than not, land use professionals simply dismiss the threat of community opposition relying upon their reputations or contacts to effectively overcome the vocal minority. This thinking is dangerous and is what fuels a NIMBY syndrome that generates thousands of headlines and cost corporations billions of dollars in losses every year.

By getting smarter about NIMBYism, you can successfully prevent KAOS from eighty-sixing your project.

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