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- Alston & Bird LLP
- Atlanta Regional Commission
- Atlantic Station, LLC
- City of Alpharetta
- City of Chamblee
- FSB Legal Counsel
- Home Builders Association of Georgia
- McKenna Long & Aldridge LLP
- Metro Atlanta Chamber of Commerce
- Morris, Manning & Martin, LLP
- Seyfarth Shaw LLP
- Smith, Gambrell & Russell, LLP
- Stack & Associates, P.C.

Our Fourth Annual Comprehensive Conference on

# Land Use and Growth in Georgia

New regulations, rules and challenges

January 12 & 13, 2009

Atlanta, Georgia

InterContinental Buckhead Atlanta Hotel

**Credits:** GA CLE 11.8 inc 1 ethics | GA App & RE pending | AICP pending (call about others)

**Quick when/where:** 8:30 a.m., 3315 Peachtree Road, NE

### Land Use and Growth in Georgia Conference

January 12 & 13, 2009 | Atlanta, Georgia  
InterContinental Buckhead Atlanta Hotel

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8:00 Registration and Continental Breakfast

8:30 Introduction and Overview

Gerald L. Pouncey, Jr., Esq., Program Co-Chair  
Morris, Manning & Martin, LLP ~ Atlanta, GA

Kathryn M. Zickert, Esq., Program Co-Chair  
Smith, Gambrell & Russell, LLP ~ Atlanta, GA

8:45 Update on Key Legislative, Court and Regulatory Decisions with an Impact on Land Use at the State and Federal Levels

Legislative changes at the state and federal level with an impact on land use

Carl Westmoreland, Esq.  
Seyfarth Shaw LLP ~ Atlanta, GA

Key court and regulatory decisions, and what they imply for the future

Kathryn M. Zickert, Esq., Program Co-Chair

10:00 Break

10:15 Overlay Zoning and Incentive Programs as Potential Tools for Reaching Land Use Policy Goals

Effective use for promoting infill development, preserving historical areas, addressing the need for affordable housing in urban areas, and implementing other public policies

The Hon. R. Eric Clarkson, Mayor  
City of Chamblee ~ Chamblee, GA

Diana Wheeler, Community Development Director  
City of Alpharetta ~ Alpharetta, GA

11:45 Lunch (on your own)

1:00 Special Address: A Policy Maker's Perspective on Key Regional Issues Facing Georgia

The Hon. Samuel Olens, Esq., Chairman  
Atlanta Regional Commission ~ Atlanta, GA

1:45 Critical Issues of Water

Implementation of the State Water Plan and Metro Atlanta Water Plan

Gerald L. Pouncey, Jr., Esq., Program Co-Chair  
Charles Krautler, Director  
Atlanta Regional Commission ~ Atlanta, GA

Katie Kirkpatrick, P.E., Vice President  
Environmental Policy  
Atlanta Regional Commission ~ Atlanta, GA

3:00 Break

3:15 Clean Water Act Issues

Recent changes in NPDES permitting

Lee A. DeHihns, III, Esq.  
Alston & Bird LLP ~ Atlanta, GA

Wetlands issues: Update on addressing wetlands issues after Rapanos; banking issues

William J. Sheppard, Esq.  
Morris, Manning & Martin, LLP ~ Atlanta, GA

Claimant perspectives on citizen suits

Donald D. J. Stack, Esq.  
Stack & Associates, P.C. ~ Atlanta, GA

Defendant perspective

Kathryn M. Zickert, Esq., Program Co-Chair

5:00 Continue the Exchange of Ideas: Reception for Faculty and Attendees Sponsored by Morris, Manning & Martin, LLP and Smith, Gambrell & Russell, LLP



About the Conference

LAW SEMINARS INTERNATIONAL

We dedicate all of our efforts to producing high-quality professional education programs.

Our seminars provide an opportunity for lawyers to learn about their clients' businesses and for the clients to learn about the legal issues impacting their business.

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2009 brings new areas of concern for land use practitioners: The implications of climate change, gas and water shortages, and a weakened national economy. Policy makers, leading attorneys and professionals will discuss the pertinent issues of local jurisdictions vs. overlay districts; air quality and transportation drivers for planning growth; state and metro Atlanta water plan implementation issues; redevelopment of contaminated properties; Clean Water Act issues; and the best use of public funds to reach land use goals.

This is an opportunity to learn about the trend toward incorporating sustainability programs and green building into development, the current economy's affects on development decisions, and how legislative, court and regulatory decisions are impacting land use.

This two-day conference is a must for attorneys, real estate developers, corporate managers, local governmental officials, planners and consultants, who need these valuable updates on state and local planning efforts.

~ Program Co-Chairs: Gerald L. Pouncey, Jr., Esq. and Kathryn M. Zickert, Esq.



- 8:00 Registration and Continental Breakfast**
- 8:30 Redevelopment of Contaminated Properties**  
Liability protections; how to develop cleanup, regulatory and risk allocation strategies to ensure the property is marketable upon redevelopment  
**Gerald L. Pouncey, Jr., Esq., Program Co-Chair**
- 9:15 Affect of the Current Economy on Development Decisions**  
Economic development perspective on the business environment for future growth  
**Deron R. Hicks, Esq., General Counsel**  
Home Builders Association of Georgia ~ Atlanta, GA
- 10:00 Break**
- 10:15 Creative and Effective Use of Public Funds in Reaching Land Use Goals**  
**Steven J. Labovitz, Esq.**  
McKenna Long & Aldridge LLP ~ Atlanta, GA  
**James P. Monacell, Esq.**  
Smith, Gambrell & Russell, LLP ~ Atlanta, GA
- 11:45 Lunch (on your own)**

- 1:00 Incorporating Sustainability Programs and Green Building into Development**  
Trends towards sustainability development; how to write LEEDS or other certification into your contract  
**Scott D. Cahalan, Esq.**  
Smith, Gambrell & Russell, LLP ~ Atlanta, GA  
**Brian Leary, Vice President, Design and Retail**  
Atlantic Station, LLC ~ Atlanta, GA
- 2:15 Break**
- 2:30 Ethical Issues for Lawyers in Dealing with Administrative Agencies and Elected Bodies**  
What you can and cannot say to an agency or elected official; attorney-client privilege; conflicts of interest; conflicts for elected officials  
**Douglas Chalmers, Jr., Esq.**  
FSB Legal Counsel ~ Atlanta, GA
- 3:30 Evaluations and Adjourn**

### Upcoming Seminars:

Green Development	November 14, 2008	Charlotte, NC
Real Estate Joint Ventures	November 17 & 18, 2008	Washington DC
Marine Shoreline Development	December 10, 2008	Tampa, FL
Legal Issues in Green Development	January 23, 2009	Seattle, WA
Real Estate Joint Ventures	February 19 & 20, 2009	Chicago, IL
Redevelopment of Contaminated Property	March 25, 2009	Seattle, WA

See more at [www.lawseminars.com](http://www.lawseminars.com)



### Registration & Other Conference Information

#### To Register:

Call us at: 800-854-8009 or 206-567-4490

Fax the registration form to us at: 206-567-5058

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Web site: [www.lawseminars.com](http://www.lawseminars.com)

Mail the registration form on the front page.

Walk-ins are welcome, subject to space availability.

Registration is complete when we receive payment or agree to later payment.

**Tuition:** Regular tuition for this program is \$995 with a group rate of \$845 each for two or more registrants from the same firm. For government employees, we offer a special rate of \$695. For students and people in their job for less than a year, our rate is \$497.50. All rates include admission to all seminar sessions, food and beverages at breaks, and all course materials. Make checks payable to Law Seminars International.

**Substitution & Cancellation:** You may substitute another person at any time. We will refund tuition, less a \$50 cancellation fee, if we receive your cancellation by 5:00 p.m. on Tuesday, January 6, 2009. After

that time, we will credit your tuition toward attendance at another program or the purchase of a Homestudy. There is a \$25 cancellation fee for Course Materials orders and \$50 for Homestudy orders.

**Seminar Location:** The conference will be held at the InterContinental Buckhead Atlanta Hotel at 3315 Peachtree Road, NE in Atlanta, GA 30326. Call the hotel directly at (404) 946-9000 for reservations at the special negotiated rate of \$239 until December 12, 2008 and mention that you are attending a Law Seminars International conference. Rooms are on a first come, first served basis.

**Continuing Education Credits:** This program qualifies for 11.8 GA CLE credits including 1 ethics. GA Appraiser, Real Estate and AICP credits are pending. Upon request, we will apply for CLE credits in other states and other types of credits.

**If You Cannot Attend:** Our complete Homestudy Course, consisting of a DVD recording and the written course materials, is available for \$1005. The written course materials alone are available for \$100. We will ship your Homestudy order via UPS ground within two weeks after the seminar or the date we receive payment (whichever is later).

## Faculty: Land Use and Growth in Georgia Conference

**Gerald L. Pouncey, Jr.,** *Program Co-Chair*, heads the Environmental Law and Land Use Section of Morris, Manning & Martin, LLP. His primary focus is the redevelopment of, and litigation concerning, environmentally impacted properties (including state and federal Superfund sites) and corporate M&A involving such properties.

**Kathryn M. Zickert,** *Program Co-Chair*, heads the Zoning and Land Use Business Unit at Smith, Gambrell & Russell, LLP, where she primarily represents developers in administrative proceedings and litigation. She has written on zoning and other land use ordinances throughout Georgia.

**The Hon. Samuel Olens, Esq.,** *Special Address*, Chairman of the Board of Cobb County and of the Atlanta Regional Commission, is experienced in government and civic associations affecting Georgia land use. His leadership spans community affairs, water planning, traffic congestion mitigation, health and community services and environmental interest programs.

**Scott D. Cahalan,** partner in the Construction Litigation Section of Smith, Gambrell & Russell, LLP, focuses on drafting and reviewing construction contracts, providing advice during construction, construction litigation, arbitration and mediation.

**Douglas Chalmers, Jr.,** partner at FSB Legal Counsel, focuses on complex business litigation and represents public officials, PACs and businesses in government ethics, election and campaign finance law.

**The Hon. R. Eric Clarkson,** Mayor of the City of Chamblee, is a Georgia licensed real estate salesperson and President of

Neighbors Realty. He is on the Board of Directors for the Georgia Planning Association.

**Lee A. DeHihns, III.,** partner of Alston & Bird LLP's Environmental and Land Use Group, focuses on regulatory and defensive litigation, including corporate audits, compliance program development, debarment, white-collar criminal defense, air quality, hazardous waste, water quality and wetlands matters for industrial and municipal clients.

**Deron R. Hicks** is General Counsel for the Home Builders Association of Georgia. Previously, he was a partner at Page, Scrantom, Sprouse, Tucker & Ford, P.C. and Chairman of the firm's Litigation Practice Group. He was recognized by *Georgia Trend* magazine in its "Forty Under Forty".

**Katie Kirkpatrick, P.E.,** Vice President of Environmental Policy at the Metro Atlanta Chamber of Commerce, oversees the Chamber's work on water, air and quality growth issues.

**Charles "Chick" Krautler,** Director of the Atlanta Regional Commission, the official metropolitan planning organization for the 18-county, 66-city Atlanta Region, oversees and directs regional planning programs in transportation, air quality, the environment, land use, water supply and quality.

**Steven J. Labovitz,** partner at McKenna Long & Aldridge LLP, focuses on government affairs at local, state and federal level, specializing in legislative action, economic development, public finance and privatization, land use and tax incentives for large development projects. Previously he was Chief of Staff for the City of Atlanta.

**Brian Leary,** Vice President of Design and Retail at Atlantic Station, LLC, negotiated with the U.S. Environmental Protection Agency for Atlantic Station and the new 17th Street multi-modal bridge to become the first Project XL and transportation control measure of its kind in the United States.

**James P. Monacell,** partner in the Corporate Section of Smith, Gambrell & Russell, LLP, focuses on bonds, public law, public finance and project finance. He was named a "Super Lawyer" by *Washington Law & Politics* and Fellow of the American College of Bond Counsel.

**William L. Sheppard,** partner in Morris, Manning & Martin, LLP's Environmental, and Construction Practice Groups, focuses on real estate litigation and transactions and land use, direct and inverse condemnation and development issues.

**Donald D. J. Stack,** founder of Stack & Associates, P.C., focuses on environmental law. He is an Advisor to Satilla RiverKeeper, Founder and past-president of the Canoochee Riverkeeper and past-president of the Georgia River Network.

**Carl Westmoreland,** partner at Seyfarth Shaw LLP and member of the Real Estate Practice Group, focuses on zoning and land use issues, with emphasis on local government work and representing real estate developers. He was listed in *The Best Lawyers in America*.

**Diana Wheeler,** Community Development Director for the City of Alpharetta, is Chairman of the Alpharetta Convention and Visitors Bureau Board of Directors. Previously she was President of the Florida Planning and Zoning Association.

January 12 & 13, 2009

Atlanta, Georgia

**InterContinental Buckhead Atlanta Hotel**

3315 Peachtree Road, NE  
(404) 946-9000

### Who Should Attend:

*Attorneys, land use and real estate professionals, governmental officials, planners and consultants*

### You Will Learn About:

- *Legislative, court and regulatory decisions impacting land use*
- *Effective use of overlay zoning and incentive programs*
- *State and Metro Atlanta Water Plans implementation*
- *Recent developments in redevelopment*
- *Changes in NPDES permitting: Citizen suits; wetlands after Rapanos*
- *The current economy's affects on development decisions*
- *Creative and effective use of public funds*
- *Incorporating sustainability programs and green building into development*
- *Ethical issues in dealing with administrative agencies and elected bodies*

### To Register:

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