

**ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE
DEVELOPMENT AUTHORITY**

RESOLUTION NO. R-2024-312

Modifying Resolution R-2017-130

WHEREAS, the Allentown Neighborhood Improvement Zone Development Authority (the "Authority") is a public instrumentality of the Commonwealth of Pennsylvania and a body politic and corporate, and is authorized and empowered by the provisions of the Economic Development Financing Law of the Commonwealth of Pennsylvania, 73 P.S. 371 *et seq.*, as amended (the "Act") as an industrial development authority to acquire, hold, construct, improve, maintain, own, finance and lease projects and, among other things, to make loans to project applicants or project users and to provide alternative types of financing, including, but not limited to, standby loan commitments, guarantees, letters of credit and grants; and

WHEREAS, Article XIX-B of Pennsylvania's Fiscal Code, 72 P.S. Section 8901-B *et seq.* (the "NIZ Act") authorizes a contracting authority such as the Authority to create a Neighborhood Improvement Zone (defined below); and

WHEREAS, the City of Allentown, Lehigh County, Pennsylvania (the "City") qualifies as a "city" under the NIZ Act; and

WHEREAS, pursuant to a resolution adopted by the Authority on August 30, 2012, the Authority designated a neighborhood improvement zone within the City (the "NIZ"); and

WHEREAS, the Authority has found that the development of the aforesaid NIZ will promote the public purposes of both the Act and the NIZ Act and be in the best interest of the people of the City; and

WHEREAS, the Authority has the power to finance projects for development and improvement within the NIZ in accordance with the Act and the NIZ Act; and

WHEREAS the Authority anticipates that excess NIZ Tax Revenues will continue to be generated from within the NIZ over and above the amount required for debt service on the 2021/2022 Arena Bonds and the amount contractually committed to the Commonwealth of Pennsylvania; and

WHEREAS the Authority has utilized a portion of the excess NIZ Tax Revenues for public development and improvements within the NIZ, and

WHEREAS the Authority has entered into a Credit Facility to access funds to finance approved public development and improvement projects in accordance with the NIZ Act and previous Resolutions, and

WHEREAS the Authority has approved by Resolution R-2017-130 the planned improvements to be located at N. 7th Street and Hamilton Street around Center Square in Allentown (“the Project”), a Project proposed under and meeting the criteria of the Authority’s Project Plan for Public Improvement Investments (predecessor to the Process Guidelines for Public Improvement Projects [“Process Guidelines”]) on public property, to enhance and preserve the Sailors’ and Soldiers’ Monument, increase plantings, improve traffic flow and create a social space redesigned and renovated to be more accessible to the public initially estimated at a cost to the Authority not to exceed \$2,550,000.00, and

WHEREAS the City now estimates the cost for the Project to be \$6,619,743.00 for which the City has received a grant commitment from the Commonwealth of Pennsylvania Department of Transportation (“PennDOT”) for reimbursement of costs in the amount of \$2,500,000.00 for the Project, and

WHEREAS City Center Investment Corporation (“CCIC”) has agreed to serve as Sponsor for the Project in accordance with the Process Guidelines,

WHEREAS the City is requesting a \$750,000.00 increase in the Authority’s previously approved sum of \$2,550,000.00 to a not to exceed sum of \$3,300,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Authority, as follows that:

A. 1. On condition that:

- (i) The City receives from PennDOT a commitment for a grant to reimburse costs in the amount of \$2,500,000.00 for the Project, and
 - (ii) the City, as Public Property Owner, CCIC, as Sponsor, and the Authority, as Funder, enter into a mutually agreeable Tri-Party Public Improvement Development Agreement (“Tri-Party Agreement”) for the Project, and
 - (iii) The City and CCIC are responsible for Project costs over and above those funded by ANIZDA and PennDOT.
- the Authority hereby approves increasing its commitment to finance part of the public improvement Project by the sum of \$750,000.00 to an amount not to exceed \$3,300,000.00.

B. The Whereas clauses above are incorporated as part of this Resolution and the Project.

- C. The Chairperson or Vice Chairperson, Executive Director and the Secretary or any Assistant Secretary of the Authority are hereby authorized and directed to negotiate entry into the Tri-Party Agreement, and when acceptable, with the advice of counsel, to execute and attest, where deemed necessary, respectively, it and any related agreement and documents, and other documents to amend or correct any documents, and to take any and all such actions necessary, in the opinion of the Executive Director with the advice of counsel, to implement fulfillment of the purposes of this Resolution and to consummate the transactions contemplated herein.
- D. All actions previously taken in furtherance of the purposes of this Resolution are hereby ratified. The officers of the Authority are hereby authorized to take such further actions to carry out the purposes of this Resolution.
- F. All resolutions and orders, or parts thereof, in conflict with the provisions of this Resolution, are, to the extent of such conflict, hereby repealed and this Resolution shall be in immediate effect from and after its adoption.

END OF RESOLUTION

CERTIFICATION

I, Pedro L Torres, Jr., Secretary of the Allentown Neighborhood Improvement Zone Development Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution R-2024-312 of the Board of Directors of the Authority passed at a duly convened meeting of said Board on the 7th day of February, 2024. Authority members present and voting were as follows:

<u>Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Seymour Traub, Esq.	✓		
Eileen Aguilera	Absent		
Dr Ann Bieber	✓		
Stephen Breininger	✓		
Nelson A. Diaz	✓		
Tiffany Polek	✓		
John Stanley, Esq.	Absent		
Pedro L. Torres, Jr.	✓		
Vacant	N/A		

IN WITNESS WHEREOF, I hereunto set my hand and seal on this 7th day of February, 2024.


Secretary

ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE
DEVELOPMENT AUTHORITY

RESOLUTION R-2024-313

WHEREAS, the Allentown Neighborhood Improvement Zone Development Authority (the "Authority") Guidelines for Obtaining Financing for Projects ("Guidelines") sets forth that a design review report is required for each Project to come before the Authority, and

WHEREAS, the Guidelines call for the City Planning Director to review each Project, and

WHEREAS, to assist the Authority and City in their respective review, the Authority has engaged a third-party consultant to do design review,

NOW, THEREFORE, be it resolved by the Authority as follows that:

1. The Authority hereby approves re-appointment of the architectural, planning and preservation firm of Goody Clancy, creators of the "Downtown Allentown Development and Urban Design Plan", to provide, on an as needed basis, the design review of Projects proposed for approval by the Authority and to issue a report to the Authority under the Guidelines in accordance with the proposal provided to the Executive Director dated February 1, 2024, attached hereto, effective for calendar year 2024.
2. The cost of the design review and issuance of the report shall be absorbed by the Project developer and be a cost paid from the initial deposit by the developer and if no deposit is available the cost shall be billed to and paid by the developer as a reimbursement cost under the Reimbursement Agreement or Funding Agreement for the Project.
3. The Authority hereby ratifies any action taken heretofore and authorizes any action taken hereafter on behalf of the Authority to fulfill the Authority's obligations and rights hereunder with regard to the above.
4. Each of the Chairperson or Executive Director, is hereby authorized and directed to execute where deemed necessary any agreement and/or documents to complete this transaction and to take any and all such actions necessary in their opinion

CERTIFICATION

I, Pedro L Torres, Jr., Secretary of the Allentown Neighborhood Improvement Zone Development Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution R-2024-313 of the Board of Directors of the Authority passed at a duly convened meeting of said Board on the 7th day of February, 2024. Authority members present and voting were as follows:

<u>Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Seymour Traub, Esq.	✓		
Eileen Aguilera	Absent		
Dr. Ann Bieber	✓		
Stephen Breininger	✓		
Nelson A. Diaz	✓		
Vacant	N/A		
Tiffany Polek	✓		
John Stanley, Esq.	Absent		
Pedro L. Torres, Jr.	✓		

IN WITNESS WHEREOF, I hereunto set my hand and seal on this 7th day of February, 2024.


Secretary

February 1, 2024

Steve Bamford, Executive Director
Allentown Neighborhood Improvement Zone Development Authority (ANIZDA)
5 North Front Street
Allentown, PA 18102
sbamford@allentownniz.com

Re: ANIZDA Design Review Services

Dear Steve,

Goody Clancy is pleased to submit this proposal for continued on-call design review services for Downtown Allentown. We have appreciated the opportunity to assist ANIZDA over the past eight years by providing design review services for nearly 25 major project proposals, including private development and public improvement projects. These proposals have each presented the possibility for significant and near-term changes in Downtown, and we have aimed to ensure that these changes are overwhelmingly positive, in line with the vision and policies articulated in the Downtown Development and Urban Design Plan and other relevant plans and policies. We look forward to continuing these design review services for another year, and in doing so helping ANIZDA achieve its economic and community development goals.

This proposal is similar to previous versions submitted in 2016, 2017, 2018, 2019, 2020, 2021 and 2023. We assume our continued services will be covered by the same terms and conditions used previously, consistent with those outlined in the Design Review Agreement between Goody Clancy and ANIZDA dated October 22, 2015.

The majority of our design review services for ANIZDA have consisted of proposal review with a memorandum documenting our assessment and recommendations, completed as part of an application for board approval of NIZ funding. We also completed pre-application reviews at applicant request. A table of design reviews completed from 2016-2023 is included at the end of this proposal to demonstrate typical level of effort.

As in 2023, we have included Philadelphia-based CHPlanning on our team as a resource in case helpful for tasks such as visits to development sites or meetings, community engagement, or zoning code review. Goody Clancy will continue to serve as lead and point of contact for all work and will lead design review.

Schedule of Hourly Rates for 2024

Staff Name and Position	Staff Expertise/Role	Hourly Rate
<i>Goody Clancy staff</i>		
David Spillane, President	Urban Design	\$350
Ben Carlson, Principal	Task leadership, urban design review, sustainability review	\$350
Jannet Arevalo, Designer	Urban design, design review, illustration	\$160
<i>CHPlanning Staff</i>		
Charnelle Hicks, Principal	Principal in charge, transportation	\$270
Jordan Exantus, Managing Associate	Equity analysis, public realm	\$210
Nancy Templeton, Managing Associate	Zoning/development regulation policy, design review, economic analysis	\$210
Laura Connelly, Managing Associate	Landscape design, public realm	\$180
Leila Bahrami, Senior Planner	GIS & equity analysis, resilience, urban design	\$160
Kyle Wire, Urban Designer	Urban design, graphic design	\$160
<i>Expenses</i>		
Car travel		\$0.67 / mile
Other expenses		Direct cost with receipt