

ANIZDA Board Meeting Minutes
August 7, 2019
America On Wheels
1st Floor Conference Room/Theater
5 North Front Street, Allentown, PA

Attendees: Seymour Traub, Esq., Nelson Diaz, Tiffany Polek, Adrian Shanker, Gregory Dudkin, Pedro Torres, David Mickenberg and John Stanley, Esq.

Board Staff: Jerome Frank (Solicitor), Steve Bamford (Executive Director), and Michelle Reid (Executive Assistant)

Members of the media and public were present.

1. The meeting was called to order by S. Traub, Chairperson, at 5:00 p.m. A quorum was met and the meeting proceeded accordingly.
2. **Approval of July 10, 2019 Meeting Minutes**--A motion to approve the July 10th meeting minutes was made by J. Stanley, seconded by G. Dudkin and unanimously approved.
3. **Public Comment on all Matters to be Acted Upon**—Members of the public were present but comments were deferred until matters were to be acted upon.
4. **Proposed Modification of Credit Facilities for Butz Corporate Center developer EPC Allentown, LLC - Resolution R2019-191**
 - a. S. Bamford reported that EPC Allentown LLC, the developer of Butz Corporate Center, and BB&T, the lender, have requested ANIZDA approval of modification of the credit facilities established to develop phase II and phase III of the project. He explained that ANIZDA had previously approved the issuance of a \$10 million credit facility for phase II in 2013 and a \$13.5 million credit facility for phase III in 2016. The developer and bank have requested modification by extending the construction period and permanent period to October 31, 2019 as applicable to each of the respective credit facilities.
 - b. After opportunities for comment from the public present, the motion to approve Resolution R2019-191 made by P. Torres, seconded by D. Mickenberg, and was unanimously approved.
5. **Request for PPL Center Community Event from Lehigh Career and Technical Institute - Resolution R2019-192**
 - a. S. Bamford stated that Lehigh Career and Technical Institute is requesting a Community Event at PPL Center for their annual Senior Recognition Night on either May 21, 2020 or

May 28, 2020. He explained that pursuant to the terms of the lease with BDH, ANIZDA may designate 5 Community Events at PPL Center for the lease year commencing September 1, 2019 and ending August 31, 2020. LCTI has held Senior Recognition Night at PPL Center the last two years. Precious Petty, Public Relations Coordinator for Lehigh Career and Technical Institute was present and available to answer questions.

- b. After opportunities for comment from the public present, the motion to approve Resolution R2018-192 granting LCTI's request to designate Senior Recognition Night on May 28, 2020 or May 21, 2020 as a Community Event was made by A. Shanker, seconded by D. Mickenberg and was unanimously approved.

6. Executive Directors Report

- a. S. Bamford reported on the status of development of a marketing communications plan. Lehigh Mining & Navigation had presented recommendations at the May board meeting. A consensus was not reached among the board members at that meeting to allow Lehigh Mining & Navigation to proceed with messaging and identity development at a cost of \$13,000 - \$17,400. Concerns raised at that meeting have since been addressed allowing messaging and identity development to proceed with costs to be paid from the previously approved marketing line item in the current year operating budget.
- b. S. Bamford updated the board that the City has awarded a contract for traffic engineering services for the Center Square public improvement project. The project was previously approved by the board and the \$35,500 cost will be paid by ANIZDA from the Public Improvement Project Fund.
- c. Lastly, S. Bamford reported that he has had ongoing discussions with Brewers Hill Development Group with regard to funding the redevelopment of the Neuweiler Brewery site through ANIZDA. The project was recently in the news as the developers are seeking a zoning variance for a brew pub. They have not come before the Project Review Committee.

A motion to adjourn the meeting was made, seconded and approved at 5:14 PM.

Next ANIZDA Board Meeting: Wednesday, September 4, 2019 at 5:00 PM in the First Floor Conference Room/Theater at America on Wheels, 5 N. Front Street, Allentown.

Respectfully Submitted,



Pedro Torres

ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE
DEVELOPMENT AUTHORITY

RESOLUTION NO. R-2019- 191

WHEREAS, the Allentown Neighborhood Improvement Zone Development Authority (the "Authority") by its Resolutions No. R-2012-19 and R2014-55 approved issuance and modification of a credit facility to finance construction and fit-out for an office building located at 834 West Hamilton Street, Allentown, PA, to be developed by EPC Allentown, LLC (the "Developer") ; and

WHEREAS the Authority by its Resolution R2015-75 approved issuance of a credit facility to finance construction and fit-out for an office building located at 842 West Hamilton Street, Allentown, PA to be developed by developer, and

WHEREAS, the respective credit facilities are in place with Branch Banking and Trust Company as successor in interest to National Penn Bank (the "Bank"); and

WHEREAS, the Developer and the Bank have requested modification to the credit facilities that does not negatively impact on the liability of the Authority.

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

1. The Authority hereby accepts and approves the requests of the Developer and the Bank to modify the respective credit facilities for each building by extending the Construction Period and the Permanent Period, as applicable, to October 31, 2019.
2. The Authority hereby authorizes the Chairperson, or Vice Chairperson, and the Secretary or any Assistant Secretary, to execute and attest, where deemed necessary, the First Amendment to Construction Loan Agreement, the Second Amendment to Construction Loan Agreement and the applicable Allonges to the Promissory Notes and any other related agreements and/or documents and to take any and all actions necessary with the advice of counsel to implement fulfillment of the purposes of this Resolution and to consummate the transactions contemplated herein.
3. The liability of the Authority under any and all of the documents relating to and executed to implement fulfillment of the purposes of this Resolution shall not constitute the general obligation of the Authority, and where appropriate, the documents shall provide for other parties to indemnify and hold harmless the Authority and each member, officer and employee of the Authority, from and against any and all claims, losses, damages, or liabilities, joint and several, to which the Authority or any member, officer or employee of the Authority may become subject, and insofar as such loss, claim, damage, or liability, or action in respect thereof, arises out of implementation of the purposes of this Resolution, or is based upon any other alleged act or omission in connection with any document related hereto.
4. 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.

5. 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.

CERTIFICATION ON NEXT PAGE

CERTIFICATION

I, Pedro L. Torres, Jr., Secretary of the Neighborhood Improvement Zone Development Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution R-2019-191 of the Board of Directors of the Authority passed at a duly convened meeting of said Board on the 7th day of August, 2019. Authority members present and voting were as follows:

	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Seymour Traub, Esq.	✓		
Nelson A. Diaz	✓		
Gregory N. Dudkin	✓		
David Mickenberg	✓		
Tiffany Polek	✓		
Adrian Shanker	✓		
John Stanley, Esq.	✓		
Pedro L. Torres, Jr.	✓		
vacant			

IN WITNESS WHEREOF, I hereunto set my hand and seal on this 7th day of August, 2019.


Secretary

ALLENTOWN NEIGHBORHOOD IMPROVEMENT ZONE
DEVELOPMENT AUTHORITY

RESOLUTION NO. R-2019-192

WHEREAS, the Arena Lease between BDH Development (BDH) and the Allentown Neighborhood Improvement Zone Development Authority (the "Authority"), provides for up to five (5) rent free Community Events to be held in the Arena each Lease Year, and

WHEREAS the Authority has received a request for utilization of a Community Event in addition to what has been previously granted for the Lease Year ending August 31, 2020;

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

1. For the Lease Year commencing September 1, 2019 ending August 31, 2020, the Authority hereby approves as a Community Event the request of Lehigh Career & Technical Institute ("LCTI") to hold the LCTI Senior Recognition Night either on May 21, 2020 or May 28, 2020, to be determined by approval of BDH, for its senior completion of career and technical education certificate and awards ceremony.
2. This approval as a Community Event shall be in accordance with and subject to the terms of the Arena Lease, Section 5.4.

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-2019-192 of the Board of Directors of the Authority passed at a duly convened meeting of said Board on the 7th day of August, 2019. Authority members present and voting were as follows:

<u>Vote</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>
Seymour Traub, Esq.	✓		
Nelson A. Diaz	✓		
Gregory N. Dudkin	✓		
David Mickenberg	✓		
Tiffany Polek	✓		
Adrian Shanker	✓		
John Stanley, Esq.	✓		
Pedro L. Torres, Jr.	✓		
Vacant			

IN WITNESS WHEREOF, I hereunto set my hand and seal on this 7th day of August, 2019.


Secretary