



July 10, 2019

Dear Councilmembers,

I write to inform you of some important updates pertaining to City projects being presented to the City Council at tonight's meeting. Thank you for your consideration in supporting these agenda items.

Protected Bike Lane

Hoboken Transportation Director Ryan Sharp, City Engineer Kim Craft, and staff have been working diligently to introduce a plan for protected bike lanes in Hoboken. Protected bike lanes, which are being introduced in neighboring Jersey City and are found in New York and many other cities across the country, provide important design upgrades to make our streets safer for all modes of transportation – cyclists, pedestrians, and vehicles. Data from other cities with protected bike lanes has shown that crashes and injuries are reduced and sidewalk riding is reduced as riders feel safe and comfortable riding bicycles (or scooters) in the street.

The configuration of a protected bike lane on Clinton Street between Newark St and 8th St is under design by our City engineers, and will likely recommend placing the bike lane on the west side of the street next to the curb, followed by a “floating” parking lane that is separated from the bike lane by a striped buffer zone lined with flexible bollards. Parked cars will also help provide physical separation between the bike lane and vehicular traffic. Since cars would be parked in a “floating” parking lane at least seven feet from the curb with a protected bike lane, we are reviewing the possibility of whether or not cars will need to move for street cleaning when parked adjacent to a protected bike lane.

As Clinton Street is a bus route, the bus stops will continue to be located on the east side of the street, preventing conflicts with the bike lane. Bus stops will also be improved as a part of the project by our engineers and design team. It is my hope that if the pilot protected bike lane on Clinton Street is successful, we can extend protected bike lanes to other City streets that have the necessary width in order to have a connected network of low-stress protected bikeways.

As you may recall, in 2016, the City Council was not in favor of protected bike lanes on Washington Street. This is the one vote I regret as a Councilmember, as it is clear that we must do more to provide the road infrastructure to accommodate alternative transportation options and

safe streets. We have a perfect opportunity to do so with this protected bike lane pilot and I hope to have your support.

Special Improvement District

Our small businesses are what make Hoboken a special place for both residents and visitors, and I am 100% supportive of a new Special Improvement District (SID) that will help revitalize our business community. SIDs have proven to be successful in over 90 cities across the State of New Jersey, including seven SIDs in neighboring Jersey City. The concept of the SID is to fund improvements to businesses through an assessment, which is reinvested back into the neighborhood.

SIDs could help fund various initiatives including street fairs, marketing opportunities, streetscaping, seasonal plantings, and more, while helping attract more people to patronize our local businesses. I strongly believe this will be a game changer and way to help revitalize our commercial corridors and demonstrate that Hoboken is committed to providing the tools necessary for our small businesses to thrive.

As you may know, Hoboken's Special Improvement District proposes an assessment that is based on the subdistrict a business is located. For example, businesses on Washington Street will be given a different assessment than a business on the western side of the City, with businesses on main commercial corridors like Washington Street, 1st Street and near Hoboken Terminal given a higher assessment.

I thank all the members of the steering committee for advancing this proposal, which includes the establishment of a SID board and draft budget. I am hopeful for a unanimous vote in support of establishing Hoboken's first ever Special Improvement District. Please see the attached SID feasibility study/executive summary for more information.

Open Space Referendum and E-Scooter public question

On the council agenda are several proposals to place on the ballot in November. I thank the City Councilmembers for voting to advance the proposal to place on the ballot a referendum to increase the Open Space Trust Fund by .01 cents per \$100 of assessed value, and an ordinance allocating a portion of the Open Space Trust Fund for the development of parks, and hope these will be approved for second reading. In order for the City to build out Union Dry Dock into a public park, among other open space projects, an increase in the Open Space Trust Fund will be necessary so not to burden the taxpayers through the traditional budgeting process. I ask the Council to please support placing these referendums to voters, as required by law, to increase funding for the Open Space Trust Fund on the ballot, among other purposes.

Also on the agenda, for a second time is a proposal to place a non-binding public question on the ballot for residents to weigh in on the future of electric scooters in Hoboken. I respectfully ask that the five City Councilmembers reconsider the rejection of this proposal. As elected officials, it is my opinion that we owe it to our constituents to listen to more voices through a democratic process where everyone can fairly express their opinions. At the same time, we will continue to

educate and improve the rules and regulations with the e-scooter companies – the two are not mutually exclusive. The non-binding question would be one of several measures that we would take into account in evaluating the future of the system. Thank you for your reconsideration of this proposal.

Supporting Affordable Housing

Hoboken is committed to providing dedicated funding for the creation of affordable housing, and I am fully supportive of Councilwoman Vanessa Falco's ordinance to increase the amount of money paid by developers of both residential and non-residential development to Hoboken's Affordable Housing Trust Fund. This new ordinance mandates a 1.5% residential fee for new buildings that are 10 residential units or less (those that are above 10 units already have a mandated 10% affordable housing requirement), and a 2.5% non-residential fee to be spent towards the creation of new affordable housing and affordability assistance programs. Developers are already required to pay the 2.5% non-residential fee towards the State of New Jersey and enacting the development fee ordinance only transfers revenue from eligible projects back to the City of Hoboken. Please see the attached memo on the proposed ordinance.

Closing Sinatra Drive on Sundays

A request that has been made to my office and the City Council is to close Sinatra Drive to traffic, potentially during certain time periods, on Sundays during July and August. I think this is a great idea and one that could help facilitate a good use of public space for a street market, local vendors, restaurants, and more. And I could think of no better place than our waterfront. I hope you can support this resolution to be introduced during new business that will make Sinatra Drive and our waterfront an even better destination for residents and visitors.

Thank you for your consideration, and please do not hesitate to contact me if you have any further questions or concerns.

Sincerely,



Ravi S. Bhalla
Hoboken Mayor



City of Hoboken Special Improvement District Feasibility Study

June 2019

Prepared by:

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EXECUTIVE SUMMARY:

This is the Feasibility Study (hereto known as the “study”), commissioned by the City of Hoboken on December 20, 2017, regarding a Special Improvement District.

The Hoboken Steering Committee (SC) was formed in April of 2018 by an invitation from the Mayor of Hoboken. The purpose of the Steering Committee is to study the feasibility and desirability of creating a Special Improvement District (SID) as provided for in N.J.S.A. 40:56-65 et seq. for the retail and commercial property and business owners within Hoboken, NJ.

And, if deemed appropriate as the proper vehicle to help create growth, uplift human spirit, do public good and revitalize the community—to provide the structure of who, where, why and how.

In so doing, the SC shall hold meetings to ascertain the position of the various property owners, businesses and business groups in the corridor regarding the creation of a SID and it shall actively seek their input and participation throughout the process.

The minutes of the Steering Committee meetings, as well as several “stakeholder” sessions, are attached as a separate item to this Study. Herein, is a summary of the findings and recommendations from the SC.

FINDINGS:

The Steering Committee (SC) recognized:

- a) Property and business owners are an important component of the Hoboken community and a partnership between the business community, City government and the Hoboken community is essential for the City of Hoboken to thrive.
- b) This partnership should be inclusive and representative of all commercial interests. Therefore, the Hoboken Special Improvement District (SID) should include all commercial, industrial and retail and apartment properties with rental units of five (5) or more units located within the City.
- c) The SID requires a comprehensive partnership between local government and business to realize its potential and implement revitalization efforts throughout Hoboken.
- d) The SID should have formal and legal management capacity through an entity such as a District Management Corporation (DMC) that represents the business and commercial district.
- e) The following areas of concerns should be addressed:

➤ **MARKETING/ECONOMIC DEVELOPMENT**

- i. Theme/Branding Development & Public Relations
- ii. Build Unified Image/Get Message Out
- iii. Zoning/Licensing
- iv. Partnerships & Government Relations/Advocacy
- v. Website & Social Media
- vi. Network/Data Gathering
- vii. Business Recruitment/Creation/Retention

➤ **VISUAL IMPROVEMENTS/CAPITAL**

Visual impacts to attract people and businesses to the City

- i. Facades and Storefront improvements
- ii. Commercial Signage/Wayfinding
- iii. Cleaning/Maintenance
- iv. Seasonal Plantings & Decorations
- v. Transportation Center Cleanliness
- vi. Use of Arts/Public Spaces
- vii. Informational Kiosks
- viii. Historical Building Maintenance and Support

➤ **BUSINESS RETENTION/ATTRACTION & EVENTS**

Make it easier to do business in the City; Support Mom and Pop operations; Lower costs to be in the City

- i. Business Attractions and Retention
- ii. Retail Market Analysis (RMA)
- iii. Zoning/Vacancy Upkeep Plan
- iv. One Stop Shop Tool
- v. Retail Promotions
- vi. Major New Event Festivals
- vii. Promoting/Partnering with Existing Events
- viii. Transportation Alternatives for Employees
- ix. Redevelopment Plans/Parking Coordination with City
- x. S.A.F.E. (Specialty; Arts; Food; Entertainment)
- xi. Business Mentorship/Training Programs

Further, the Steering Committee determined:

- 1) It is in the best interest of the municipality and the public to create a Special Improvement District (SID) encompassing the City of Hoboken; and to designate a District Management Corporation (DMC).
- 2) It is in the best interest of the municipality and the public that the SID, by providing a variety of services, is beneficial to property owners, businesses, employees, residents, & consumers.
- 3) The SID should be administered by a non-profit Management Corporation which will oversee the daily activities to comply with the requirements of the SID statute and which will represent the various stakeholder groups.
- 4) The Management Corporation shall hire professional management to support the mission, objectives, and goals of the SID.
- 5) The following properties should be in the SID, known as Schedule A: All commercial properties classified as 4A, 4B, 4C, and in accordance with the New Jersey Property Tax System Qualification Codes. All apartment complexes of five (5) or more units will be included as commercial operations (FHA guidelines); as will properties with Retail downstairs and residential units upstairs.
- 6) Properties in Abated/PILOT Redevelopment Areas (classified as 15F) shall be reclassified according to their use as either 4A, 4B or 4C and included within the SID Schedule A.
- 7) Those residential properties not designated as 4 A, B, or C should be excluded from the SID: For example, one or two family residential properties or residential condominiums/coops.
- 8) The assessment rate formula should be based upon all property taxes paid for each block and lot; the percentage of which shall be determined by the Board of Trustees of the designated DMC to effectuate the budget. The percentage will then be converted to a municipal rate applied against the total assessment.
- 9) The assessment policy for all commercial properties (classified as 4A, 4B, 4C and those reclassified) shall be assessed at rates determined by the DMC Board of Trustees.

10) **Assessment area rates** are to be based upon services rendered per each area. The areas are known as:

- A. Washington Street;
- B. South Waterfront/Terminal;
- C. First Street;
- D. Fourteenth Street;
- E. North Waterfront;
- F. North Gateway;
- G. South Gateway; and
- H. Hybrid/Remaining Properties.

11) **Not for Profit and Civic Organizations are integral components of the City of Hoboken.**

If a property is owned and operated by the Not for Profit or Civic Organization they should be included in the district and assessed at 100% of the established SID rate; however, a fee or donation may be substituted as determined by the DMC.

12) **The Government and the community will work together on the tasks and vision of the SID** to honor the community's traditions, maintain the community values, and, as a goal, provide enhanced value.

13) **A Special Improvement District (SID) should be created in the City of Hoboken,** that the municipality should pursue the establishment of a Special Improvement District (SID) in accordance with state statutes via a local ordinance; with a District Management Corporation to be known as the *Hoboken Business Alliance, Inc.*

RECOMMENDATIONS:

Whereas, the Hoboken Steering Committee was tasked to study the feasibility of creating a Special Improvement District (SID); and

Whereas, the Hoboken SID Steering Committee, after careful consideration, deliberations and review has found:

- a) That the City of Hoboken would benefit from additional services and activities to energize their City, inspire community connections, activate consumer engagement and enhance the business-consumer community.
- b) Utilizing the instrumentality of a Special Improvement District (SID) in the City of Hoboken will empower all of the vested interests – business owners, commercial property owners, civic organizations and consumer residents – to come together and collectively take control of their economic future.

And, *whereas* the following has been determined:

- 1) **It is in the best interest of the municipality and the public to create a Special Improvement District;** that the creation of such will promote economic growth and it will implement, foster and encourage commercial development and business expansion as well as improve the business climate. Moreover, a SID will otherwise act in the best interest of the property owners in the City of Hoboken.
- 2) **It is in the best interest of the municipality and the public to designate a District Management Corporation (DMC);** that should be governed predominately by private property owners; and include private sector business owners and others; and shall have at least one member of the governing body on the Board of Trustees as required by state statute.
- 3) **The SID District Management Corporation (DMC) should be administered by a non-profit management company, known as the *Hoboken Business Alliance, Inc.*** It shall meet the requirements of the New Jersey SID and non-profit corporation statutes and it shall represent the various stakeholder groups in the SID.
- 4) **All of the properties in the City of Hoboken that are classified as 4A, 4B, and 4C, and equivalent 15F,** in accordance with the New Jersey Property Tax System Qualification Codes, shall be included in the District.

- 5) **Based on geographic areas and services rendered**, properties shall be assessed in accordance with policies set forth by the District Management Corporation.

- 6) **The first-year budget and subsequent budgets shall be determined by the Board of Trustees** in accordance with State Statute requirements, for the purposes of effectuating the services of the SID.

Therefore, hereby be it resolved: The Hoboken Steering Committee finds that creating a Special Improvement District (SID) in accordance with N.J.S.A. Title 40:56-65 et seq., which provides for administrative and other services, is beneficial to the City of Hoboken, its businesses, employees, residents, and consumers; and, said creation should be undertaken at the governing body's earliest convenience; and that the District Management Corporation (DMC) shall be named *Hoboken Business Alliance, Inc.*

MEMO



To: Chris Brown, Director, City of Hoboken Department of Community Development

From: Dan Levin, Senior Planner, CGP&H

Date: February 7, 2019

Re: Development Fees: NJ Trends and State/National Examples

Overview

In New Jersey, "Development Fees" are monies paid by developers of both residential (i.e. dwelling units) and non-residential development (i.e. retail/office developments) to municipalities' Affordable Housing Trust Funds to facilitate the future provision of affordable housing. These fees are paid in addition to the normal municipal filing fees for planning/zoning/building permits etc., and are not conditional on receiving tax abatements or other financial dispensation to the town. Essentially, with an adopted development fee ordinance, a municipality can ensure that any and all new development within its jurisdiction provides funding towards new affordable housing.

Legal Enabling Framework

In *Holmdel Builder's Association v. Holmdel Township*, 121 N.J. 550 (1990), the New Jersey Supreme Court determined that mandatory development fees are authorized by the Fair Housing Act of 1985, N.J.S.A. 52:27d-301 et seq., and the State Constitution, subject to the adoption of Rules by the Council on Affordable Housing (COAH). Pursuant to P.L. 2008, c. 46, Section 8 (C. 52:27D-329.2) and the Statewide Non-Residential Development Fee Act (C. 40:55D-8.1 through 8.7), COAH was authorized to adopt and promulgate regulations necessary for the establishment, implementation, review, monitoring and enforcement of municipal affordable housing trust funds and corresponding spending plans. Municipalities that were under the jurisdiction of COAH, and that are now before a court of competent jurisdiction and have a Court-approved Spending Plan, may retain fees collected from non-residential development.

Amendments to the Fair Housing Act enacted in July 2008 (N.J.S.A. 52:27D-329.2 and -329.3) require each municipality to spend or commit to expend development fees (or payment-in-lieu of construction fees) in its affordable housing trust fund within four years of the date of collection. The Act goes on to specify that a municipality that fails to spend or commit to expend development fees or payment-in-lieu fees within four years of the date of collection must transfer the remaining unspent balance at the end of the four-year period to the "New Jersey Affordable Housing Trust Fund."

According to N.J.A.C. 5:97-8.3, for residential development fees, fees **shall be a maximum of one and one half percent of the equalized assessed value (EAV)**, provided no increased density is permitted. When a municipality approves an increase in residential density pursuant to N.J.S.A. 40:55D-70d(5) (known as a "d" variance), the municipality **may impose a development fee of up to six percent of the equalized assessed value (EAV), for each additional unit that may be realized.**

For non-residential development fees, N.J.S.A. 40:55D-8.4(a) establishes two different assessments of the Non-Residential Development Fee, one for new non-residential construction on vacant land and one for structural additions on sites with existing improvements. When the land being developed is vacant,

the **Non-Residential Development Fee is 2.5% of the value of land and improvements of the final development**. When the land being developed already has existing improvements, **the Non-Residential Development Fee is 2.5% of the value of the new improvements of the final development only**; the land value and value of existing improvements are excluded from the calculation of the fee.

There are additional rules and conditions for the imposition of residential and non-residential development fees in N.J.A.C. 5:97-8.3, however the regulations detailed here cover the majority of applicable situations.

NJ and National Trends

Most if not all of the roughly 300 communities that have entered into Settlements with Fair Share Housing Center have adopted development fee ordinances. Municipalities known to have adopted development fees include **Edison, Maplewood, Union Township** (Union County), **Bernardsville, Montgomery, and Berkeley Heights** where CGP&H serves as Administrative Agent (“AA”) administering affordable housing. While there are many more towns, at this time no centralized list that has been compiled.¹

Both the **City of Newark** and the **City of Jersey City** have not adopted development fees as established under N.J.A.C. 5:97-8.3, however they do have impact fee (also called linkage fee) ordinances that are tied to their Affordable Housing Trust Fund. For both cities, both residential and non-residential projects cannot receive a tax abatement without a contribution to the trust fund, with the amount of payments set at \$1,500/market rate residential unit, \$1.50/sqft for commercial space, and \$0.10/sqft for industrial space. It is CGP&H’s opinion that these figures are considerably below the market value to a developer for any abatement, and should Hoboken consider the adoption of impact fees, that it set the payment amounts considerably higher. See Exhibit A.

Along with New Jersey, Oklahoma, California and Massachusetts are at the forefront of impact fee programs – though it should be noted that these are not always linked to affordable housing funding, but rather to other infrastructure improvements:

In **Oklahoma City**, impact fees are linked to infrastructure, but are graduated on the geography of the development, with rural locations paying a higher impact fee than infill and “core” developments. There is an additional graduation of fees based on use, with “customer oriented” charged up to \$2.43/sqft, with residential charged the least at a floor of just \$0.26/sqft. See Exhibit B.

In Massachusetts, **Boston** has one of the oldest commercial linkage programs in the country. It charges about \$8.34 per square foot of new commercial development for the provision of affordable housing. Between 1986 and 2012, Boston has committed \$133,804,969 in linkage funds. These funds have helped create or preserve 10,176 affordable housing units in 193 development projects.²

In California, **San Jose** requires \$17/sqft for new rental residential development and **Berkeley** charges \$28,000 per unit for rental developments. These fees must be paid prior to the issuance of a certificate of occupancy.³ **San Diego’s** Housing Impact fee applies only to non-residential development, however all fees are deposited into the city’s Affordable Housing Trust Fund. Fees for San Diego range from \$0.80/sqft for research and development uses to over \$2/sqft for office developments. See Exhibit C

¹ Nationally, InclusionaryHousing.org maintains a national database to which New Jersey statistics have yet to be included and has asked FSHC for assistance in developing a statewide database. Telephone Conversation, January 8, 2019.

² Policy Brief: Affordable Housing Impact Fee Programs, Grounded Solutions Network

³ Cities with Impact Fees on New, Market-Rate Residential Development, The Non-Profit Housing Assn. of Northern California

Exhibit A – NJ Impact Fee Ordinances

Newark

10:24-11. AFFORDABLE HOUSING TRUST FUND.

An abatement authorized pursuant to this chapter for any market rate housing project or any commercial or industrial project shall not be approved unless the entity makes a contribution to the City of Newark's Affordable Housing Trust Fund, in accordance with N.J.S.A. 40A:12A-4.1 et seq. and this chapter.

No contribution shall be required of an entity that by a recorded deed or agreement, restricts (thereby setting aside) a minimum of twenty (20%) percent of the project for low and moderate income affordable housing for a minimum period of thirty (30) years in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.

- a. *Amount of Payments:* The amount of contribution shall be calculated based upon the classification of the improvements to be tax exempt in accordance with the following formulas:

Market Rate Housing \$1,500.00 per unit

Commercial Space \$1.50 per square foot

Industrial Space \$1.0 per square foot

- b. *Time of Contribution:* All contributions shall be due and payable as follows:

1. One-third (1/3) on or before the effective date of the executed Financial Agreement;
2. One-third (1/3) on or before the issuance of the first of any construction permit for the project, but no later than six (6) months after the date of the Financial Agreement;
3. One-third (1/3) on or before the date the first of any Certificate of Occupancy is issued for the project, but no later than twenty-four (24) months after the date of the Financial Agreement.

Any payment that is late or unpaid in whole or in part, whether billed or not, shall bear the highest rate of interest allowed by law for unpaid taxes until paid in full.

Jersey City

§ 304-28. - Contribution required.



[Amended 9-11-2013 by Ord. No. 13-088; 11-26-2013 by Ord. No. 13-129; 3-12-2014 by Ord. No. 14-027; 9-24-2015 by Ord. No. 15-130.]

- A. No long term tax exemption permitted under N.J.S.A. 40A:20-1 et seq., or five year tax exemption permitted under N.J.S.A. 40A:21-8 and Section 304-12 of the Jersey City Municipal Code, for any market rate housing project or any commercial or industrial project, shall be approved unless the recipient makes a contribution to the Jersey City's Affordable Housing Trust Fund, in accordance with N.J.S.A. 40A:12A-4.1 et seq., and this Chapter.
- B. No contribution shall be required of a recipient that by a recorded deed or agreement, restricts (thereby setting aside) a minimum of fifteen percent (15%) of the gross number of residential units within the project for low and moderate income affordable housing in accordance with the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.
- C. Contributions to Jersey City's Affordable Housing Trust Fund shall be paid in accordance with N.J.S.A. 40A:12A-4.1 et seq., for a term equal to the length of the tax abatement.

§ 304-29. - Amount of prepayments.



The amount of contributions shall be calculated based upon the classification of the improvements to be tax exempt in accordance with the following formulas:

Market Rate Housing	\$1,500.00 per unit
Commercial Space	\$ 1.50 per sq. ft.
Industrial Space	\$ 0.10 per sq. ft.

Exhibit B – Oklahoma City Linkage Fee Rates

Streets Development Fee Rates

The total streets development fee is calculated using three factors:

1. the type of building based on its classification in the [land use categories](#) table
2. the building's location within one of four [assessment areas](#) (Core, Infill, New Growth or Rural)
3. the building's square footage

The fee is determined by multiplying the total building square footage (excluding porches and garages) by the appropriate per-square-foot fee from the table below. Developers and builders should contact the [Development Center's Plan Review Office](#) for questions about land use categories and to confirm accurate fees.

Streets Fee Table

Amount shown is the dollar amount per square foot of development.

Land Use	Rural	New Growth	Infill	Core
Residential	\$0.36	\$0.36	\$0.31	\$0.26
Industrial	\$0.60	\$0.40	\$0.33	\$0.29
Office/Institutional/Lodging	\$1.21	\$1.14	\$0.96	\$0.84
Customer-Oriented Low	\$1.01	\$1.01	\$0.86	\$0.75
Customer-Oriented Moderate	\$1.41	\$1.41	\$1.19	\$1.04
Customer-Oriented High	\$2.43	\$2.43	\$2.05	\$1.79

Exhibit C – San Diego Development Fee Schedule

Appendix A of Division 6

TYPE OF USE	FEE/BUILDING SQUARE FEET		
	Through December 31, 2015	January 1, 2016 through December 31, 2016	On and After January 1, 2017
Office	\$1.41	\$1.76	\$2.12
Hotel	\$0.85	\$1.06	\$1.28
Research and Development	\$0.80	\$0.80	\$0.80
Retail	\$0.85	\$1.06	\$1.28

(Amended 11-25-2014 by O-20431 N.S.; effective 1-1-2015.)