

**CITY OF PINELLAS PARK, FLORIDA
CITY COUNCIL AGENDA
MAY 14, 2015
7:30 P.M. – CITY COUNCIL CHAMBERS**

**CALL TO ORDER
INVOCATION
PLEDGE OF ALLEGIANCE**

I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS

PROCLAMATIONS

DEPARTMENT PRESENTATION – None

PUBLIC COMMENT AND CORRESPONDENCE

CITIZENS COMMENTS ARE INVITED ON ITEMS OR CONCERNS NOT ALREADY SCHEDULED ON TONIGHT'S AGENDA. PLEASE LIMIT COMMENTS TO THREE MINUTES.

AT THIS TIME STAFF MEMBERS AND CITIZENS WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL

II. APPROVAL OF MINUTES

Approval of Regular Council Minutes of April 23, 2015, as on file in the City Clerk's Office.

III. PUBLIC HEARINGS

◆ COMMUNITY DEVELOPMENT

- P1 ORDINANCE NO. 3942. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 11620 54TH STREET NORTH (FIRST PROPERTIES HOLDING INC. AX15-11)

PUBLIC HEARING SECOND AND FINAL READING

NOTE: This is a voluntary annexation of 1.26 acres MOL of contiguous commercial property located at 11620 54th Street North. The Owner's business, Living Water Products, is located on this site.

(reference material - ordinance, petition, map, Attorney approval letter, C5 on 4/23/15 Council agenda)

- P2 ORDINANCE NO. 3943. AN ORDINANCE AMENDING CHAPTER 18 (LAND DEVELOPMENT CODE), OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, BY AMENDING SECTION 18-1501.31 "FEES AND CHARGES" TO ADJUST APPLICATION FEES RELATING TO LAND USE PLAN MAP AND ZONING AMENDMENTS, DELETING DUPLICATIVE ENTRIES, PROVIDING FOR WAIVER OF FEES, PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE LAND DEVELOPMENT CODE; PROVIDING FOR CERTIFICATION BY THE CITY COUNCIL THAT THIS ORDINANCE IS IN CONFORMANCE WITH THE CITY'S COMPREHENSIVE PLAN; PROVIDING FOR REPEAL OF ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith TO THE EXTENT OF SUCH CONFLICT; PROVIDING FOR AN EFFECTIVE DATE. (LDC 2015-01)**

PUBLIC HEARING SECOND AND FINAL READING

NOTE: This amendment was directed by City Council at the conclusion of a workshop held on January 20, 2015

(reference – Memo to City Council, proposed ordinance, attorney letter, excerpts of P&Z minutes of April 2, 2015, C6 on 4/23/15 Council agenda)

P3 CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE FOR AN “AUTOMOBILE DEALER – USED CARS” WITH “AUTOMOBILE REPAIR FACILITY (MINOR)” AS AN ACCESSORY USE IN THE “B-1” GENERAL COMMERCIAL ZONING DISTRICT WITH WAIVERS REQUESTED TO REDUCE THE CONDITIONAL USE REQUIREMENT FOR A 10 FOOT WIDE STREETScape BUFFER TO 6 FEET AND REQUIRED OUTDOOR STORAGE ENCLOSURE FROM A MASONRY WALL TO A SOLID FENCE. (CU 2015-08/MS 2015-13/MS 2015-15 LECS Property, LLC)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting consideration for Conditional Use to establish an “Automobile Dealer – Used Cars” with the accessory use of “Automotive Repair (Minor)” in the “B-1” General Commercial Zoning District on a parcel of land generally located at 9145 66th Street. In addition, the applicant is requesting waivers to the conditional use requirement for a 10 foot streetscape buffer and required outdoor storage enclosure. This 0.575 acre (MOL) site has held automobile dealers with conditional use approval in the past; however, the applicant has proposed a new site plan. The surrounding land uses consist of: to the north, vacant land; to the south, a digital printing facility; to the east, single-family residence; and to the west, an auto repair shop. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the Comprehensive Plan and approval of the request should not unduly burden adopted levels of service for City infrastructure. The Planning and Zoning Commission, at their public hearing of April 2, 2015, recommended approval of the above requests.

(Approve – Deny) After review of the Conditional Use criteria of Section 18-1531, the requirements for “Automobile Dealer-Used Cars” in Section 18-1531.10, criteria for Waiver to Conditional Use requirement in Section 18-1531.7, and the Outdoor Storage criteria of Section 18-1530.11, I move to APPROVE/DENY Case No. CU 2015-08/MS 2015-13/MS 2015-15.

(reference – staff report, excerpts from April 2, 2015 Planning and Zoning Commission meeting, application package, aerial map, site plan)

P4 CONSIDERATION OF A REQUEST FOR A CONDITIONAL USE FOR A “SECURE CLIMATE CONTROLLED (HEATING AND AIR CONDITIONING) STORAGE FACILITY” IN THE “CH” HEAVY COMMERCIAL ZONING DISTRICT, ON A PARCEL OF LAND GENERALLY LOCATED AT 8610 66TH STREET, WITH A WAIVER TO REDUCE THE CONDITIONAL USE LANDSCAPE BUFFER REQUIREMENT ALONG AN ARTERIAL RIGHT-OF-WAY FROM 35 FEET WIDE TO 26 FEET. (CU 2015-09, Eric Howell)

PUBLIC HEARING (QUASI-JUDICIAL)

The applicant is requesting consideration of a Conditional Use for a “Secure Climate Controlled (Heating and Air Conditioning) Storage Facility” in the “CH” Heavy Commercial Zoning District on a 3.72 acre MOL parcel of land, generally located at 8610 66th Street. The applicant has requested a waiver to reduce the conditional use requirement for a 35 foot landscape buffer along an arterial right-of-way to 26 feet. The surrounding land uses consist of: to the north, Art Works Graphics and Design; to the south, Oak Park School; to the east, Quality Appliance Service and offices; and to the west, Center Academy. Subject to any matters that may be discussed at the hearing staff has not identified any inconsistencies with the Comprehensive Plan and approval of the request should not unduly burden adopted levels of service for City infrastructure.

(Approve – Deny) After review of the Conditional Use criteria in Section 18 1531.6, the requirements for “Secure Climate Controlled (Heating and Air Conditioning) Storage Facility “ in Section 18-1531.10, and the criteria for Waivers to Conditional Use Requirements in Section 18-1531.7, I move to APPROVE/DENY Case No. CU 2015-09.

(reference – staff report, application, aerial map, site plan)

- P5 **RESOLUTION NO. 15-09. AUTHORIZING THE CITY MANAGER TO SIGN AND TRANSMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR THE CONSTRUCTION PHASE OF IMPROVEMENTS AT THE INTERSECTION OF 70TH AVENUE, NORTH AND 66TH STREET; DESIGNATING THE CITY MANAGER OR HIS DESIGNEE AS THE OFFICIAL LIAISON AGENT; CONFIRMING THE AMOUNT OF GRANT FUNDS REQUESTED; CONFIRMING THE CITY'S COMMITMENT FOR A CASH MATCH; AND PROVIDING FOR AN EFFECTIVE DATE.**

PUBLIC HEARING, FIRST AND FINAL READING

The City is eligible to make application to the Florida Department of Transportation (FDOT) for grant funding under the Highway Safety Improvement Program in an amount not to exceed \$120,000. If awarded, the FY 2015 FDOT funds will be used for the construction of a left turn lane on the west side of the intersection at 70th Avenue, North and 66th Street and other intersection modifications necessary to accommodate a left turn bay for eastbound traffic.

The City has adopted the proposed project in its Capital Improvements Program, FY2014-2015. A cash match of \$120,000 will be committed by the City.

ACTION: (Adopt or Deny) Authorization for the City Manager to apply for the Florida Department of Transportation for funding under the Highway Safety Improvement Program for the construction phase of improvements at the intersection of 70th Avenue, North and 66th Street.

(reference material - resolution, city attorney approval letter, conceptual layout)

- P6 **RESOLUTION NO. 15-08. AUTHORIZING THE CITY MANAGER TO SIGN AND TRANSMIT AN APPLICATION TO THE FLORIDA DEPARTMENT OF TRANSPORTATION FOR FUNDING UNDER THE HIGHWAY SAFETY IMPROVEMENT PROGRAM FOR THE CONSTRUCTION PHASE OF IMPROVEMENTS AT THE INTERSECTION OF 70TH AVENUE AND US HIGHWAY 19, NORTH; DESIGNATING THE CITY MANAGER OR HIS DESIGNEE AS THE OFFICIAL LIAISON AGENT; CONFIRMING THE AMOUNT OF GRANT FUNDS REQUESTED; CONFIRMING THE CITY'S COMMITMENT FOR A CASH MATCH; AND PROVIDING FOR AN EFFECTIVE DATE.**

PUBLIC HEARING, FIRST AND FINAL READING

The City is eligible to make application to the Florida Department of Transportation (FDOT) for grant funding under the Highway Safety Improvement Program in an amount not to exceed \$165,000. If awarded, the FY 2015 FDOT funds will be used for the construction of a left turn lane on the east side of the intersection at 70th Avenue and US Highway 19, North and other intersection modifications necessary to accommodate a left turn bay for westbound traffic.

The City has adopted the proposed project in its Capital Improvements Program, FY2014-2015. A cash match of \$165,000 will be committed by the City.

ACTION: (Adopt or Deny) Authorization for the City Manager to apply for the Florida Department of Transportation for funding under the Highway Safety Improvement Program for the construction phase of improvements at the intersection of 70th Avenue and US Highway 19, North.

(reference material – resolution, city attorney approval letter, conceptual layout)

- P7 **RESOLUTION NO. 15-10. A RESOLUTION ADOPTING THE COUNTYWIDE LOCAL MITIGATION STRATEGY (LMS) AND MAKING THE LOCAL MITIGATION STRATEGY SERVE AS THE CITY'S FLOODPLAIN MANAGEMENT PLAN; REPEALING RESOLUTION NO. 10-13 IN ITS ENTIRETY; PROVIDING FOR THE REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS CONFLICTING HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

PUBLIC HEARING, FIRST AND FINAL READING

NOTE: In 2014, an update of the Countywide Local Mitigation Strategy (LMS) was undertaken. The LMS seeks to provide a framework which helps reduce the cost of disasters, prevent or mitigate their impact upon our residents, and reduce the time needed for recovery. The document has also been updated to include a 10 step planning process identified by the Community Rating System (CRS), thereby strengthening the link between the LMS and local CRS activities. The CRS program also requires that the City have a Floodplain Management Plan (FMP), and allows for an LMS to function as such. The City has elected to do this, and is including extra information specific to the City in order to obtain additional CRS credit. This information makes up Exhibit "A" of the resolution.

The LMS has been reviewed by both State of Florida Division of Emergency Management and Federal Emergency Management Agency staff and found to comply with the requirements of the Disaster Mitigation Act of 2000. The only remaining requirement is for the local governments within the County to adopt it by resolution.

A copy of the entire Countywide LMS is available for review at the City Clerk's Office.

(reference material – resolution, exhibit "A", Attorney approval letter)

IV. CONSENT AGENDA

◆ PUBLIC WORKS

C1 AUTHORIZATION FOR PURCHASE OF CONTRIBUTION IN AID OF CONSTRUCTION — Duke Energy

NOTE: This authorizes the purchase of contribution in aid of construction for the installation of twenty-five light poles and LED light fixtures from Duke Energy at a cost of \$38,041.12. The light poles and LED fixtures will be installed at the City Youth Park Complex. The amount budgeted in account 301-781-5722-55 for this expenditure is \$40,000 and can be found in the CIP on page 360 of the 14/15 budget.

ACTION: (Approve — Deny) Authorization to purchase contribution in aid of construction for the installation of twenty-six light poles and LED light fixtures from Duke Energy, at a cost of \$38,041.12 to be charged to the appropriate account.

(reference material — lighting proposal dated April 23, 2015)

C2 RECEIPT OF RESIGNATION OF EQUESTRIAN BOARD MEMBER –Nick Ellis

NOTE: Nick Ellis has submitted his letter of resignation from the Equestrian Board effective April 17, 2015, as he is he has moved out of Pinellas County. Mr. Ellis has served as a member of the Board since March 2013. He has been an active participant on the Board and his dedication will be greatly missed.

ACTION: (Accept– Deny) Resignation of Nick Ellis from the Equestrian Board with deep regret effective as of April 17, 2015.

(reference material — Resignation letter dated 04/17/15)

C3 SELECTION OF CITY COUNCIL MEMBER TO SERVE ON AN RFP SELECTION BOARD FOR 70TH AVENUE INTERSECTION DESIGN PROJECTS, 70TH AVENUE AT U.S. 19 AND 70TH AVENUE AT 66TH STREET – PROJECT 14/002

In accordance with Resolution 09-17 and Section 287.055 Florida Statutes (Consultant Competitive Negotiation Act), a Selection Board, consisting of not more than seven members, (one of whom is to be a City Council Member) will be used to review proposals for consultant services and to make a recommendation to City Council and the City Manager. Council will select the Council Member who will serve on the Selection Board for review and evaluation of the proposals received in response to the Request for Proposals (RFP) for two intersection improvement projects on 70th Avenue: 1) 70th Avenue at U.S. Hwy. 19, westbound turn lane, and 2) 70th Avenue at 66th Street, eastbound turn lane.

ACTION: (Approve-Deny) Selection of City Council Member, _____, to serve on the selection board for review and evaluation of Proposals for 70th Avenue Intersection Design Projects.

(reference material - none)

◆ **COMMUNITY DEVELOPMENT**

C4 AUTHORIZATION FOR MAYOR TO SIGN ANNEXATION AGREEMENT WITH TRUST # 5884 (AX15-4) — Annexation of 0.29 acres MOL located at 5884 107th Terrace

NOTE: This is a voluntary annexation of 0.29 acres MOL of contiguous residential property located at 5884 107th Terrace. The Owner's single family home is located on this site.

Trust # 5884 5884 107th Terrace	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$978.30	\$0.00	\$3,000.00
Special Provisions: <ul style="list-style-type: none"> ◆ For a period of sixty (60) months from the date of execution of this Agreement, the City agrees to waive up to, and not to exceed, Three Thousand Dollars (\$3,000.00) in City land development fees applicable for further development. 			

ACTION: (Approve - Deny) Authorization for Mayor to sign an Annexation Agreement with Trust # 5884 for annexation of 0.29 acres MOL located 5884 107th Terrace.

(reference material – agreement, petition, data sheet, comment sheet, revenue sheet, map)

C5 ORDINANCE NO. 3944. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 5884 107TH TERRACE (AX15-4 TRUST # 5884)

FIRST READING, PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.29 acres MOL of contiguous residential property located at 5884 107th Terrace. The Owner’s single family home is located on this site.

(reference material - ordinance, petition, map, Attorney approval letter)

C6 APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY THY & MANISAY VONGSA (AX15-13) — Annexation of 0.14 acres MOL located at 6034 105th Terrace

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property located at 6034 105th Terrace. The Owner's single family home is located on this site.

Thy & Manisay Vongsa 6034 105th Terrace	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$962.47	\$0.00	\$0.00
There are no Special Provisions for this annexation.			

ACTION: (Approve - Deny) The voluntary annexation of 0.14 acres MOL of property owned by Thy & Manisay Vongsa located at 6034 105th Terrace.

(reference material – petition, data sheet, comment sheet, revenue sheet, map)

C7 ORDINANCE NO. 3945. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6034 105TH TERRACE (THY & MANISAY VONGSA AX15-13)

FIRST READING, PRIOR TO PUBLIC HEARING

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property located at 6034 105th Terrace. The Owner’s single family home is located on this site.

(reference material - ordinance, petition, map, Attorney approval letter)

C8 **ORDINANCE NO. 3946. AN ORDINANCE AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN LAND USE FROM RESIDENTIAL URBAN (RU) TO RESIDENTIAL LOW MEDIUM (RLM) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8021 60TH STREET (LUPA 2015-01 – Community Bank & Co./Beazer Homes-Tampa)**

FIRST READING PRIOR TO PUBLIC HEARING

The applicant is requesting consideration of a proposed amendment to the Comprehensive Land Use Plan Map from Residential Urban (RU) to Residential Low Medium (RLM), or a land use designation of lesser intensity as identified in the City's adopted Comprehensive Plan for a parcel of land totaling 6.51 acres generally located at 8021 60th Street. A companion rezoning from "R-2" Single Family Residential to "R-5" Multi-family Residential District with a Residential Planned Unit Development Overlay is requested under a separate agenda item. The applicant is proposing a townhome community of 64 units with private streets and surface water management system. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. Surrounding land uses are: to the north, Residential Urban (RU); to the south, Residential Urban (RU); to the east, Residential Urban (RU) and Preservation (Pres) and to the west, Residential Low Medium (RLM) developed with a mix of conventional and mobile home single family dwellings. The excerpts of the May 7, 2015 Planning and Zoning Commission minutes will be distributed before the meeting.

(reference material – ordinance, City Attorney approval letter, staff report, application, and aerial)

◆ FINANCE

- C9 ORDINANCE NO. 3947. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PINELLAS PARK, FLORIDA, AMENDING SECTIONS 2-601 AND 2-602 OF CHAPTER 2, ARTICLE VI, CITY PURCHASES, OF THE CODE OF THE CITY OF PINELLAS PARK, FLORIDA PERTAINING TO THE EXCLUSIVE POWER OF CITY MANAGER TO MAKE AUTHORIZED IMPROVEMENTS, EXPENDITURES AND EXCEPTIONS; BIDS AND ADVERTISING REQUIREMENTS FOR CERTAIN PURCHASES, EMERGENCY PURCHASES AND EXCEPTIONS; PROVIDING FOR THE INCLUSION OF SUCH AMENDED ORDINANCE IN THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA; PROVIDING AN EFFECTIVE DATE.

FIRST READING PRIOR TO PUBLIC HEARING

NOTE: Chapter 2 (Administration) Article 6, Section 2-601 and Section 2-602 are being amended to increase purchasing thresholds to \$35,000, to be in accordance with Florida State Statute, Chapter 287. This amendment (1) raises the bid threshold for City purchases, and authorizes the City Manager to make authorized improvements and expenditures up to an approval level of \$35,000 without Council approval; (2) clarifies the term “competitive bidding” in subsection I; (3) authorizes the City Manager to approve any modifications or change orders of any contracts, as long as the total value of such modification or change orders for any contract does not exceed \$35,000.

ACTION: (Approve – Deny) Ordinance no. _____.

(reference: Ordinance and Attorney’s letter)

V. REGULAR AGENDA

NONE

VI. COMMENTS BY COUNCIL MEMBERS AND QUESTIONS – COUNCIL TO COUNCIL

VII. ADJOURNMENT

PLEASE NOTE that if a person decides to appeal any decision made by City Council with respect to any matter considered at the above-cited meeting, the person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The City maintains a digital recording of all public hearings. In the event that you wish to appeal a decision, the digital recording may or may not adequately insure a verbatim record of the proceedings; therefore, you may wish to provide a court reporter at your own expense (Section 286.0105, Florida Statutes).

FOR THE HEARING IMPAIRED — An interpreter for the hearing impaired will be made available upon requests made at least 72 hours in advance.

JUNE

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