

**CITY OF PINELLAS PARK, FLORIDA  
CITY COUNCIL AGENDA  
DECEMBER 8, 2011**

**CALL TO ORDER  
INVOCATION  
PLEDGE OF ALLEGIANCE**

**I. DECLARATIONS, PROCLAMATIONS AND PRESENTATIONS**

**SERVICE AWARDS — City Employees**

**COUNCIL MEMBER TAYLOR'S 14<sup>TH</sup> ANNUAL STAYING AWAKE AWARD**

**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 WILL BE SWORN IN IF THERE ARE ITEMS THAT ARE QUASI-JUDICIAL**

**II. APPROVAL OF MINUTES**

Approval of Regular Council Minutes of November 22, 2011.

**III. PUBLIC HEARINGS**

**◆ COMMUNITY DEVELOPMENT**

**P1 ORDINANCE NO. 3777. AN ORDINANCE AMENDING THE LAND USE PLAN MAP FOR THE CITY OF PINELLAS PARK BY PROVIDING FOR A CHANGE IN THE LAND USE FROM RESIDENTIAL MEDIUM (RM) TO COMMERCIAL GENERAL (CG) ON A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8701 49<sup>TH</sup> STREET (LUPA 2011-01 – NRS Ventures LLC / King Engineering Associates, Inc.)**

**PUBLIC HEARING, SECOND AND FINAL READING  
(QUASI-JUDICIAL)**

NOTE: The applicant is requesting consideration of a request to amend the Comprehensive Land Use Plan Map from Residential Medium (RM) to Commercial General (CG), or a land use designation of lesser intensity as identified in the City's adopted Comprehensive Plan for a parcel of land totaling 3.28 acres generally located at 8701 49<sup>th</sup> Street. The applicant is proposing an expansion to the existing nursing home and the future land use map amendment will provide the additional density required. Subject to any matters that may be discussed at the hearing, staff has not identified any inconsistencies with the

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- P1** Comprehensive Plan. The proposal should have no adverse effect on adopted levels of service for City infrastructure. Surrounding land uses are: to the north, Kids Christian Care Day Care and single family dwelling; to the south, City water tower, American Cancer Society, “County Center” retail strip center; to the east, single family dwellings; to the west, Saigon Plaza, Cutting Up Hair Salon and a retail plaza. At their meeting of August 4, 2011, the Planning and Zoning Commission recommended approval of the application.

(reference material — ordinance, City Attorney approval letter, excerpts from the 8/04/11 P&Z meeting, staff report, application, and aerial, *C16 on 8/25/2011 Council agenda*)

- P2** **ORDINANCE NO. 3778.** AN ORDINANCE AMENDING CHAPTER 18, SECTION 18-1503.3, LAND DEVELOPMENT CODE OF THE CITY OF PINELLAS PARK CODE OF ORDINANCES AND CITY ZONING MAP BY REZONING A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 8701 49<sup>TH</sup> STREET AND MORE PARTICULARLY DESCRIBED IN EXHIBIT "A", ATTACHED HERETO AND MADE A PART HEREOF; FROM “R-6” MULTI-FAMILY RESIDENTIAL/COMMERCIAL DISTRICT TO “B-1” GENERAL COMMERCIAL DISTRICT. (Z 2011-01 NRS Ventures LLC / King Engineering Associates, Inc.)

**PUBLIC HEARING, SECOND AND FINAL READING  
(QUASI-JUDICIAL)**

NOTE: The applicant is requesting the rezoning of a 3.28 acre parcel of land generally located at 8701 49<sup>th</sup> Street from “R-6” Multi-Family Residential/Commercial District to “B-1” General Commercial District. The applicant is proposing an expansion to the existing nursing home and a future land use map amendment which will provide the additional density required for the expansion. This companion rezoning will bring the parcel into conformity with the proposed land use. At their meeting of August 4, 2011, the Planning and Zoning Commission recommended APPROVAL of the rezoning based on the “Responses of Relevant Considerations for Rezoning.” The Relevant Considerations found that:

- 1.. The rezoning is consistent with the City’s Comprehensive Plan Policies.
2. The rezoning would not adversely affect the neighborhood.

The abutting Zoning Districts are to the north, “R-4” Duplex Residential District and “R-5” Multi-family Residential/Commercial District; to the south “B-1” General Commercial District and “P” Public District; to the west “R-1” Single Family Residential District; and to the east, “B-1” General Commercial District.

(reference material — ordinance, Attorney approval letter, staff report, excerpts from the P & Z minutes of 8/4/11, application and aerial)

- P3 **CONSIDERATION OF AN EXPANSION TO AN EXISTING CONDITIONAL USE FOR A “RESIDENTIAL CARE FACILITY” IN THE “B-1” GENERAL COMMERCIAL DISTRICT WITH A WAIVER TO THE CONDITIONAL USE REQUIREMENT FOR OPEN SPACE FOR RESIDENTS AS WELL AS A VARIANCE TO DRIVE AISLE WIDTH AND A WAIVER TO LANDSCAPE BUFFER REQUIREMENTS, FOR A PROPERTY GENERALLY LOCATED AT 8701 49<sup>TH</sup> STREET. (CU 2011-17/BOA 2011-32/MS 2011-35 NRS Ventures LLC/King Engineering Associates, Inc.)**

**PUBLIC HEARING (QUASI-JUDICIAL)**

NOTE: The applicant is requesting the consideration of an expansion to an existing Conditional Use for a “Residential Care Facility” in the “B-1” General Commercial District on a 3.09 acre MOL parcel of land generally located at 8701 49<sup>th</sup> Street with a waiver to the Conditional Use requirement for open space for residents as well as a variance to drive aisle width and a waiver to landscape buffer requirements. Surrounding land uses are: to the north, Kids Christian Care Day Care and Single Family Dwelling; to the south, City Water Tower, American Cancer Society, “County Center” retail strip center; to the east, Single Family Dwellings; to the west, Saigon Plaza, Cutting Up Hair Salon and a retail plaza. 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. At its meeting on November 3, 2011, the Planning and Zoning Commission recommended approval of the above request with conditions.

ACTION: (Approve – Deny) An expansion to an existing Conditional Use for a “Residential Care Facility” in the “B-1” General Commercial Zoning District on a parcel of land generally located at 8701 49<sup>th</sup> Street with a waiver to the Conditional Use requirement for open space for residents as well as a variance to drive aisle width and a waiver to landscape buffer requirements, based on the staff report and the criteria found in Section 18-1531, subject to the following conditions:

1. Designated signage for one-way drive aisle north of existing building must be reinstalled as per original site plans and meeting the requirements of Section 18-1532.6.
2. The applicant shall, within 30 days of removal of any fencing located on adjoining properties to the north, install a six-feet-high, solid fence along the entire northern property line.
3. Applicant shall apply for permits to begin construction of therapy pool, as indicated on the site plan, prior to issuance of a Certificate of Completion of the proposed addition. If the pool is not constructed, then the applicant will be required to install an area that shall be landscaped and retained as

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- P3** usable open space for occupants, with adequate accommodations for wheelchair use.
4. Within 30 days of approval, the applicant shall reserve a 30-foot-wide portion of the property adjacent to 47<sup>th</sup> Street for right-of-way purposes. Easements will need to be granted to the City for all improvements within said portion of the property including but not limited to: water, sewer, drainage, ingress/egress and sidewalk. (Note: It cannot be determined at this time if the right-of-way was not previously dedicated. If the applicant can provide evidence that the right-of-way had been previously dedicated then this condition shall be considered null and void.)

(reference material — staff report, excerpts from the P & Z minutes of 11/3/11, application, site map, site plan)

- P4** **ORDINANCE NO. 3788. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 6137 104<sup>TH</sup> AVENUE NORTH (RAYMOND LAFORCE AX11-40)**

**PUBLIC HEARING, SECOND AND FINAL READING**

NOTE: This is a voluntary annexation of 0.14 acres MOL of contiguous residential property located at 6137 104<sup>th</sup> Avenue North in the Northfield Manor Subdivision. A mobile home is located on this site.

(reference material — ordinance, petition, map, Attorney approval letter, *C12 on 11/22/2011 Council agenda*)

**IV. CONSENT AGENDA**

**◆ HUMAN RESOURCES**

- C1 ORDINANCE NO. 3780. AMENDING CHAPTER 17 (PENSIONS AND RETIREMENT) OF THE CODE OF ORDINANCES OF THE CITY OF PINELLAS PARK, FLORIDA, PINELLAS PARK FIREFIGHTERS' PENSION FUND.**

**FIRST READING PRIOR TO PUBLIC HEARING**

Note: This Ordinance amends Article III, Chapter 17 (Pensions and Retirement) relating to the Pinellas Park Firefighters' Pension Fund. For service earned on or after December 28, 2011, the definition of Annual Compensation will now exclude pay for overtime hours in excess of 300 hours per calendar year; the benefit accrual rate will be 3% for each year of service; the COLA benefit will be a guaranteed 2% which will commence five years following the date a member retires or turns age 65, whichever comes first; and the DROP participation period will be limited to two years with an interest rate equal to the return experienced by the fund up to a maximum of a positive .75 percent (.75%) quarterly return and

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- C1 no limit on the maximum negative quarterly return (loss). Firefighters who become eligible for Normal Retirement prior to December 28, 2011, will not be affected by these changes.

(reference material — Proposed Ordinance)

◆ **NEIGHBORHOOD SERVICES**

- C2 **REAPPOINTMENT TO THE CODE ENFORCEMENT BOARD — Robert Detweiler, Patricia Fleischmann Johnson, and David Kuperman**

NOTE: The terms of Robert Detweiler, Patricia Fleischmann Johnson, and David Kuperman will expire December 31, 2011. Mr. Detweiler was first appointed in March 2005, Mrs. Johnson in October 2006, and Mr. Kuperman in June 1987. They have expressed a desire to continue to serve on the Code Enforcement Board for a three (3) year term, expiring December 31, 2014.

ACTION: (Approve-Deny) The reappointments of Robert Detweiler, Patricia Fleischmann Johnson, and David Kuperman to serve as a member of the Code Enforcement Board for a three-year term to expire December 31, 2014.

(reference material — attendance record)

◆ **LIBRARY AND RECREATION**

- C3 **REAPPOINTMENTS TO RECREATION BOARD — Connie Bruce, Mary Ann Smith, Barbara VanCamp and Dean Braden**

NOTE: The terms of Connie Bruce, Mary Ann Smith, Barbara VanCamp, and Dean Braden will expire December 31, 2011. Ms. Bruce, Ms. Smith, Ms. VanCamp, and Mr. Braden have expressed an interest in continuing to serve on the Recreation Board for two-year terms. Ms. Bruce has been a Board Member since May 2006, and Ms. Smith has been a Board Member since March 1994. Ms. Van Camp has been a Board Member since February 2008, and Mr. Braden has been a Board Member since August 2009. Ms. Bruce, Ms. Smith, Ms. VanCamp, and Mr. Braden have good attendance records and the Board recommends their reappointment for two-year terms.

ACTION: (Approve-Deny) Reappointment of Connie Bruce, Mary Ann Smith, Barbara VanCamp, and Dean Braden to serve as members of the Recreation Board for two-year terms.

(reference material — Excerpts from the Recreation Board Minutes and attendance records)

◆ **PUBLIC WORKS**

**C4     REAPPOINTMENTS TO THE EQUESTRIAN BOARD — Denise Kurmay, Susan Donaldson, Patricia Macfarlane**

NOTE: The Equestrian Board terms of Denise Kurmay, Susan Donaldson, and Patricia Macfarlane will expire December 31, 2011. Denise Kurmay, Susan Donaldson, and Patricia Macfarlane have expressed an interest in continuing to serve on the Equestrian Board for three-year terms. Denise Kurmay, Susan Donaldson, and Patricia Macfarlane have been Equestrian Board members since November 2004, April 2009, and April 2004, respectively, and have good attendance records. The Equestrian Board recommends their reappointment for three-year terms to expire on December 31, 2014.

ACTION: (Approve-Deny) Reappointment of Denise Kurmay, Susan Donaldson, and Patricia Macfarlane to serve as members of the Equestrian Board for three-year terms.

(reference material — Excerpts from Equestrian Board Minutes and attendance records)

**C5     AUTHORIZATION FOR MAYOR TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF PINELLAS PARK AND PINELLAS COUNTY — National Pollutant Discharge Elimination System (NPDES) Permit**

NOTE: This Interlocal Agreement between the City of Pinellas Park and Pinellas County is required as part of our National Pollutant Discharge Elimination System (NPDES) permit from the United States Environmental Protection Agency. This Interlocal Agreement with Pinellas County is for the joint control of pollutants within Pinellas County. The City of Pinellas Park is a co-permittee on the NPDES permit with FDOT, and all cities in Pinellas County named in the Interlocal Agreement.

ACTION: (Approve-Deny) Authorization for the Mayor to sign the Interlocal Agreement between Pinellas County for the purpose of meeting the requirements for the NPDES permit and to approve the City's proportionate share of the Ambient Water Quality Monitoring Program not to exceed \$30,000.00 annually.

(reference material — Pinellas County Interlocal Agreement, 11/17/2011 letter from City Attorney)

◆ CITY CLERK

C6 **RE-APPOINTMENT TO THE PINELLAS PARK WATER MANAGEMENT DISTRICT (PPWMD)** — Charles Tingler

NOTE: The Pinellas Park Water Management District (PPWMD) is requesting that Mr. Charles Tingler be re-appointed to the District Board of Directors for a term commencing January 1, 2012 and expiring January 1, 2015. Mr. Tingler has served on the PPWMD Board of Directors since 1995.

ACTION: (Approve – Deny) Re-appointment of Charles Tingler to serve as a regular member of the PPWMD Board of Directors with a term to expire January 1, 2015.

(reference material Letter from Janet Rogers, PPWMD Executive Director)

C7 **RESOLUTION NO. 11-26. A RESOLUTION CALLING FOR A GENERAL ELECTION TO BE HELD ON MARCH 13, 2012, FOR THE PURPOSE OF ELECTING ONE (1) COUNCILMEMBER TO FILL THE UNEXPIRED TERM OF SEAT #2 FOR A TWO (2) YEAR TERM.**

**FIRST AND FINAL READING**

NOTE: Authorization is needed from City Council for the City Clerk to conduct a General Election to be held on Tuesday, March 13, 2012, in accordance with the City Charter and to sign an agreement with the Pinellas County Supervisor of Elections Office.

(reference material — resolution, agreement with Pinellas County Supervisor of Elections and City Attorney letter)

C8 **RESOLUTION NO. 11-27. DESCRIBING THE FORM OF THE BALLOT TO BE USED IN THE FORTHCOMING GENERAL ELECTION TO BE HELD ON TUESDAY, MARCH 13, 2012.**

**FIRST AND FINAL READING**

NOTE: This Resolution is for the purpose of a electing a Councilmember to fill the unexpired term of Seat #2 for a two (2) year term.

(reference material — proposed resolution)

◆ CITY COUNCIL

C9 **RE-APPOINTMENT TO PINELLAS OPPORTUNITY COUNCIL** — (Joan M. Lanier)

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- C9** NOTE: Joan M. Lanier has served on the Pinellas Opportunity Council since December 2005 and has indicated she is interested in continuing to serve on this Board.

ACTION: (Approve-Deny) Re-appointment of Joan M. Lanier to serve on the Pinellas Opportunity Council for the year 2012.

(reference material — letter from POC)

◆ **COMMUNITY DEVELOPMENT**

- C10** **ACCEPTANCE OF A SPECIAL WARRANTY DEED FOR ROAD RIGHT-OF-WAY FROM DEBBIE BEATY, TRUSTEE OF 10601 U.S. HWY 19 NORTH FLORIDA LAND TRUST — U.S. Highway 19 right-of-way.**

NOTE: The property owner has requested that the City take this segment of U.S. Highway 19 North right-of-way as it is one of the last segments of right-of-way along U.S. 19 Highway North that is not currently maintained by the City. Accepting ownership of this segment of property would insure continuity of maintenance along U.S. Highway 19.

ACTION: (Approve – Deny) Authorization for City Council to accept a Special Warranty Deed for road right-of-way on U.S. Highway 19 North from Debbie Beaty, Trustee of 10601 U.S. Hwy 19 North Florida Land Trust.

(reference material — deed, attorney approval letter, map)

- C11** **APPROVAL OF VOLUNTARY ANNEXATION OF PROPERTY OWNED BY HECTOR L. AND JESSICA RIVERA (AX12-1) — Annexation of 0.15 acres MOL located at 12003 68<sup>th</sup> Way**

NOTE: This is a voluntary annexation of 0.15 acres MOL of contiguous residential property located at 12003 68<sup>th</sup> Way in the Pinebrook Estates Subdivision. The Owner’s single family home is located on this site.

Hector L. and Jessica Rivera 12003 68 <sup>th</sup> Way	City Projected Annual Revenue	City Funds Expended	City Fees Waived
1-Year Projected Total	\$555.46	\$0.00	\$0.00
There are no special provisions in this Annexation Petition.			

ACTION: (Approve - Deny) The voluntary annexation of 0.15 acres MOL of property owned by Hector L. and Jessica Rivera and located at 12003 68<sup>th</sup> Way.

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

**C12 ORDINANCE NO. 3789. ANNEXING INTO THE CITY OF PINELLAS PARK A CERTAIN PARCEL OF LAND GENERALLY LOCATED AT 12003 68<sup>TH</sup> WAY (HECTOR L. AND JESSICA RIVERA AX12-1)**

**FIRST READING, PRIOR TO PUBLIC HEARING**

NOTE: This is a voluntary annexation of 0.21 acres MOL of contiguous residential property located at 12003 68<sup>th</sup> Way in the Pinebrook Estates Subdivision. The Owner's single family home is located on this site.

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

**V. REGULAR AGENDA**

◆ **NEIGHBORHOOD SERVICES**

**R1 AUTHORIZATION TO ACCEPT REDUCED PAYMENT FOR SATISFACTION OF SPECIAL MAGISTRATE (SM) LIEN NO. 06-10-1553**

NOTE: John R. Jones, current owner of the property located at 9810 55<sup>th</sup> Street, filed an application to appeal the \$13,300.00 Special Magistrate (SM) Lien No. 06-10-1553 on this property. The City's estimated cost in handling this case is \$540.63. The Special Magistrate recommended that the lien be reduced to \$2,000.00 and John R. Jones has submitted a check to the City for that amount.

ACTION: (Approve-Deny) Authorization to accept the reduced payment of \$2,000.00 for satisfaction of SM Lien No. 06-10-1553.

(reference material — 11.22.11 Recommendation Letter from Special Magistrate; Excerpt of 11.21.11 SM Minutes; 11.04.11 File Memo from Neighborhood Services Administrator; History of Events; City's Estimated Costs, Lien Appeal Application; Notice of Violation)

◆ **OMB**

**R2 RESOLUTION NO. 11-28. EXERCISING THE OPTION UNDER ORDINANCE #3086 TO EXTEND THE ELECTRIC FRANCHISE FOR AN ADDITIONAL 20 YEARS.**

**FIRST AND FINAL READING**

NOTE: Ordinance 3086 granted an initial term of 10 years for the electric franchise effective December 12, 2002. In addition, the ordinance provides the City with the option to extend the electric franchise for an additional 20 years. Progress Energy had to be notified in writing that the City was desirous of exercising this option with at least one year's notice of the expiration of the initial

**R2** 10 years. They have been so notified and have no objections (see the attached correspondence).

(reference material — resolution, ordinance 3086, Progress Energy correspondence)

**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 tape recording of all public hearings. In the event that you wish to appeal a decision, the tape 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 PERSONS WITH HEARING IMPAIRMENT** — An interpreter for persons with hearing impairment will be made available upon requests made at least 72 hours in advance. Also, an Assistive Hearing Device (amplifier) is available from the City Clerk for use in Council Chambers and all meeting rooms throughout the City. This agenda document is available in the following accessible formats: Braille, Large Print, Audio Tape, and Electronic File on Computer Disks.



***HAPPY HOLIDAYS***



# JANUARY

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY																																																																																																			
1  Brush Site Closed Kwanzaa Ends New Year's Day Library Closed	2  New Year's Holiday City Offices & Library Closed	3	4	5	6  Epiphany	7																																																																																																			
8	9	10  7:30 PM Council Workshop	11  Pancake Breakfast Senior Center	12  7:00 PM Agenda Session *7:30 PM Council Meeting	13  Bobby Darin Tribute Performing Arts Center	14  Bobby Darin Tribute Performing Arts Center																																																																																																			
15  Bobby Darin Tribute Performing Arts Center	16  Martin Luther King's Birthday (obsvd) City Offices & Library Closed	17  Organ Concert City Auditorium	18	19	20  Florida Arbor Day	21																																																																																																			
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