RESOLUTION CLOSING PORTIONS OF FONTANA AVENUE AND OLIVER STREET IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA

WHEREAS, a Petition has been filed and received in accordance with the provisions of Chapter 153, Section 9, Sub-section 17 and Chapter 160A, Section 299, Sub-section (a) of the General Statutes of North Carolina, requesting the closing of certain portions of:

FONTANA AVENUE AND OLIVER STREET

in the City of Charlotte, Mecklenburg County, North Carolina; and

WHEREAS, the City Council has caused to be published a notice of public hearing, all in accordance with said Statutes; and

WHEREAS, said public hearing was held on the 5th day of February, 1973; and

WHEREAS, the Petitioner, Redevelopment Commission of the City of Charlotte, owned all of the land adjoining the affected portions of the above mentioned streets; and

WHEREAS, no persons, firms or corporations or parties in interest have appeared in opposition to the closing of said portions of the above mentioned streets;

THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina:

That the Council hereby orders the closing of those portions of:

FONTANA AVENUE AND OLIVER STREET

as same are more particularly described in Exhibit "A" attached hereto and made a part hereof, it appearing to the satisfaction of the City Council that the closing of those portions of said streets is not contrary to the public interest, and that no individual, firm or corporation owning property in the vicinity thereof will be deprived of reasonable means of ingress and egress to his or its property.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be filed in the Office of the Register of Deeds for Mecklenburg County, North Carolina.

APPROVED AS TO FORM:

City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of February, 1973, the reference having been made in Minute Book 58, beginning at Page ____, ending at Page _____, and is recorded in full in Resolution Book 9.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 6th day of February, 1973.

[Signature]

City Clerk of the City of Charlotte
GREENVILLE URBAN RENEWAL AREA

PROJECT NO. N.C. R-78

ABANDONMENT OF PORTIONS OF EXISTING STREETS

A parcel of land in Charlotte Township, Mecklenburg County, State of North Carolina, located in Greenville Urban Renewal Area, Project No. N.C. R-78, shown as a Right-of-Way Abandonment, Part Fontana Avenue, Part Oliver Street on a plat dated November 17, 1972, and being more particularly described as follows:

FONTANA AVENUE--Between Craver Lane and Oliver Street

Beginning at the point of intersection of the south right-of-way line of Fontana Avenue and the east right-of-way line of Oliver Street; thence across Oliver Street and along the south right-of-way line of Fontana Avenue, N. 67-53-20 W., 256.79 feet to the point of intersection of said south right-of-way line of Fontana Avenue with the east right-of-way line of Craver Lane; thence across Fontana Avenue, N. 26-00-04 E., 30.07 feet to a point on the north right-of-way line of Fontana Avenue; thence along the north right-of-way line of Fontana Avenue, S. 67-53-20 E., 265.27 feet to a point on said north right-of-way line of Fontana Avenue; thence across Fontana Avenue, S. 41-25-53 W., 31.79 feet to the point of beginning and containing 7,831 square feet.

OLIVER STREET--Between Fontana Avenue and Spring Street

Beginning at the point of intersection of the south right-of-way line of Fontana Avenue and the east right-of-way line of Oliver Street; thence along the east right-of-way line of Oliver Street, S. 41-25-53 W., 334.97 feet to the point of intersection of said east right-of-way line of Oliver Street with the north right-of-way line of Spring Street; thence across Oliver Street, N. 50-58-05 W., 30.03 feet to the point of intersection of the north right-of-way line of Spring Street with the west right-of-way line of Oliver Street; thence along the west right-of-way line of Oliver Street, N. 41-25-53 E., 325.70 feet to the point of intersection of said west right-of-way line of Oliver Street with the south right-of-way line of Fontana Avenue; thence across Oliver Street, S. 67-53-20 E., 31.79 feet to the point of beginning and containing 9,910 square feet.
RESOLUTION AMENDING THE PERSONNEL RULES AND REGULATIONS

BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, that the Personnel Rules and Regulations heretofore adopted by the City Council to be effective October 6, 1969, as subsequently amended, are hereby further amended by including, as an addition, a new Rule as follows:

RULE IX. CIVIL SERVICE

Section 1. Purpose

It is the purpose of this rule to establish procedures which will serve as a guide for administrative action concerning the various personnel activities and transactions which are within the purview of the Civil Service Board, in accordance with Section 4.61 of the City Charter.

Section 2. Applicability

This rule shall apply to all positions and employees in the uniformed services of the Police and Fire Departments except for the positions of Police Chief and Fire Chief. Positions in the uniformed services of the respective departments are those which have, historically, been under the jurisdiction of the Civil Service Board. Employees in the uniformed services are those who have been employed through the Civil Service process.

Section 3. Administrative Structure

(1) The Civil Service Board shall consist of five members as determined by the provisions of the City Charter.

(2) The Civil Service Board shall establish employment requirements for positions within the uniformed services of the Police and Fire Departments.
February 5, 1973
Resolutions Book 9 - Page 22

(3) The Civil Service Board shall hear appeals related to disciplinary actions of employees in uniformed services of the Police and Fire Departments, and to decisions made in the selection and promotion of these employees. The Board shall conduct hearings to fully determine the action in question and may either affirm, modify or revoke such initial action as it deems necessary.

During hearings the City Attorney shall provide a member of his staff to serve as legal advisor to the Board and the Board shall provide an attorney to prepare and present the case to the Board.

(4) The Board shall retain its authority over those duties and responsibilities prescribed by the City Charter, but may delegate the administrative responsibility for employee recruitment, examination and selection to the City Personnel Director.

(5) Under the general supervision of the Civil Service Board, the City Personnel Director shall:

(a) develop and administer comprehensive recruitment programs

(b) recommend employment standards based upon analysis of work duties and responsibilities

(c) provide technical services involved in the examination of applicants.

(d) certify to the appointing authorities the names of persons who have been examined and determined to be qualified for appointment
(e) develop and administer a plan for promotions which gives appropriate consideration to an applicant's qualifications, record of performance and abilities in relation to the work to be performed

(f) provide assistance to the Civil Service Board in technical matters.

Section 4. Recruitment and Application

(1) Recruitment Announcements - All announcements of examinations for entrance into the uniformed services of the Police and Fire Departments shall be publicized at least fourteen calendar days prior to the final filing date. Announcements of examinations shall be posted in the City Hall, on official bulletin boards, and by such other methods as the Personnel Director deems advisable.

Special publicity or recruiting efforts shall be made to insure that residents of the community are given an equal opportunity to know about the forthcoming examinations.

Public announcements shall specify the title of the position, salary range, nature of the work to be performed, minimum qualifications necessary to perform the work satisfactorily, how to apply for the job, the kind of tests or selection devices that will be used, the deadline for submitting applications and any other pertinent information. For those positions for which examinations are given on a continuous basis, the announcements shall include a statement that applications will be accepted until further notice.
(2) Application - All persons seeking employment in the uniformed services of the Police and Fire Departments must complete an official City of Charlotte application form and apply as stated in the examination announcement. Applicants may be required to submit documented proof of the possession of any license, certificate, or any other qualification stated on the application form. All applications must be signed by the applicant and, once submitted to the personnel office, shall be considered property of the Civil Service Board and shall not be returned.

(3) Disqualification - Applications will be accepted except where the Personnel Director, upon review, determines that an applicant does not fully meet the minimum qualifications for the position for which he or she is applying.

He may also reject any applications if the information contained therein clearly indicates that the applicant is physically or mentally so disabled as to be incapable of proper performance of the required duties; is addicted to the excessive use of narcotics or intoxicating liquors; has been found guilty of a felony; has made any false statement of any material fact; has practiced any deception or fraud in his application; or does not meet the minimum age requirement.

Whenever an application is rejected the Personnel Director shall mail notice of such rejection with statement of reason to the last known address of the applicant. Defective or incomplete applications may
be returned to the applicant for correction or re-application providing the time limit for receiving applications has not ended.

Section 5. Examinations

(1) Examination Program and Policies - The Personnel Director shall establish a comprehensive examination program covering all positions in the uniformed services of the Police and Fire Departments in order to have current lists of eligible persons available for appointment to foreseen vacancies.

Selection techniques used in the examination process shall be impartial and related to those subjects which fairly measure the relative capacities of the persons examined to execute satisfactorily the duties and responsibilities of the positions open for appointment.

(2) Types of Examinations - Eligible lists for positions in the uniformed services of the Police and Fire Departments may be established by having competitive examinations open to all applicants for original appointment or by having competitive promotional examinations for employees within the uniformed services of the departments.

(a) Open Examinations - Any person meeting the requirements of the examination announcement may compete in an open examination.

(b) Continuous Examinations - Continuous open examinations may be held as considered necessary by the Personnel Director. Such examinations may be administered from time to time as applicants are available or as appointments are necessary.
(c) **Promotional Examinations** - Promotional examinations may be conducted whenever the needs of the service require. Promotional examinations may include any of the selection techniques mentioned in subsection 3 of this section, or any combination of them.

Only regular or probationary employees who meet the requirements set forth in the promotional examination announcements may compete in promotional examinations.

(3) **Method of Examination** - As determined by the Personnel Director, examinations shall consist of selection techniques which will test fairly the qualifications of candidates such as, but not necessarily limited to, achievement and aptitude tests, other written tests, personal interviews, performance tests, physical agility tests, evaluation of prescribed training, or any combination of these or other tests.

(a) **Written** - Written tests may be used to measure knowledge, abilities, judgment, aptitudes, or alertness insofar as such traits are related to the ability to perform the required work.

(b) **Oral Interviews** - Oral interviews may be used to evaluate personal fitness, training, experience, and judgment.

(c) **Performance** - Performance tests may be used to evaluate the manner, speed or accuracy with which typical job tasks are performed.

(d) **Physical** - Physical tests may be used to measure agility, strength, coordination, or general physical fitness as related to required duties.
(e) **Training and Experience** - Evaluation of the relevance, level and quality of education and experience offered by candidates may be made in an oral interview or by a review of written statements concerning the candidate's prior accomplishments and activities.

(f) **Medical** - A medical examination may be required of all applicants before appointment. Physical or medical standards may be established by the Civil Service Board.

(g) **Successful Completion of Prescribed Training** - Successful completion of authorized training programs may be evaluated to determine a candidate's ability to perform typical tasks of the position to be filled.

(4) **Examination Preparation** - The Personnel Director shall direct the preparation and assembling of examination material. As appropriate, he may employ qualified individuals or agencies outside the City service for preparing examinations. Police and Fire Department officials may be requested to assist in any phase of the examination procedures; they shall be considered expert material consultants and their services may be required for appropriate examinations.

(5) **Scheduling Examinations** - The Personnel Director shall schedule examinations as the current and anticipated needs of the service require. He can postpone, cancel, or extend the closing date of scheduled examinations when in his opinion, changing work conditions require such action.
Public notice shall be given of all changes in scheduled examinations and all affected applicants shall be notified by telephone or mail.

(6) Examination Administration - The Personnel Director shall be responsible for administering and scoring all examinations. He may designate such consultants, proctors or oral examiners as may be necessary to insure that examinations are administered in a fair, equitable and orderly manner. When an oral interview is required, if practicable, all applicants for the same position or group of positions shall be examined by the same Oral Interview Board.

(a) Identification of Candidates - Written examinations shall be so conducted that no examination paper will disclose the name of the candidates until the examination papers of all candidates have been scored and the minimum qualification point established.

(b) Disqualification - If the conduct of any candidate is improper during any phase of the examination, he may be disqualified and refused to allow to continue. Tardiness may be grounds for disqualification in the examination.

(c) Scoring Examinations - A candidate's score in a given examination shall be the average of his scores on each competitive part of the examination on which he qualified, weighted as shown in the examination announcement.

A qualifying score for each examination shall be established by the Civil Service Board upon recommendation of the Personnel
Director. Based upon the qualifying score, all candidates in an examination shall receive either a pass or fail rating. Those candidates receiving a passing rating will be considered as "qualified" for employment consideration.

(d) Notification - Each candidate taking an examination shall be given prompt written notice of the results, thereof, and whether or not his or her name will be placed upon an eligible register.

(e) Review of Test Material - Any candidate shall have the right to inspect his own examination materials within five working days after the notices of examination results were mailed. Any error in computation or test validity, if called to the attention of the Personnel Director within this period, shall be corrected.

(f) Appeal of Examination - Any candidate who believes that any phase of the examination process was conducted improperly or unfairly, or who desires to challenge a selection decision, may make written request for an appeal hearing before the Civil Service Board within five days of the examination or announcement of a selection decision.

(7) Re-Take of Written Examinations - A candidate who fails a written examination will not be allowed to re-take an examination for the same position until one of the following conditions is met:

(a) An alternate form of the examination is available and 30 days have passed.
(b) No alternate form of the examination is available and six months have passed.

(8) **Oral Interview Boards** - Oral Interview Boards may be appointed by the Civil Service Board upon recommendation of the Personnel Director for the purpose of determining the qualifications of candidates.

**Section 6. Eligible Register**

(1) **Establishment of Eligible Lists** - The Personnel Director shall prepare lists of qualified candidates resulting from open competitive, continuous and promotional examinations. Such lists shall be established as eligible lists when approved by the Civil Service Board. Candidates resulting from open competitive or promotional examinations shall be placed on eligible lists in the relative order of their examination grades. The names of persons qualified as a result of continuous examination shall be listed by chronological date of examination.

(2) **Use of Eligible Lists** - The appointing authority shall have authority to appoint any eligible certified to him by the Personnel Director.

(3) **Duration of Eligible Lists** - Eligible lists and the names of persons appearing thereon shall remain in effect for six months. Expiring eligible lists may be extended for an additional six months by the Civil Service Board upon the recommendation of the Personnel Director. Eligibility of persons qualified as a result of continuous examination will be for six months from the date of qualification. Such eligibility may be extended as set forth above.
(4) **Removal of an Eligible from an Eligible List** - The name of an eligible may be removed from an eligible list by the Personnel Director for the following causes:

(a) Any action by the eligible which is deemed sufficient for disqualification of an application, or dismissal from the City service.

(b) On evidence that the eligible cannot be located by the postal authorities.

(c) On receipt of a written statement from the eligible indicating that he is no longer interested in the specific position or in employment in City service.

(d) If the eligible declines an offer of a permanent appointment to the position or group of positions for which the eligible list was established.

**Section 7. Certification and Appointment**

(1) **Request for Certification** - Whenever a vacancy exists or is anticipated the appointing authority shall make written request at the earliest possible date to the Personnel Director for names of qualified employees or candidates for consideration for appointment.

(2) **Order of Certification** - Names shall be certified by the Personnel Director to the appointing authority in the following order:

(a) Persons on a promotional eligible list.

(b) Persons on an open competitive or continuous examination list.
(3) Appointment - The appointing authority after interview and any investigation desired of those certified shall make the selection for the person to fill the vacancy from the register of qualified candidates.

The appointing authority shall immediately inform the Personnel Director of the person selected. The Personnel Director shall notify the selected person in writing of his appointment and all necessary information concerning pre-employment processing. If the eligible fails to present himself at the time and place specified, he shall be deemed to have declined the appointment.

Section 8. Amendments of Rule IX.

Amendments to this rule may be made with the approval of the Civil Service Board and will become effective following adoption by the City Council.

BE IT FURTHER RESOLVED that this resolution shall be effective as of February 5, 1973.

APPROVED AS TO FORM:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of February, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, beginning on Page 21.

Ruth Armstrong, City Clerk
February 5, 1973

Resolutions Book 9 - Page 33

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH AETNA VARIABLE ANNUITY LIFE INSURANCE COMPANY TO PROVIDE A PLAN OF DEFERRED COMPENSATION FOR CITY EMPLOYEES.

WHEREAS, the City Council is authorized by both state law and its Charter to provide benefits for city employees; and

WHEREAS, recent rulings by the Internal Revenue Service make it possible for city employees to participate in deferred compensation plans whereby an employee may voluntarily defer the receipt of some portion of his current earnings for receipt in the future; and

WHEREAS, a review of organizations able to provide such a deferred compensation plan has been conducted and it has been determined that Aetna Variable Annuity Life Insurance Company is well qualified to offer this plan; and

WHEREAS, in order to offer this plan to city employees it is necessary that the City enter into an agreement with Aetna Variable Annuity Life Insurance Company for the purpose of providing to those city employees who desire to participate a deferred compensation plan and by establishing payroll deductions for those city employees who desire to participate in said plan;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session, duly assembled, does hereby authorize the Mayor to execute the necessary agreements with Aetna Variable Annuity Life Insurance Company and that payroll deductions for those city employees desiring to participate in said plan shall be provided; and

BE IT FURTHER RESOLVED that the City Manager or his representative is hereby authorized to formulate the necessary rules and procedures for the administration of the deferred compensation plan.

Approved as to form:

[Signature]
City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of February, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Page 33.

Ruth Armstrong, City Clerk
A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO WALTER D. HAND AND WIFE, ELLA P. HAND, LOCATED AT 3550 SARGEANT DRIVE IN THE CITY OF CHARLOTTE FOR THE CLANTON ROAD EXTENSION PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire certain property belonging to Walter D. Hand and wife, Ella P. Hand, located at 3550 Sargeant Drive in the City of Charlotte, Mecklenburg County, for permanent and temporary easements and right of way purposes in connection with the Clanton Road Extension Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the purchase of this property, but has been unable to reach an agreement with the owners for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws of North Carolina, being the Charter of the City of Charlotte as amended by Chapter 216, 1967 Session Laws of North Carolina, and further amended by Chapter 384, 1969 Session Laws of North Carolina, condemnation proceedings are hereby authorized to be instituted against the property of Walter D. Hand and wife, Ella P. Hand, located at 3550 Sargeant Drive in the City of Charlotte, Mecklenburg County, under the procedures set forth in Article 9, Chapter 136 of the General Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that $2,150.00, the amount of the appraised value of said property, is hereby authorized to be deposited in the office of the Clerk of the Superior Court of Mecklenburg County, North Carolina, together with the filing of the Complaint and Declaration of Taking.

Approved as to form:

City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of February, 1973, and the reference having been made in Minute Book 58, page 34, and recorded in full in Resolution Book 9, page 34.


City Clerk
A RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE
ACQUISITION OF PROPERTY BELONGING TO I. N. HOWARD, TRUSTEE,
AND K. RENNIE BIGGERS, TRUSTEE, LOCATED AT 2000 WEST BOULEVARD
IN THE CITY OF CHARLOTTE FOR THE CLANTON ROAD EXTENSION PROJECT.

WHEREAS, the City Council finds as a fact that it is necessary to acquire
certain property belonging to I. N. Howard, Trustee, and K. Rennie Biggers,
Trustee, located at 2000 West Boulevard in the City of Charlotte, Mecklenburg
County, for a temporary construction easement and right of way purposes in
connection with the Clanton Road Extension Project; and

WHEREAS, the City has in good faith undertaken to negotiate for the pur­
chase of this property, but has been unable to reach an agreement with the owners
for the purchase price.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Charlotte, that pursuant to Section 7.81, Chapter 713 of the 1965 Session Laws
of North Carolina, being the Charter of the City of Charlotte as amended by Chapter
216, 1967 Session Laws of North Carolina, and further amended by Chapter 384,
1969 Session Laws of North Carolina, condemnation proceedings are hereby auth­
orized to be instituted against the property of I. N. Howard, Trustee, and K. Rennie
Biggers, Trustee, located at 2000 West Boulevard in the City of Charlotte, Mecklen­
burg County, under the procedures set forth in Article 9, Chapter 136 of the Gen­
eral Statutes of North Carolina, as amended; and

BE IT FURTHER RESOLVED that $5,500.00, the amount of the appraised
value of said property, is hereby authorized to be deposited in the office of the
Clerk of the Superior Court of Mecklenburg County, North Carolina, together with
the filing of the Complaint and Declaration of Taking.

Approved as to form:

City Clerk

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do
hereby certify that the foregoing is a true and exact copy of a Resolution adopted by
the City Council of the City of Charlotte, North Carolina, in regular session con­
vened on the 5th day of February, 1973, and the reference having been
made in Minute Book 58, page 35, and recorded in full in Resolution
Book 9, page 35.

Witness my hand and the corporate seal of the City of Charlotte, North
Carolina, this the 6th day of February, 1973.

City Clerk
A RESOLUTION AUTHORIZING THE REFUND OF CERTAIN TAXES

Reference is made to the schedule of "Taxpayers and Refunds Requested" attached to the Docket for consideration of the City Council. On the basis of that schedule, which is incorporated herein, the following facts are found:

1. The City-County Tax Collector collected taxes from the taxpayers set out on the list attached to the Docket.

2. The City-County Tax Collector has certified that those taxpayers made demand in writing for refund of the amounts set out on the schedule within eight years from the date the amounts were due to be paid.

3. The amounts listed on the schedule were collected through clerical error or by a tax illegally levied and assessed.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, North Carolina, in regular session assembled this 5th day of February, 1973, that those taxpayers listed on the schedule of "Taxpayers and Refunds Requested", be refunded the amounts therein set out and that the schedule and this resolution be spread upon the minutes of this meeting.

Approved as to form:

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 5th day of February, 1973, the reference having been made in Minute Book 58, and recorded in full in Resolutions Book 9, at Page 36.

Ruth Armstrong, City Clerk
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