

1. City Council Regular Session Agenda January 9, 2023

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**POQUOSON CITY COUNCIL  
REGULAR SESSION MEETING  
MONDAY, JANUARY 9, 2023, 7:00 P.M.**

**A. MEETING CALLED TO ORDER**

**B. INVOCATION AND PLEDGE OF ALLEGIANCE – Councilwoman Andrews**

**C. CLOSED SESSION**

**Closed Session pursuant to Section 2.2-3711(A)(1) of the Code of Virginia (1950), as amended to discuss personnel matters; City Manager's Contract and to discuss an appointment to the School Board, and pursuant to Section 2.2-3711(A)(8) of the Code of Virginia (1950), as amended to consult with the City Attorney.**

**D. RECONVENMENT**

**E. ELECTION OF THE VICE MAYOR AND APPOINTMENT OF THE CITY MANAGER, CITY ATTORNEY, CITY CLERK AND DEPUTY CITY CLERK**

**F. AUDIENCE FOR VISITORS**

**G. APPROVAL OF THE MINUTES**

**(a) Regular Session December 12, 2022**

**H. NEW BUSINESS**

- 1. Ordinance Amending the City Code Chapter 74, Article III, Division 1, Sections 91 & 92**
- 2. Resolution Approving an Employment Agreement with the City Manager**

**I. COMMENTS OF THE CITY MANAGER**

**J. COUNCIL DIRECTIVES**

**K. ADJOURNMENT**

**CERTIFICATION OF CLOSED SESSION**

**WHEREAS**, the Council of the City of Poquoson, Virginia convened in a closed session on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

**WHEREAS**, 2.2-3711(A)(1) of the Code of Virginia (1950), as amended requires a certification by this Council that such closed session was conducted in conformity with Virginia Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Poquoson, Virginia does hereby certify that to the best of each member's knowledge, only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed session to which this certification resolution applies and only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the Council.

**ADOPTED:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_  
City Clerk

**MINUTES OF THE CITY COUNCIL MEETING**  
**December 12, 2022 7:00 P.M.**  
**REGULAR SESSION**

**PRESENT:** The Honorable Gordon C. Helsel, Jr., Mayor  
The Honorable Carey L. Freeman, Vice Mayor  
The Honorable Herbert R. Green, Jr.  
The Honorable Charles M. Southall III  
The Honorable David A. Hux  
The Honorable Jana D. Andrews  
The Honorable Keith A. Feigh

Tonya O’Connell, Assistant City Manager  
Kimberly Healy, City Clerk  
D. Wayne Moore, City Attorney

**ABSENT:** J. Randall Wheeler, City Manager

**MEETING CALLED TO ORDER:**

Mayor Helsel called the meeting to order at approximately 7:00 p.m.

**INVOCATION AND PLEDGE OF ALLEGIANCE:**

Vice Mayor Freeman rendered the invocation and led the audience in the Pledge of Allegiance.

**SPECIAL PRESENTATION:**

Assistant City Manager, Tonya O’Connell, announced that a copy of the Fiscal Year 2022 Audit would be available online starting December 13, 2022 and a copy will also be placed in the Library. Mrs. O’Connell introduced Leslie Roberts and Danielle Nikolaisen from Brown Edwards & Company, LLP to review the Fiscal Year 2022 audit and report on internal controls and other information as required by auditing standards. The auditors reported that the opinion is unqualified or “clean” and management for both city and school were very cooperative.

Assistant City Manager, Tonya O’Connell, presented a slide show of the Years of Service Employee Recognitions for employees having milestone anniversaries. Mrs. O’Connell thanked staff for all of their years of service, even if this is not a milestone year.

**AUDIENCE FOR VISITORS:**

Mayor Helsel stated that if visitors were present to comment on the Public Hearing in reference to the Conditional Use Permit request by Graham Real Estate LLC for the Operation of a mini-storage those remarks will be taken at the time of that Public Hearing.

**APPROVAL OF THE MINUTES:**

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt the minutes of the Regular Session held November 14, 2022 as submitted. Recorded vote on the motion:

**YES:** Councilmembers Southall, Hux, Green, Feigh, Andrews, Vice Mayor Freeman and Mayor Helsel

**NO:** None

**PUBLIC HEARING:**

**1. Ordinance Making Additional Appropriations and Transfers for Fiscal Year 2023 for General Fund and Capital Project Fund (Poquoson City Schools)**

Assistant City Manager, Tonya O’Connell, presented an Ordinance making additional appropriations to the General Fund for the Poquoson City Public Schools in the amount of \$858,980 and requesting that \$161,000 of that amount to be transferred to the Capital Project Fund for Fiscal Year 2023 for school bus replacement and \$718,313 to General Fund; with \$433,471 towards a one-time bonus for all current, full and part time employees; \$182,669 to provide building security enhancements, provide playground equipment at the primary and elementary schools and provide monitors on primary school bus runs; and, \$81,840 to provide funds for replacement of athletic equipment that has exceeded its useful life.

Councilman Green moved, seconded by Councilman Southall, to adopt an Ordinance Making Additional Appropriations and Transfers for Fiscal Year 2023 for General Fund and Capital Project Fund (Poquoson City Schools). Recorded vote on the motion:

**YES:** Councilmembers Andrews, Southall, Feigh, Hux, Green, Vice Mayor Freeman and Mayor Helsel

**NO:** None

**2. Resolution to Approve or Deny a Conditional Use Permit by MedExpress Ambulance Service, Inc. dba Legacy EMS, Inc. for the Operation of a Private Ambulance Services to be Located at 538 Wythe Creek Road, Zoned B-2 Business Commercial, Tax Map Parcel 18-1-59**

Principal Planner, Thomas Cannella, presented a request for a Conditional Use Permit by MedExpress Ambulance Service, Inc., dba Legacy EMS, Inc. for the operation of a private ambulance service to be located at 538 Wythe Creek Road, zoned B-2 Business Commercial.

Mayor Helsel opened the Public Hearing for comments, having none on this topic the Mayor closed the Public Hearing.

Councilman Green moved, seconded by Councilman Feigh, to adopt a Resolution to Approve a Conditional Use Permit by MedExpress Ambulance Service, Inc. dba Legacy EMS, Inc. for the Operation of a Private Ambulance Services to be Located at 538 Wythe Creek Road, Zoned B-2 Business Commercial, Tax Map Parcel 18-1-59. Recorded vote on the motion:

**YES:** Councilmembers Green, Hux, Feigh, Southall, Andrews, Vice Mayor Freeman and Mayor Helsel

**NO:** None

**3. Resolution to Approve or Deny a Conditional Use Permit by Graham Real Estate, LLC, for the Operation of a Mini-Storage Warehouse to be Located at Tax Map 18-1-103 and 18-1-104 on Wythe Creek Road, Zoned B-2 Business Commercial**

Principal Planner, Thomas Cannella, presented a request for a Conditional Use Permit by Graham Real Estate, LLC for the operation of mini-storage warehouse to be located at Tax Map Parcels 18-1-103 and 18-1-104 on Wythe Creek Road, zoned B-2 Business Commercial.

Councilman Feigh stated that he stopped by Storage World to inquire about the need for more storage units and found that Storage World is full and feels the need to expand. He also questioned if the other two storage facilities in the City had Conditional Use Permits and Mr. Cannella stated they both have one and they have been renewed due to expansions in previous years.

Councilwoman Andrews asked about other types of businesses that would be able to use the property by right and without a Conditional Use Permit even if it were the same size as the proposed storage facility. Mr. Cannella stated that there are businesses such as medical care facilities, government offices or child care centers, etc. that would not require a Conditional Use Permit and therefore would not need to come before City Council.

Mayor Helsel opened the Public Hearing for comments.

Alexis Moffitt of 25 Laydon Way, Lindsey Watson of 9 Frank Hunt Court, Libby Griebel of 46 Shoreline Drive and Bonnie Shriver of 921 Poquoson Avenue, spoke against approval. Joseph Russo of 1 Roberts Landing Drive, Sal Russo of 25 Ferguson Street, Timothy Trant of 837 Poquoson Avenue, Attorney for Graham Real Estate, LLC and Whitney Graham, owner of Graham Real Estate, LLC spoke for approval of the Conditional Use Permit.

Having no further comments the Public Hearing was closed.

Councilman Green moved, seconded by Councilman Southall, to adopt a Resolution to Approve a Conditional Use Permit by Graham Real Estate, LLC, for the Operation of a Mini-Storage Warehouse to be Located at Tax Map 18-1-103 and 18-1-104 on Wythe Creek Road, Zoned B-2 Business Commercial. Recorded vote on the motion:

**YES:** Councilmembers Andrews, Feigh, Southall, Hux, Green, Vice Mayor Freeman and Mayor Helsel

**NO:** None

**NEW BUSINESS:**

**1. Resolution Adopting the 2022 Radiological Emergency Response Plan – Ingestion Exposure Pathways**

Deputy Fire Chief, Mike Bryant, presented new guidelines from Federal Emergency Management Agency (FEMA) for jurisdictions residing within 50 miles of a nuclear power plant. The City is within those guidelines of the Surry Nuclear Power Plant. Deputy Chief Bryant stated that the most significant change is a new requirement that all jurisdictions within the 50 mile Ingestion Pathway of a nuclear power plant must participate in a state-evaluated Ingestion drill every eight years in addition to the requirement to participate in either a FEMA-evaluated Ingestion exercise or a FEMA-approved Ingestions training once every other year. Virginia Department of Emergency Management (VDEM) developed and provided each locality with a plan template to ensure consistency. These plans will be

adopted into the state plan and a drill schedule will be forthcoming to ensure compliance with the new FEMA requirements. The City last participated in the FEMA exercise in 2021.

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt a Resolution Adopting the 2022 Radiological Emergency Response Plan – Ingestion Exposure Pathways. Recorded vote on the motion:

YES: Councilmembers Feigh, Andrews, Green, Southall, Hux, Vice Mayor Freeman and Mayor Helsel

NO: None

**2. Resolution Concurring with the York County Board of Supervisors Authorizing the County Attorney to Petition the Circuit Court, Pursuant to Code of Virginia 24.2-228-1(B), to Refrain from Ordering a Special Election by Virtue of Retirement and Resignation of York-Poquoson Sheriff J.D. “Danny” Diggs and to Approve Major Ronald Montgomery to Serve as Sheriff for the Remainder of the Term**

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt a Resolution Authorizing the County Attorney to Petition the Circuit Court, Pursuant to Code of Virginia 24.2-228-1(B), to Refrain from Ordering a Special Election by Virtue of Retirement and Resignation of York-Poquoson Sheriff J.D. “Danny” Diggs and to approve Major Ronald Montgomery to Serve as Sheriff for the Remainder of the Term. Recorded vote on the motion:

YES: Councilmembers Hux, Southall, Green, Andrews, Feigh, Vice Mayor Freeman and Mayor Helsel

NO: None

**3. Resolution Making an Appointment to the Board of Zoning Appeals**

Councilman Green moved, seconded by Vice Mayor Freeman, to adopt a Resolution Making an Appointment to the Board of Zoning Appeals with the name Micah Miller as Alternate inserted with a term expiring August 31, 2024. Recorded vote on the motion:

YES: Councilmembers Southall, Hux, Green, Feigh, Andrews, Vice Mayor Freeman and Mayor Helsel

NO: None

**4. Resolution Making and Appointment to the Planning Commission**

Councilman Green moved, seconded by Councilman Southall, to adopt a Resolution Making an Appointment to the Planning Commission with the name Stephen Geissinger from the Central Precinct inserted with a term expiring November 30, 2026 and that a vote be postponed for an appointment to the Central Precinct. Recorded vote on the motion:

YES: Councilmembers Andrews, Southall, Feigh, Hux, Green, Vice Mayor Freeman and Mayor Helsel

NO: None

## **COMMENTS OF THE CITY CLERK**

City Clerk, Kimberly Healy, reported that there is currently one vacant unexpired seat in the Western Precinct for the School Board and Board Bank applications will be accepted until January 9, 2023 for this opening with interviews taking place on January 23, 2023. Applications are also being accepted for a vacant seat in the Central Precinct for the Planning Commission. Applications for these openings and any other Board or Commission are available online or by calling the City Manager's Office.

## **COMMENTS OF THE ASSISTANT CITY MANAGER:**

Assistant City Manager, Tonya O'Connell, thanked Council for their vote on the ordinance approving retention pay and the Public Safety market adjustment and stated that they have been well received and greatly appreciated by both Police and Fire. Mrs. O'Connell also thanked Wally Horton and Thomas Cannella for their hard work on the Conditional Use Permit requests. She also thanked Councilman Green for his years of service. Mrs. O'Connell also stated that effective December 16, 2022 all schools will have a School Resource Officer in place. She thanked all employees for their commitment and continued service to the City and wished everyone a Merry Christmas and Happy New Year.

## **COUNCIL DIRECTIVES:**

Councilman Green reminded everyone of the Food Bank that will be held December 20, 2022 from 10 a.m. to 12 p.m. and will be hosted by Kirkwood Presbyterian Church.

Councilman Feigh thanked the Parks and Recreation for their hard work and great job at the Seafood Festival this year.

Vice Mayor Freeman thanked everyone for their efforts with the Christmas Parade and the Christmas Tree Lighting and Frosty display. He stated that the participation at these events have grown a lot in the past few years and it is nice to see people come out. Vice Mayor Freeman stated he has been on City Council with Councilman Green for about 17 years and he will miss him and he wished everyone a Merry Christmas.

Councilwoman Andrews stated she has enjoyed all of the community events the past several months. She also wished Councilman Green well and stated he will be missed. Councilwoman Andrews also encouraged the citizens to apply for the School Board and other Boards or Commissions. She encouraged citizens to contact the Planning Commission to encourage them to change the City Ordinances to match the Comprehensive Plan and thanked those citizens who came out to speak on the self-storage facility.

Councilman Southall stated he would also miss Councilman Green. He also thanked the employees who had milestone anniversaries for their service. Councilman Southall also thanked the public for paying attention to their local government and encouraged others to do the same. He also encouraged the public to support the various Boards and Commissions.

Mayor Helsel recognized Councilman Green for his service to the City and on City Council and wished him well.

## **ADJOURNMENT:**

There being no further business, Councilman Green moved, seconded by Vice Mayor Freeman to adjourn the meeting. Recorded vote on the motion:



**YES:** Councilmembers Green, Hux, Feigh, Southall, Andrews, Vice Mayor Freeman and Mayor Helsel

**NO:** None

The meeting was adjourned at approximately 9:10 p.m.



# CITY OF POQUOSON

OFFICE OF THE CITY MANAGER

500 CITY HALL AVENUE  
POQUOSON, VA 23662  
(757) 868-3000 TELEPHONE  
(757) 868-3101 FAX

January 9, 2023

**To:** City Council

**From:** City Clerk

**Subject:** **Election of Vice Mayor and Appointment of the City Manager, City Clerk, City Attorney, and Deputy City Clerk**

Article IV of the City Charter provides for the election by majority vote of a Vice Mayor from the members of Council whose responsibility will be to perform the duties of the Mayor in his absence or disability. It also requires the appointment of a City Manager, City Clerk, City Attorney and Deputy City Clerk at the first meeting in January or as soon as practicable following a councilmanic election.

Presented therefore for your consideration are resolutions electing the Vice Mayor and making the other necessary appointments.

**RESOLUTION ELECTING A VICE MAYOR  
OF THE CITY OF POQUOSON, VIRGINIA**

**BE IT RESOLVED**, by the Council of the City of Poquoson, Virginia:

**Section 1:** That pursuant to the City Charter the following member of Council is hereby elected as Vice Mayor of the City of Poquoson, Virginia whose responsibility shall be to perform the duties of the Mayor in his absence or disability:

**NAME**

**Section 2:** That this resolution shall be in effect on and after its adoption.

**ADOPTED:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_  
City Clerk

**A RESOLUTION APPOINTING THE CITY MANAGER  
OF THE CITY OF POQUOSON, VIRGINIA**

**WHEREAS**, Article IV, Section 11 of the Charter of the City of Poquoson, Virginia requires the appointment of the City Manager as soon as practicable following a councilmanic election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Poquoson, Virginia:

**Section 1:** That the following person be and the same hereby is appointed as City Manager of the City of Poquoson, Virginia:

NAME

**Section 2:** That this resolution shall be in effect on and after its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
City Clerk

**A RESOLUTION APPOINTING THE CITY ATTORNEY  
OF THE CITY OF POQUOSON, VIRGINIA**

**WHEREAS**, Article IV, Section 13 of the Charter of the City of Poquoson, Virginia requires the appointment of the City Attorney as soon as practicable following a councilmanic election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Poquoson, Virginia:

**Section 1:** That the following person be and the same hereby is appointed as City Attorney of the City of Poquoson, Virginia:

NAME

**Section 2:** That this resolution shall be in effect on and after its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
City Clerk

**A RESOLUTION APPOINTING THE CITY CLERK  
OF THE CITY OF POQUOSON, VIRGINIA**

**WHEREAS**, Article IV, Section 12 of the Charter of the City of Poquoson, Virginia requires the appointment of the City Clerk as soon as practicable following a councilmanic election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Poquoson, Virginia:

**Section 1:** That the following person be and the same hereby is appointed as City Clerk of the City of Poquoson, Virginia:

NAME

**Section 2:** That this resolution shall be in effect on and after its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
City Clerk

**A RESOLUTION APPOINTING THE DEPUTY CITY CLERK  
OF THE CITY OF POQUOSON, VIRGINIA**

**WHEREAS**, Article IV, Section 12 of the Charter of the City of Poquoson, Virginia requires the appointment of the Deputy City Clerk as soon as practicable following a councilmanic election.

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Poquoson, Virginia:

**Section 1:** That the following person be and the same hereby is appointed as Deputy City Clerk of the City of Poquoson, Virginia:

NAME

**Section 2:** That this resolution shall be in effect on and after its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_  
City Clerk



# CITY OF POQUOSON

CITY ASSESSOR'S OFFICE

500 CITY HALL AVENUE, POQUOSON, VIRGINIA 23662

January 9, 2023

**TO:** The Honorable City Council

**Through:** Randy Wheeler, City Manager

**FROM:** Stephenie M. Love, City Assessor

**RE:** **Ordinance Amending the City Code Chapter 74, Article III, Division 1, Sections 91 & 92**

The Assessor's Office proposes to amend the City Code by activating a section that is currently Reserved. As Reserved, Chapter 74, Article III, Division 1, Sections 91 & 92 revert to the State Code which is not specific to jurisdictions and their individual assessment procedures and processes. Please find attached the proposed ordinance which has been reviewed by the City Attorney.

The first proposed section establishes the office of the city assessor and confers the duties upon the office through the city manager. The second proposed section identifies the biennial re-assessment, as well as the effective date of the assessment (July 1) and the date upon which the assessment is based (preceding January 1).

The City is now required to report to the state which assessment calendar they are using (Fiscal, Calendar or Hybrid). Activation of these sections was recommended by the Virginia Department of Taxation as a codified indication of a hybrid biennial assessment calendar. It should be noted that the City has been acting under the hybrid calendar model for at least 16 years and it is assumed before that. The hybrid model is the most common calendar model for jurisdictions in the Hampton Roads and Peninsula area. The information is used by the Department of Taxation to set applicable time periods for ratio studies and models.



**ORDINANCE AMENDING THE CITY CODE CHAPTER 74, ARTICLE III, DIVISION 1,  
SECTIONS 91 & 92**

**WHEREAS**, a proposed amendment to activate section 74-91 and 74-92 that is currently reserved in the City Code Appendix B - Subdivisions of the City of Poquoson, Virginia be amended by revising Appendix B to read as follows:

**Chapter 74**

**Taxation**

**Article III. Real Property Taxes**

**Division 1. Generally**

**Sec 74-91 – Establishment, composition and general powers and duties of assessment department and the office of the assessor.**

- (a) There shall be a department for the assessment and equalization of assessment of real estate for taxation, which shall be known as the office of the assessor of real estate. Such office shall consist of a department head known as the assessor who shall be appointed by the city manager. Within the budget adopted by city council, the city manager shall employ and assign to such office such personnel as is necessary for the efficient and proper operation of such office.
- (b) It shall be the duty of the office established by this section to assess the value of all land and lots, together with the improvements thereon , in the city , and to that end, the office shall hear and give consideration to such complaints and equalize such assessments and shall, moreover, be charged with the special duty of increasing as well as decreasing assessments, whether specific complaint is made or not, if in its judgement, the same is necessary to equalize and accomplish the end that the burden of taxation shall rest equally upon all citizens of the city.
- (c) All duties imposed and all powers conferred by law on the commissioner of revenue with respect to the assessment and equalization of real estate for taxation shall be transferred to the office of the assessor of real estate.

**Sec 74-92 – Time of biennial assessment and reassessment of real estate – Fiscal year; Real estate tax year – Effective date**

- (a) Pursuant to the Code of Virginia § **58.1-3253**, 1950, as amended, there shall be a **biennial** assessment and reassessment and equalization of assessments of all real estate in the city. All real estate, except public service corporation property, shall be assessed at its fair market value as of January 1 of each odd numbered year and shall become effective for taxation on July 1 of the same year (fiscal) as provided in Code of Virginia § 58.1-3010.

**WHEREAS**, the current code reverts to the State Code which is not specific to jurisdictions and their individual assessment procedures and processes, and

**WHEREAS**, the section 74-91 established the office of the City Assessor and confers the duties upon the Office of the City Manager, and

**WHEREAS**, the section 74-92 identifies the biennial re-assessment, as well as the effective date of the assessment (July 1) and the date upon which the assessment is based (preceding January 1), and

**WHEREAS**, the City is now required to report to the state which assessment calendar they are using, and

**WHEREAS**, careful and thorough consideration was given the proposed amendments:

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Poquoson, Virginia:

**Section 1:** That the Ordinance amending Provision in the City Code of Poquoson, Virginia hereby be approved.

**Section 2:** That this ordinance shall be in effect on or after its adoption.

ADOPTED: \_\_\_\_\_

TESTE: \_\_\_\_\_

City Clerk



# CITY OF POQUOSON

OFFICE OF THE CITY MANAGER

500 CITY HALL AVENUE  
POQUOSON, VA 23662  
(757) 868-3000 TELEPHONE  
(757) 868-3101 FAX

January 9, 2023

**TO:** City Council

**FROM:** Tonya O'Connell, Assistant City Manager

**SUBJECT:** Resolution Approving An Employment Agreement With the City Manager

The Employment Agreement with the City Manager expires at the end of January 31, 2023. A resolution is enclosed for your consideration approving a new 2-year contract effective January 9, 2023 through January 31, 2025.

**RESOLUTION APPROVING AN EMPLOYMENT AGREEMENT  
WITH THE CITY MANAGER**

**WHEREAS**, James R. Wheeler was hired by City Council as City Manager in May, 2009; and

**WHEREAS**, an Employment Agreement was entered into between the parties on May 11, 2009, renewed on January 10, 2011, January 14, 2013, January 12, 2015, January 23, 2017 and January 11, 2021; and

**WHEREAS**, that Agreement will expire on January 31, 2025.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Poquoson, Virginia:

**Section 1:** That an Employment Agreement dated January 9, 2023 by and between the City of Poquoson and James R. Wheeler is hereby approved and entered into by the parties.

**Section 2:** That this resolution shall be in effect on and after its adoption.

**ADOPTED:** \_\_\_\_\_

**TESTE:** \_\_\_\_\_  
City Clerk