

**MINUTES OF THE BOARD OF ALDERMEN
TOWN OF KERNERSVILLE, N.C.
REGULAR MEETING 7:00 P.M. FEBRUARY 1, 2011**

The Board of Aldermen of the Town of Kernersville met in regular session at 7:00 p.m. on the above date in the Municipal Council Chambers at the Municipal Building at 134 East Mountain Street.

Present: Mayor Dawn H. Morgan, Mayor Pro Tem Kevin Bugg, Aldermen Dana Caudill Jones, Keith Mason, Tracey Shifflette.

Absent: Alderman Bob Prescott.

Staff Present: Curtis L. Swisher, Town Manager; John G. Wolfe, Town Attorney; Dale F. Martin, Town Clerk; Jeff Hatling, Community Development Director; Kenny Gamble, Chief of Police; Doran Maltba, Public Services Director; Mike Horney, GIS Administrator; Franz Ader, Finance Director; Ernie Pages, Parks and Recreation Director; Walt Summerville, Fire Chief; Ray Smith, Human Resources Director; Russell Radford, Engineering Department Director; Brian Ulrich, Transportation Engineer; and Brad Brooks, Computer Technician.

- CALL TO ORDER
- INVOCATION BY REVEREND RANDY EDWARDS, GRACE PRESBYTERIAN CHURCH

Mayor Dawn Morgan called the meeting to order and Reverend Randy Edwards from Grace Presbyterian Church delivered the invocation.

- PLEDGE OF ALLEGIANCE

The Pledge was led by Boy Scout Troop 944

- PRESENTATION OF PROCLAMATION TO DEBBIE BROOKS, PRINCIPAL OF KERNERSVILLE MIDDLE SCHOOL

Mayor Morgan recognized Debbie Brooks and presented her with a Proclamation of Appreciation for her work in our schools, the Kernersville Cares for Kids (KCK) program and the Police Department's SRO program.

Chief Ken Gamble added that Ms. Brooks is a fantastic leader and partner to the Kernersville Police Department SRO program. She has been involved in KCK and was a strong leader there as well. She has continually supported any program we ever initiated at her schools.

Mrs. Debbie Brooks stated that after 32 years, it's time to slow down. She pledged her continued support of this community.

PUBLIC SESSION

1. SPEAKERS FROM THE FLOOR.

Kelly Chadwick, 100 Fearrington Dr., Kernersville, NC – President of the Oakmont Home Owners Association stated that he gave the Board a packet of information regarding a go-cart track next to their subdivision. He noted in this packet a request to change the Town's zoning laws. He highlighted weaknesses in the fire code as well. He requested the Board review this matter and to rectify this situation.

Mr. Chadwick reported that the Town's fire code is not as strict as Forsyth County and requested that it be upgraded to what the County has adopted. He stated that in regards to the noise, they have notified the Police Department and were told that the Town's ordinance is difficult to enforce as written. He referred to Town regulations regarding nuisance gatherings which are also difficult to enforce as written.

Mr. Chadwick then listed the neighborhood's concerns regarding the race track which included noise until late at night, trash and debris, and additional traffic and parking in the street. He stated that they are proud homeowners that want to live in peace and harmony with their neighbors; however, our rights are being infringed upon. He asked the Board for their support and guidance in reference to this matter and thanked them for the opportunity to speak to night.

Sylvia Grecco, 6007 Red Oak Ct, Kernersville, NC – stated that this goes on every Friday night from 7:00 until 11:00 PM subjecting her to these noises and issues. She reported that they have a big bonfire each night and all of this prevents her from enjoying a quiet evening in the back yard. She stated that she must turn up her television to hear it over all the noise. She understands that they have no recourse to rectify this situation. She reported that numerous trucks are parked out in the street and that they cheer, yell and clap the whole time. They have installed huge lights which shine into her home. She has no peace here and does not enjoy going home on these nights. This is not right and something should be done.

Wayne Chapman, 6002 Red Oak Ct., Kernersville, NC – stated that this starts between 8 and 9 PM and lasts till 11 PM. He stated that the neighbors have to contend with additional cars, noise, and a dust ball and smoke. He stated that he works in a noisy environment and spoke of protection methods they have to take to protect their hearing. He suggested that this noise is harmful and would possibly be in violation. He stated that it is more than appropriate to prohibit this type of use. It is not fair that the homeowners have to listen to this when they are at home and strongly encouraged the Board to do something about this.

Alderman Dana Caudill Jones thanked the neighbors for bringing this to the Board's attention. She added that we need to investigate the situation to determine our options.

Mayor Pro Tem Kevin Bugg asked Mr. Chadwick about the pumping of water into the street and when this occurred. Mr. Chadwick stated that this happens when it rains.

Mayor Morgan thanked the residents for bringing this to the Board's attention and announced that they would continue to investigate the issue to determine what action if any the Board should take.

Jimmy Morgan, 8625 Bull Road, Colfax, NC – spoke regarding the presentation on Sustainable Communities and Transit System at the Board's briefing. He asked about the grant received by PART and when the application was presented and voted upon to accept the grant. He asked if the Town was told of the cost that they would be asked to contribute. He added that we learned that the total cost to the Piedmont Triad Region would be over \$5 million. The grant received was \$1.6 million leaving a deficit of over \$3 million which will have to be paid from somewhere. Was the Board told of this before they applied for the grant?

Mr. Morgan stated that he would like the minutes of any discussion on this topic to see how this evolved. He would like to see this \$5 million cost justified.

Mayor Pro Tem Bugg recalled that at the first meeting this information was not presented to us; however they came back the next month.

Mr. Morgan stated that he missed the meeting in which this was voted upon.

Mayor Morgan pointed out that there were two presentations at the Briefing all rolled into one. Mr. Morgan recalled that the grant was for \$1.6 million and the cost of the complete study was over \$5 million. He wants to know if the Town was aware of the cost involved prior to voting on the grant application.

Mayor Morgan stated there was no match for the \$1.6 million grant.

Mr. Curtis Swisher stated that he believes the \$5 million is what it will cost to operate the transit system in Guilford and Forsyth County.

Alderman Dana Caudill Jones agreed with Mr. Swisher and said that they don't have a plan at this point to come up with these funds. Legislation would allow the option of a sales tax and vehicle registration fees.

Mr. Morgan stated that if he misunderstood that, he apologized.

Mayor Morgan pointed out that the two presentations were back to back and easily misunderstood.

Mr. Morgan stated that \$5 million dollars will not build a transit system. He recalled from a study last year that this was not feasible for this area.

Mr. Swisher recalled that we can't have one unless Forsyth and Guilford County agrees to a partnership and explained that Forsyth County's bus system loses money and will need the additional population in Guilford County to make it work.

Mr. Morgan stated that as a Guilford County tax payer, he does not like this. He appreciates this discussion and believes that you are correct that both presentations did run together. He believes this is too far out to be conceivable in some ways.

2. Presentation by the Forsyth County Aging Services Planning Committee on a Recent Study of the Future Needs of the Aging Population both in Kernersville and Forsyth County.

Diane Wimmer, 4463 Greenfieldway Drive, Winston-Salem, NC – Chair of the Forsyth County Aging Services Planning Committee, a very large group representing a large group in all of Forsyth County. They were charged with bringing awareness in the community of our aging population. She presented statistics of the aging population in the County and Kernersville. She noted the process used to gather information from our seniors about their needs. She added that over the last year, we have worked with Forsyth Futures to establish benchmarks for the entire county to determine the needs of the aging population. This information was published in December 2010.

Ms. Wimmer noted some of the issues being dealt with as the baby-boomer age group begin to turn 65. This will impact every community at some point.

Nancy Hall, 2654 Mary Oaks Trail, Winston-Salem, NC – stated that they feel good about their quarterly meetings with the Winston-Salem Mayor. At these meetings we discuss issues that we have not been able to resolve among our providers. We have discussed how we can make the community more senior friendly. She noted the Governor's Executive Order which is included in the packet of information provided. Governor Perdue has asked for Staff's assessments of what they need to do to take care of the growing senior population. One suggestion is that the local community goes through a similar process and look at the demographics. We ask you to consider this data and include that in your planning for the Kernersville community. We have met with Mayor Morgan and she was very gracious in setting up this opportunity for us.

Mayor Morgan reported that we have begun work with Winston-Salem on the possibility of a bus route to serve the senior population.

3. Quarterly report by the Kernersville Downtown Preservation & Development Council as required in the Funding Agreement.

Mr. Duane Long, President of the KDPDC presented the quarterly report. Mr. Long stated that it is an honor to be here and recognized members of the KDPDC in attendance. He stated that the KDPDC is in compliance with all the requirements of the previous agreement with the Town although it has expired. He pointed out that some of the information in that agreement is outdated and should be reviewed.

Mr. Long referred to Item #4 in that agreement regarding the Branding. He presented a new logo that would be displayed on Main St. They have been working with Mr. Maltba in obtaining the proper leases to hang these on the poles. The design of the flag is still in discussion. The flags will hang on existing poles. We are investigating the possibility of hanging these flags on Main Street but also Cherry and Mountain Streets.

Mr. Long reported that they have intentions to get 3 things done. The Chamber has been gracious in their grant of \$5,000 to assist with this branding process. We are ahead with our events. The Brick Marker fund raising program has begun. The New Year's Eve Spectacular was held at Flow Lexus and approximately 240 people were in attendance. The Committee worked hard to attract people of all ages to this event. Continued surveys are being done of downtown businesses. It is a volunteer survey with varying levels of response. The Depot Plan Summary is included in the Board's packet. He then made himself available for questions

4. Update on the Thoroughfare and Street Plan Study.

Mr. Jeff Hatling, Community Development Director presented a power point presentation illustrating the Chapters included in this study: Chapter 1 – Introduction; Chapter 2 – Current Thoroughfare Plan and Street Plan; Chapter 3 – Population, Employment and Traffic Trends and Projections; and Chapter 4 – Current Traffic Studies. He reported on items of discussion by the committee in each chapter.

Mayor Morgan asked Mr. Hatling if he could report on the status of the airport connector. Mr. Hatling stated that it is currently on the Guilford County/Forsyth County Thoroughfare Plan. We took it off the Town's plan because the existing location would never be built. Currently, there is no set timeframe for its construction.

Alderman Tracey Shifflette asked about the time frame for the S. Main Street/Hopkins Road area. Mr. Hatling stated that the consultant hopes to make a presentation in March.

5. Presentation by Public Services on Updates to the Code of Ordinance Traffic Schedules.

Mr. Doran Maltba, Public Services Director reminded the Board that Staff is currently updating all ordinances and that most of them are simple. Unfortunately, the traffic schedules are very complex. He then deferred to Mike Horney, GIS Administrator to explain his work on this project.

Mr. Horney stated that there is a large amount of information with major changes within these schedules. He explained the necessity that our ordinances be in conjunction with NCDOT. He added that they need to reflect the signage that's on the ground as well. He explained the inconsistencies with our speed zones, stop signs, school zones and street parking. He then made himself available for questions.

6. Presentation by Engineering Department on Kernersville Middle School School Zone Issues.

Mr. Brian Ulrich, Transportation Engineer provided an update on three school zones issues: Kernersville Middle School, Bishop McGuinness High School and Caleb's Creek Elementary. He stated that there are a lot of different school zone signs around town and the reason we are studying this issue. He presented the General Statutes that gives the Town the authority to set school speed zones; however, if it is a DOT street, then DOT must concur with us on the issue. Mr. Wolfe will cover the legal issues at the end of this presentation.

Mr. Ulrich presented slides of each school and the signage in place for each location. He noted traffic statistics gathered by the Town’s radar trailer and the hazardous situations at each location.

Mr. Ulrich stated that NCDOT’s response for Kernersville Middle School:

- No change at KMS
- Additional enforcement of 35 mph
- SRO who directs buses out, allow walkers to cross under her direction
- No pedestrian facilities north of Linville Springs Rd., so no crosswalk without study (volumes likely wouldn’t warrant)

NCDOT’s response for Bishop McGuinness:

- Bishop McGuinness-no change
- Volumes and speeds are high, no pedestrians or facilities

NCDOT’s response for Caleb’s Creek Elementary:

- If Town raises speed limit to 45 mph, NCDOT would adjust advisory speed to 35 mph

Mr. Ulrich stated that the advisory signs are new and usually posted at 10 mph lower than the posted speed limit.

Mr. Ulrich stated that the speed limit at East Forsyth Middle School is 35 since it is inside town limits.

Mr. Ulrich presented the follow table:

ELLSVILLE
SCHOOL
RECORDS

Surrounding Schools

School	Speed Limit	School Zone	Adv/Ord
Piney Grove Elementary	45 mph	35 mph	ordinance
Kernersville Middle	35 mph	none	n/a
Kernersville Elementary	35 mph	25 mph	ordinance
Cash Elementary	45 mph	35 mph	ordinance
East Forsyth Middle	35 mph	none	n/a
East Forsyth High	50 & 45 mph	35 mph	ordinance
Sedge Garden Elementary	45 & 35 mph	25 mph	ordinance
Southeast Middle	45 mph	35 mph	ordinance
Caleb’s Creek Elementary	35 mph	45 mph	advisory
Glenn High	50 mph	35 mph	ordinance
Union Cross Elementary	55 mph	35 mph	ordinance
Bishop McGuinness High	45 mph	35 mph	advisory

Mr. Ulrich offered the following options for Kernersville Middle School:

- 25 mph ordinance during school hours
- 25 mph advisory speed during school hours
- Do nothing
- Request intersection improvements at Linville Springs
- Update pavement markings
- Additional signage
- Traffic Enforcement

Caleb's Creek Elementary:

- Raise speed limit to 45 mph, with 35 mph ordinance during school hours
- 35 mph ordinance all the time, eliminate 45 mph advisory signs

Bishop McGuinness High School:

- 35 mph ordinance during school hours
- 35 mph ordinance all the time
- Do nothing

He presented a resolution for consideration with the follow criteria:

1. A school zone speed ordinance of 25 mph during Kernersville Middle School pick-up and drop-off hours on Piney Grove Road; and
2. A school zone speed ordinance of 35 mph during Caleb's Creek Elementary School pick-up and drop-off hours on Teague Lane, and a speed ordinance of 45 mph during all other times; and
3. A school zone speed ordinance of 35 mph during Bishop McGuinness pick-up and drop-off hours on NC 66.

Mr. John Wolfe, Town Attorney explained that he would not address specifics but will give the Board some options. He stated that although this should be a simple problem to correct, the Legislature has allowed NCDOT to override municipalities. He referred to the NC General Statutes that apply 20-141.1 which gives authority to municipalities to regulate speed in speed zones. NC GS 20-141.f requires a concurring ordinance by NCDOT when local authorities determine that the speed limit should be different which seems to contradict the previous law.

Mr. Wolfe stated that he concurs with the Attorney General's opinion that 2-141.f overrides 141.1. He referred to the NCGS that limits the power to install signage unless it is approved by NCDOT. Even if you adopt an ordinance and lower the speed limit you don't have the authority to put up signage. Mr. Wolfe further explained that our ordinances only include the school zone for Kernersville Elementary.

Mr. Wolfe stated that he believes we have four options. The resolution presented tonight is ok which speaks to one of the options. Adopt a resolution requesting that DOT adopt an ordinance and then this Board come back and adopt an ordinance. Option 2 would be to adopt an ordinance without DOT approval. He did not advise that because it would be kicked out of court. The third option would be to adopt an ordinance changing the speed limits, which DOT may oppose, and ask that they pass it. The fourth option would be to seek local legislation to give Kernersville and/or other municipalities the power to set speed limits in various school speed zones.

Mayor Morgan stated that a fifth option would be to try and work with DOT. Mr. Wolfe stated that that is taking the advocacy role. Each Board member should contact Mr. Pat Ivey and Mr. Ralph Womble regarding this issue. He stated that to simply pass this resolution will not get this accomplished. We should get the citizens involved and put pressure on DOT.

Mayor Morgan asked the Board for direction.

Mayor Morgan stated that the issue surrounding Kernersville Middle School was initiated by the school during the Safe Routes to School discussions.

Alderman Mason referred to Bishop McGuinness and Kernersville Middle School and stated that parents, the principal and students have come up to him to discuss this issue. He reported that Highway 66 is a busy road and people fly through there and in a matter of time, there will be an accident. Because of the volume of traffic it will be hard to reduce the speed here. Hopefully with Chief Gamble's help it will be enforceable with better signage. Kernersville Middle is another tough situation with those hills. Signage and use of the speed trailer could help that situation as well.

Alderman Shifflette asked about the school signs with flashing lights. Mr. Ulrich stated that those are installed by DOT although the Town would have to pay for them, however lighting doesn't add to the enforcement. Alderman Mason asked for cost for the flashing lights. Mr. Ulrich stated that he will get that information for the Board. Union Cross Elementary is the best example of proper signage.

Mayor Morgan stated that Staff will continue to work on this and bring something back to the Board. Alderman Mason stated that he would like to see this resolved and recommended we discuss this again next month.

The Board discussed with Mr. Wolfe creating a resolution for each school. After adoption by the Board, Board members and interested citizens need to begin making phone calls to DOT representatives to encourage them to pass an ordinance. The Town Attorney encouraged the Board to adopt an ordinance along with the resolution.

Alderman Caudill Jones suggested we involve the newspaper to get the appropriate contact information out to our citizens.

Mr. Wolfe stated that he will put together three ordinances and three accompanying resolutions. There will be some blanks for you to ask questions at the briefing and present the final version at the regular meeting. After further discussion regarding Bagley Street's ownership, East Middle School was added to the list pending an investigation by the Town Attorney.

Chief Ken Gamble expressed his concern for the enforcement of charges that could be thrown out of court without an ordinance in place.

Mayor Morgan noted that the issue at Kernersville Middle School has been going on for a long time and expressed her concern for not having sidewalks here to facilitate the walkers in the area. She noted the grants available to encourage school zones to be more pedestrian friendly.

Alderman Mason noted an incident in the past where the Board was proactive in correcting transportation issues at Kernersville Elementary and suggested that the Board do everything possible to have strong ordinances in place that are enforceable to ensure the safety of our kids.

7. Consideration of a NCDOT Funding Request for West Mountain Street Drainage Improvements between Cherry Street and Main Street.

Mr. Swisher addressed poor drainage issues on W. Mountain Street. NCDOT has agreed to partner with the Town to fix these issues. The approximate cost with the brick bands is \$12,660, without brick bands is \$10,965.

Alderman Dana Caudill Jones made a **Motion** to partner with NCDOT for improvements to W. Mountain Street including the brick bands at a cost of approximately \$12,660. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

8. Consideration of an Extension to the Current Contract with Alley, Williams, Carmen and King for the Redesign of the Proposed Public Services Building.

Mr. Swisher reminded the Board of the discussion held at the retreat regarding the redesign of the Public Services building. Staff recommends an extension to the contract for the redesign of this building.

Mayor Pro Tem Bugg reminded the Board of the condition of these buildings at Public Services and that it is just a matter of time before we are forced to do something. He recommends we move forward with the redesign of this project.

Alderman Keith Mason made a **Motion** to approve an extension of the contract with Alley, Williams, Carmen and King for the Redesign of the proposed Public Services building. Mayor Pro Tem Bugg seconded the motion and the vote was all for and motion carried.

9. Consideration of Renewal of Contract for Financial Auditing Services with Dixon Hughes.

Mr. Swisher presented a request to renew the contract for financial auditing services with Dixon Hughes. He stated that they have proposed a cost reduction from what we are currently paying due to the additional work our staff does to assist them with the Town's audit each year. Staff recommends extending this contract as well.

Alderman Tracey Shifflette made a **Motion** to extend the Contract for Auditing Services with Dixon & Hughes as recommended by Staff. Alderman Dana Caudill Jones seconded the motion and the vote was all for and motion carried.

10. Consideration of Request from our Metropolitan Planning Organization (MPO) for Planning Funds.

Mr. Ulrich stated that this discussion came up at the Technical Coordinating Committee (TCC) meeting. The MPO has approximately \$600,000 in this coming year for feasibility studies, design plans, etc. Currently the Town and MPO are funding a traffic study for the S. Main/Old Winston Road intersection. There is approximately \$11,298,000 in unallocated funds and combined with matching funds it provides \$14,123,000 worth of projects. MPO Staff recommends that we use it on several larger projects rather than a multitude of smaller projects. Town Staff would like to request the MPO funds go to the final design for S. Main/Old Winston project. Depending on the study results, the size of the project could be such that it would be a candidate project for these unallocated funds.

Alderman Keith Mason made a **Motion** to authorize the Town to submit a request for these MPO Planning Funds as recommended by Staff. Mayor Pro Tem Bugg seconded the motion and the vote was all for and motion carried.

11. CONSENT AGENDA: All of the following matters are considered to be routine by the Board of Aldermen and will be enacted by one motion. There will be no separate discussion unless a Board member or citizen so requests, in which event the matter will be removed from the Consent Agenda and considered under the following item.

**C-1 Approval of Minutes for December 7, Regular Session
Approval of Minutes for December 7, Closed Session
Approval of Minutes for December 29, Briefing Session
Approval of Minutes for January 4, Regular Session**

C-2 Forsyth County Tax Refunds

Rosie, Delena Ann	Value change	\$13.81
Rosie, Delena Ann	Value change	\$13.48
Rosie, Delena Ann	Value change	\$12.54
Rosie, Delena Ann	Value change	\$10.75

C-3 Consideration of Appointments to various Boards/Commissions

Board of Adjustment: (1 Vacancy)

Beth Wilson - move from Alternate to Regular member, term to expire 6/30/2012
Ken Layfield – new appointment to fill Mossman resignation, term to expire 6/30/2011

Community Appearance Commission: (1 Vacancy)

Phyllis Little – new appointment to fill unexpired term of Riggan, term to expire 6/30/11

Mayor Morgan asked that C-3 be removed.

Alderman Dana Caudill Jones made a **Motion** to approve the Consent Agenda Items C-1 and C-2 as submitted. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

12. ITEMS REMOVED FROM CONSENT AGENDA.

Mayor Morgan read the recommended appointments in Item C-3.

Alderman Dana Caudill Jones made a **Motion** to approve appointments to various Boards and Commissions in Item C-3 as recommended by the Nominations Committee. Alderman Tracey Shifflette seconded the motion and the vote was all for and motion carried.

13. SPEAKERS FROM THE FLOOR.

None presented.

14. TOWN MANAGER'S REPORT AND MISCELLANEOUS.

Mr. Swisher referred to questions and concerns expressed at the Board Retreat regarding CCUC's operations. He noted that Mr. Radford has provided the Board with answers to some of those questions.

Mr. Swisher recognized Police Chief Ken Gamble to address a request for an ABC license for the Dollar General Stores in Kernersville.

Chief Gamble explained the process for submitting an application for an ABC license and that he is charged with making a recommendation. Chief Gamble expressed his concern with the amount of alcohol already available in the location surrounding the two Dollar General Stores. His recommendation is to deny the permits.

The Board held a brief discussion regarding free enterprise in town and stated that they were not comfortable with telling retail stores what they can sell.

The Board took no action on this request.

15. MATTERS TO BE PRESENTED BY THE MAYOR, BOARD OF ALDERMEN AND TOWN ATTORNEY.

Mayor Morgan asked Fire Chief Summerville to update the Board on the situation with the fire hydrants that need repairs. Chief Summerville stated that we currently have 12 hydrants out of service.

He noted that the Department is well trained and knows what to do if they are in the area of one of these hydrants. He stated that they will continue to work with CCUC and Mr. Jewel, the Town's representative, to get these repaired.

Mayor Pro Tem Bugg thanked Mr. Radford for the information from CCUC and noted that they appear to be fixing the leaks all at one time.

Alderman Tracey Shifflette reported a concern from a citizen regarding wires at Cherry St and Mountain St. hanging in front of the stoplight. Mr. Maltba stated that he will look at the cables and contact the appropriate utility company.

Mayor Morgan reminded the Board of the Sister City event later in February. She also thanked CCUC for their response to our issues.

Mr. Swisher reminded the Board that he would be attending the Manager's Conference for the rest of this week. He also reminded them of the half-day Budget Retreat being planned for March 24th to begin at 8 or 9 AM.

16. ADJOURNMENT.

Alderman Tracey Shifflette made a **Motion** to adjourn the meeting. Alderman Keith Mason seconded the motion and the vote was all for and motion carried.

Being no further business to come before the Board, the meeting was adjourned at 9:33 PM.


Dawn H. Morgan, Mayor

Attest:


Dale F. Martin, Town Clerk

I, Dale F. Martin, Town Clerk of the Town of Kernersville, North Carolina, do hereby certify that this is a true and correct copy of the minutes of the meeting duly held on February 1, 2011.

This the 14 day of February, 2011.


Dale F. Martin, MMC, Town Clerk