
Work Session Meeting of the Sandy Springs City Council was held on Tuesday, June 1, 2010 at 7:31 p.m., Mayor Eva Galambos presiding.

STAFF DISCUSSION ITEMS

Community Development

1. To amend Chapter 103, Article IV - Definitions, Section 103-16 to define "Permit" and also to amend Chapter 103, Article VI - Permits Required for Development or Construction, Section 103-26, to amend the current language to clearly state the requirements for posting a permit and construction noise ordinance requirements.

Environmental Compliance Officer David Schmid stated in the spirit of starting the recodification of the ordinances staff has already prepared an amendment to Chapter 103, Article IV. The first amendment is to add the definition of permit to the ordinance so that it is defined. The second is to amend section 103-26 to clarify the language of where a permit must be posted and what is included in the permit.

There was a consensus among Council to move forward with this item.

2. Presentation for the Vacant Property Enforcement Program.

Assistant Director of Code Enforcement Marcus Kellum stated included in the Council packet there is a performance report that highlights the activity of the Code Enforcement Division during the first quarter of 2010. Also in this report is information about the vacant property enforcement program. The vacant property enforcement program (VPEP) was started in 2008 and was a way to address the foreclosed properties in the City. Code Enforcement started to receive complaints about vacant properties in the City and staff thought it was important to put together a program that applies a systematic way of cataloging, monitoring, enforcing and obtaining compliance. Staff uses as a guiding principle that a vacant structure is an issue and it can cause a blighting problem and adversely affect the public health and safety. Staff put together a program that has five steps. Similar to the normal enforcement process, this program requires some enhanced principals, because of the nature of a vacant property. There are several categories of ownership that staff finds when they do the enforcement portion. Within those categories there is a separate action staff has to take in order to move forward with trying to obtain compliance on the property. While the normal process is put in place and has the preset time limits, attempting to bring into compliance a vacant property has a different operation. There is a community impact of vacant properties. They pose fire hazards; provide a location for illegal parties and gatherings; rodent infestation; and other problems. Two months ago staff created a list of all the vacant properties in the City and provided a ranking system for ten of them. The one thing staff noticed with the vacant property is that there is evidence of illegal activity at these vacant properties. Staff thought it was important to share the information with the Police Department and the Police Department provided them contact with patrol supervisors, so they will be aware of the locations and inform staff that Code Enforcement is pursuing enforcement on these locations. He then shared photographs of three of the most blighted properties on the list; 500 Old Harbor Drive, 160 Mt. Paran Drive, and 1208 Crest Valley Drive.

Councilmember Tibby DeJulio asked where Old Harbor Drive is located.

Assistant Director of Code Enforcement Kellum stated that Old Harbor Drive is in district six. The interesting thing about these particular vacant properties is they did not come in as a complaint. They are a result of a proactive program where staff goes out and looks for evidence of properties that may be blighted. The pictures show the conditions of the inside of these houses.

Councilmember Karen Meinzen McEnerny stated on 1208 Crest Valley Drive it appears the owner started to remodel, demolished part of the home, and then stopped the reconstruction.

Mayor Eva Galambos asked if these homes were foreclosures.

Assistant Director of Code Enforcement Kellum stated some of them are foreclosures. The property owner was located for the property at 1280 Crest Valley Drive and he picked up a demolition permit on Friday. There was no lending institution and nothing wrong with this property. The owner just allowed this particular location to get run down.

Mayor Galambos asked what percentages of the vacancies are foreclosed.

Assistant Director of Code Enforcement Kellum stated approximately 12% of the vacant properties are foreclosed. There are approximately 120 vacant properties with a percentage that is vacant with violations. Of those vacant with violations, the majority of them are foreclosed and staff has to deal with the lending institution on them.

Mayor Galambos stated there has to be more than 120 vacant homes in Sandy Springs. She asked if 120 are just the houses with violations.

Assistant Director of Code Enforcement Kellum stated staff has cataloged 120 with violations. There are a lot more vacant homes in Sandy Springs, but a vacant property is not necessarily a violation. There are vacant properties that staff would never know were vacant until the lending institution contacted the City.

Councilmember DeJulio asked if there was any action taken against the people in violation.

Councilmember Dianne Fries stated the pictures of the vacant homes look like remodeling jobs gone badly.

Assistant Director of Code Enforcement Kellum stated the owner admitted that there were plans for it, but when the economy fell out, he couldn't move forward with it and left it as is.

Councilmember DeJulio asked if any financial action was taken against the people, since the City has put time and effort into it.

Assistant Director of Code Enforcement Kellum answered yes. He wrote 7 citations with 20 charges for the location on Crest Valley. The owner is looking at approximately \$20,000 per day until his house is up to code.

Councilmember DeJulio asked if staff enforces the citations and makes the owner pay the fines.

Assistant Director of Code Enforcement Kellum stated once the owner has taken the steps to remedy the problem, it becomes the decision of the judge whether or not they move forward. There are usually penalties because of the time commitment involved.

City Attorney Wendell Willard stated the court tries to encourage the owner to get into compliance and will then reduce the fines, once some of the things are in compliance.

Councilmember DeJulio asked if the court would eliminate the fees completely.

City Attorney Willard answered no.

Assistant Director of Code Enforcement Kellum stated there are fines associated with it depending on when Code Enforcement got involved in the process.

Councilmember DeJulio asked if records are kept for those people with violations.

Assistant Director of Code Enforcement Kellum answered yes.

Councilmember Chip Collins asked if there are any problems with the bank-owned properties as far as finding someone to take ownership.

Assistant Director of Code Enforcement Kellum stated initially there was a lot of push back from the lending institutions of whether or not they wanted to provide staff with documentation or admit that they were the ones responsible, until such time that Code Enforcement issued citations to the bank's local branch manager. The bank then turned over the information immediately. Although, it is a systematic and heavy handed approach, it often helps make the decision whether or not to demolish the house or bring the house into compliance, which is always an option. However, when the cost of potential fines and violations outweighs the cost of potential demolition, then that usually makes the decision easy.

Councilmember DeJulio asked if staff has run into many properties where the bank refuses to foreclose on the property, because they don't want to take over the liability. The people are still residing there, or the place is vacant and the bank has not taken title back.

Assistant Director of Code Enforcement Kellum stated there have been some issues, but according to the code, the responsibility provision in the ordinance requires Code Enforcement to move forward with the necessary enforcement action with the property owner at that point in time. Even if that individual has walked away from the property, staff has to locate them and attempt to enforce on them.

Councilmember Meinzen McEnery asked what staff does if the owner holds the keys, walks away, and the bank won't take ownership.

Assistant Director of Code Enforcement Kellum stated on paper the property owner is still considered the owner.

Councilmember DeJulio asked if there is a way to get around that. There was an article in the Wall Street Journal several months ago about the banks not foreclosing on properties because they don't want to deal with the monthly dues.

City Attorney Willard stated in Georgia when a deed is filed to secure a debit, that entity is the owner of the property, subject to a right of redemption by the person who borrowed the money. Someone could argue through the right of redemption that the banks are the owners of the property, subject to that redemption right. He stated staff would look into that option.

Councilmember DeJulio stated there is a vacant property two houses away from him. It got so bad that the neighbor cut the grass, because the owner moved out and the bank has taken it back, but has not done anything to it. The City needs to get aggressive with this, because there are too many around town.

Mayor Galambos stated she noticed Marietta was doing something about tearing down really dilapidated properties. She does not know who pays for the demolition. She asked if he knows about that project.

City Attorney Willard stated there is a legal process to go through to get to that point, but the City does have the ability to tear it down and place a lien against the property.

Councilmember DeJulio asked if that is because it is a public hazard.

City Attorney Willard answered yes, it does become a health hazard.

Mayor Galambos asked about the properties on Old Harbor Drive and Mt. Paran.

City Attorney Willard stated those are potential candidates, because they are health hazards and structural dangers. The City can seek to have a court agreement to allow the City to tear it down.

Mayor Galambos asked if the only cost to the City was the demolition and then waiting to get the lien satisfied.

Assistant Director of Code Enforcement Kellum answered that is correct.

Councilmember John Paulson asked if that has been done to any house, yet.

City Attorney Willard answered no.

Mayor Galambos asked if it was something they should look into.

City Attorney Willard stated the legal staff will go through the legal notice requirements as soon as staff brings them a couple of good candidates where the owners won't comply.

Mayor Galambos stated the two examples are good candidates.

Councilmember DeJulio stated there is another one on Windsor Parkway at the end of Northland next to Nancy Creek that is in absolute shambles.

City Attorney Willard stated the legal staff will work with Code Enforcement and pursue the appropriate properties. There will be some cost involved that Council will have to approve, but staff will come back to Council when everything is finally done.

Councilmember DeJulio asked if the cost involved becomes liens against the property and if the liens accrue with interest.

City Attorney Willard answered yes, he believes they do.

Councilmember DeJulio asked what it costs to actually take a house down.

Assistant Director of Code Enforcement Kellum stated it costs between \$15,000 and \$25,000.

Councilmember DeJulio stated if it is a property that the City has to foreclose on and then take title to the land, the City can sell the land for enough money to be compensated or someone can pay the City for it.

City Attorney Willard stated the City does this selectively with the right properties to send a message throughout the community. The City will look at these houses and measure whether there is a responsibility to do it.

Assistant Director of Code Enforcement Kellum stated of the 30 properties staff has had taken down, it has been without the City initiated abatement process. Staff currently is running into an issue locating property owners, and that happens. The property is sitting out there and it is a public nuisance. Staff has

been able to have 30 properties taken down by the property owners after locating them. There are a number of properties and staff will reach a point where they run out of possibilities.

Mayor Galambos stated when staff runs out of possibilities; staff has heard the Council's desire.

Assistant Director of Code Enforcement Kellum stated the program has been submitted for consideration to the 2010 ICMA Community Sustainability Award.

3. Staff and Consultant presentation of the Lost Corners Tree/Planimetric Survey and Site Assessment. This information is to be used as plans are developed to improve the site to provide accessibility to the public.

Director of Recreation and Parks Ronnie Young stated at the end of 2009 and beginning of January 2010, Grant Administrator, Eden Freeman, and Chief Arborist, Michael Barnett, applied for and received an Urban and Community Forestry Grant in the amount of \$25,000. The grant was used for the initial start on developing and researching the Lost Corners Preserve. Through an RFP process, McFarland-Dyer and Associates was identified as the most satisfactory for the project through the City's scope and deliverables. He introduced Chris Whitley and Dave Blackley with McFarland-Dyer to present their scope.

Chris Whitley stated this is the kind of project that they pursue and they feel very fortunate to have been awarded this contract. The boundary and topographic survey show two foot contours, the lay of the land, and the boundary. All of this information is on state plain coordinates that will fit into the City's GIS system and can be used for any type of other mapping. They have located all the built improvements on the property, the stream, right-of-way, and adjoining property owners. One of the main tasks they had was the tree survey. The team arborist went out and tagged every tree on the property that was 12 inches or larger and the understory trees that were 10 inches or larger. They located 1,182 trees. The tree assessment shows the tag number, the species of the tree, the common name, and the scientific name. Another spreadsheet shows the assessment of the tree and the vegetation around the tree. He spent a day walking the property, which is very beautiful, and there are a lot of large trees that are a very valuable asset to the City.

Councilmember Dianne Fries asked how many trees are landmark trees.

David Blackley stated he did not have a count on the landmark trees. They are all listed with the size.

Councilmember Tibby DeJulio asked if the two huge trees next to the houses are oak trees.

Mr. Blackley answered yes.

Councilmember DeJulio asked the age of the trees.

Mr. Blackley stated he guesses the trees are 125 – 200 years old.

Councilmember Fries stated that usually trees like that are planted at the home site when it is built.

Councilmember Karen Meinzen McEnerny asked for a description of some of the structures located under the undergrowth and any other interesting items that were found.

Mr. Whitley stated there were a house and a shed in the thick area. There was a walkway that goes down to the creek with an old spring house. There is a well that has taken over the side of the house near the property line.

Councilmember Meinzen McEnerny asked if walls were found.

Mr. Whitley stated there were some walls.

Councilmember Ashley Jenkins asked what the walls were for.

Councilmember Meinzen McEnerny stated they were retaining walls. They were probably walls for the field. They are located on a property, off of the site, in the cut out area.

Councilmember DeJulio stated that when Ms. Miles took the Council on the property site two years ago, she told them there are some endangered species of plants on the property with fences around them. He asked if they have been preserved, because if they are endangered species and they are in the City, Council would like to keep them.

Mr. Whitley stated he found a variety of woodland ground covers, but he did not know if they would be considered endangered species. There are a lot of plants that are covered up by undergrowth and he is sure he did not see every example of every plant out there.

Councilmember Meinzen McEnerny stated she walked it and there is running pine in the southwest corner, but she did not see any endangered species. There are people that can go out and identify the endangered species, because McFarland-Dyer's scope was not to identify anything other than trees.

Mr. Whitley stated they did try to locate some of the invasive vegetation and other things to be preserved.

Councilmember Jenkins stated she wants to hear what the plans are for the site.

Mayor Galambos stated they are not ready for that yet.

Mr. Blackley stated in the site analysis they did make a few recommendations of what would be appropriate for some of the areas. If there is potential for public use, there would be a need for some parking. There is a corner that does not have very many significant trees and has potential access to the property from a couple of different points where the sight distance is better. They also looked at the farmstead and areas that appeared to have been gardened intensively over the years and identified some of the plants. There are a lot of things that the home owner had to have planted over time and taken care of to survive there. There was some evidence that there had been some orchards and nut trees in certain areas. They also looked at the topography of the site and put in a very conceptual layout of where some trails might go through the property. The layout was interesting enough that they have been asked to add to their scope to go out and field stake the trail layouts, which have now been staked in the field and are walkable. The trail has not been carved out, but it can be found and it can be seen, except for one specific area where the stakes were removed, because of the rock outcroppings along the creek. The trails are very pleasant and very easily walkable. There are a lot of invasive species, which is another thing they delineated. Some of the heaviest areas of privet are very thick. There are light areas of privet and English ivy that were delineated and they made some recommendations about.

Councilmember Meinzen McEnerny asked if Council can get a color version of the drawing.

Mayor Galambos asked if they can also get copies of the reports.

Director of Recreation and Parks Young stated Mayor and Council will have all documentation by the end of the week in electronic version.

Councilmember DeJulio asked for his opinion on the use of the property.

Mr. Blackley stated in some of the areas the trees are not as significant as in others. Half of the property has some really beautiful trees and hiking trails. He thinks it feels like you are in the mountains.

Mayor Galambos stated they already have a 30 acre preserve with hiking trails and big trees and very little usage.

Councilmember Meinzen McEnery stated the committee that has been working on this hasn't presented, yet, and they do have some ideas for children's areas near the top.

Mayor Galambos stated she feels it is premature to talk about use.

City Attorney Wendell Willard stated there are very explicit limitations under the deed that the City received, from the Trust for Public Lands, as to what is permitted. These limitations came from Ms. Miles, based on what she wanted to preserve this land in its natural state. Things like playgrounds will not be acceptable as a type of use.

Mayor Galambos stated they have informally talked about the definition of passive uses and hope that the City Attorney might be able to get Council more clarification.

City Attorney Willard stated they have come up with a desired use. If it is questionable, they can go back to TPL and sit down with them and see what their input would be on the type of things the City would like to do.

Councilmember Fries asked if it would be appropriate to talk to them informally, and get them to elaborate on what a playground is. Does it mean a field where they will arrest someone if they throw a ball or can there be a swing?

City Attorney Willard stated staff should go to them with a recommendation instead of just general terms. They would be more able to address that recommendation as opposed to them saying they don't like or aren't going to do something.

Director of Recreation and Parks Young stated he appreciates the efforts of McFarland-Dyer. The Mayor's subcommittee has been meeting diligently for three months and there are probably 45 different possible amenities that they are going to add prior to August. They plan on making a presentation to Council for consideration of what could happen on the property and there is a deep discussion going on as to the definition of passive. According to who is asked, sometimes there aren't the exact same answers. Staff has the information that is in the conveyance deed, which says certain things are not going to be allowed. If staff follows those wishes, then certain things won't come up and be an issue. He thinks Council can look forward to a presentation by Eric Ross from the Mayor's committee. The next step will be to go out on site and walk the staked trail. They like the looks of it on the map and they want to go out and walk it. It is pretty tough out there right now with all the poison ivy and bugs, but they are working diligently to come up with something that Council will be excited about.

Mayor Galambos stated Director of Recreation and Parks Young can work with the City Attorney concerning the definition of passive.

Public Works

1. Recommendations for Projects for the FY 2011 Capital Paving and Capital Reconstruction Program.

Field Service Manager Ron Adderley stated in anticipation of the passing of the 2011 Capital Budget, staff prepared a list of priorities for capital paving and capital reconstruction. The list of streets comes directly from IMS ratings from 2009 with priority given to high traffic roads. There are 6 miles of resurfacing and 1.66 miles of reconstruction for Council's consideration. Staff has taken the time to verify each of the streets in the field, because of the weather conditions encountered last fall. Staff feels confident with the top priorities chosen.

Councilmember Ashley Jenkins asked for staff to provide a link on the website to the ratings.

Field Service Manager Adderley answered yes, that link will be provided.

Mayor Eva Galambos stated she thinks some of the roads listed do not qualify as major traffic roads.

Field Service Manager Adderley stated only a few are classified as collectors and arterials.

Mayor Galambos asked if this list uses up all the funds that Council tentatively put into the capital program. Was the increase in the amount, during last Tuesday's meeting, reflected in this list?

City Manager John McDonough stated the list has not been bid, yet. It is just a proposed list, which will be put out as a package for the construction community to provide bids for.

Mayor Galambos stated the list looks short in terms of having the increase in funds put into the budget.

Field Service Manager Adderley stated staff did do some very basic estimates of what was placed into the budget and it is over \$2 million, which is a very rough estimate.

Councilmember Dianne Fries asked which districts most of these roads are in.

Councilmember DeJulio responded District 5 and District 6.

Councilmember Karen Meinzen McEnery stated to keep in mind that this year there is less money than in past years.

Mayor Galambos stated that Council increased the amount at the last budget session from what they originally had.

Councilmember Meinzen McEnery stated in 2010 the amount was \$5 million versus this year it is \$2 million.

Councilmember Chip Collins asked for an explanation of what constitutes reconstruction and how to determine if a road is reconstructed versus resurfacing.

Field Service Manager Adderley stated roads that won't benefit from regular resurfacing are what staff classifies as reconstruction. They typically have a rating below 50 in the IMS system. Surface distress factors are such that a regular resurfacing will not do any good, because the base of the road is compromised to the point where it will not support it. Staff has to go in and stabilize the base of the road.

Councilmember Tibby DeJulio asked how much of the road is taken up when the stabilization is done.

Field Service Manager Adderley stated what staff has done so far is a process called full depth reclamation, which is when the asphalt that is already there is reclaimed and pulverized into the base 5-7 inches, depending on what is found in the field. If a road has a gravel base, it can be less. A stabilizer is added to it; it is rolled, cured and then the new surface is paved over the base.

Councilmember John Paulson asked when staff looked at the rankings from 2009 to this year, taking the weather into consideration, what is the sense of the applicability of the 2009 rating.

Field Service Manager Adderley stated generally they are holding pretty firm, with the exception of roads that are receiving a lot more traffic like Northland Drive, which also had a water break.

Councilmember Dianne Fries stated the system they use is great.

City Attorney

1. Proposed amendment to Chapter 26 adding a new Article on Limousines.

City Attorney Wendell Willard stated the City does not currently have a provision in the City ordinance which regulates limousine companies. The actual licensing of limousines is done at the state level through the public service commission. The City does not have the ability to do the licensing of the limousine services, but the City does have the right to require that they have a business license, if their business is located in the City of Sandy Springs. As a part of the licensing, the City also requires them to show proof that they have gone through the state level requirements for obtaining their licenses and certifications for the state. This ordinance request is to put that provision into play as part of what is regulated in the City of Sandy Springs.

There was a consensus among Council to move forward with this item.

2. Consideration of an amendment to the "Brown bagging Prohibited" ordinance (Section 6-8) so as to exempt those retail establishments licensed to sell wine for consumption on the premises where the establishment chooses to adopt a policy which allows any person dining at the establishment to bring an unopened bottle of wine into the establishment for consumption.

City Attorney Wendell Willard stated the City has a prohibition to "brown bagging", which means bringing alcoholic beverages onto the premises of a restaurant. It has come to the staff's attention that there are places that wish to allow the clientele to bring a wine bottle into their establishment. The law does allow them to have that right, if the City ordinance permits it. If Council agrees, the ordinance can be changed to permit this.

Councilmember Karen Meinzen McEnery stated a pottery place wanted to lease some retail space in Sandy Springs and have parties where people could come in and learn how to do pottery. She asked if that could be included in this ordinance.

City Attorney Willard stated the establishment has to have an alcohol and retail pouring license first as part of the ability to let someone bring a wine bottle on the premises to be opened.

Councilmember Fries asked if the establishment that Councilmember Meinzen McEnery is speaking of can apply for a liquor license.

City Attorney Willard answered yes, they probably could. The private clubs are not included in the City's ordinance that deals with the brown bagging policy.

Mayor Galambos asked if each restaurant will have the prerogative of saying whether or not they will accept this.

City Attorney Willard answered yes.

Councilmember Meinzen McEnerny asked if the brown bagging option will apply to a retail user who applies for a liquor license, but does not sell liquor.

City Attorney Willard stated this will not apply to liquor, just wine. If they have a pouring license for beer and wine, which come together, then they will have the ability to allow someone to bring a bottle of wine on their premises for consumption on the premises.

Councilmember John Paulson asked if there are any restaurants in town that don't have beer and wine licenses.

City Attorney Willard stated he is not sure if they all do or not.

Councilmember Fries asked how this will be monitored, if they don't have a license.

City Attorney Willard stated if they don't have a license, they can't do it.

Councilmember Fries asked if this will make them come in and get an additional permit to allow brown bagging.

City Attorney Willard answered no.

Councilmember Fries asked how it will be monitored.

City Attorney Willard stated if a business does not have a beer and wine license and there is a bottle of wine on the premises, then someone is doing something wrong.

Councilmember Fries asked how staff will know if someone brought in a wine bottle to an establishment that does not have a liquor license.

Councilmember Paulson asked how does staff know now.

City Attorney Willard stated they would get cited if there is wine on the premises.

Councilmember Fries stated a restaurant that does not have a liquor license isn't going to squeal, because they want the people to come in and at least buy food.

Police Chief Terry Sult stated it will be complaint driven. If the police get a report about alcohol sales in a non-alcoholic establishment, they will go in and have an undercover officer check the establishment.

Councilmember Fries asked does the ordinance need to require the establishment to come in and complete paperwork that says they are a restaurant that agrees with the brown bagging policy.

City Attorney Willard stated he does not know what the City will gain by having businesses do that. There will be minimal places that even want to be involved in the brown bagging policy.

Councilmember Tibby DeJulio stated when someone brings his own bottle of wine to an establishment, they just get a corking fee, but when people buy the establishment's bottle of wine, they are marking it up double plus.

Mayor Galambos stated she wonders how many restaurants are going to sign up and want to participate in the brown bagging policy.

Councilmember DeJulio stated it will probably be very few, but there are going to be some restaurants that are going to have clients that are connoisseurs in wine and want to bring their own.

Councilmember Jenkins stated Vine over in Dunwoody does it. The wine can either be purchased there or someone can bring their own.

Councilmember Fries stated she was just mentioning it. She is not sure if she is for it or not.

Mayor Galambos asked for a show of hands of those Councilmembers who wish to move forward with this item.

There was a consensus among Council to move forward with this item.

3. Consideration of a totally rewritten Chapter 26, Article VII on Taxicabs.

City Attorney Wendell Willard stated a while back staff prepared a revised Taxicab Ordinance, because the current ordinance is confusing and difficult to understand. For some reason, the ordinance did not go forward, but the Revenue Supervisor, Brandon Branham, would like something to move forward at this time. He has reviewed the ordinance and agrees with the content. This is a complete rewrite of section 26-251, beginning with Taxicabs and the way they are managed in the City of Sandy Springs.

Mayor Eva Galambos asked if it changes any of the requirements or standards.

City Attorney Willard answered no. It adds language clarifying how the taxicabs are to be policed.

Mayor Galambos stated she has repeated requests from taxicab owners who have old taxicabs and don't want to buy new ones, but there is a six year cap.

City Attorney Willard stated the six year cap is still included.

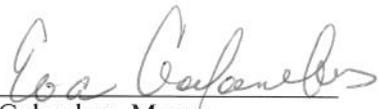
There was a consensus among Council to move forward with this item

CITY COUNCIL ITEM

Councilmember Dianne Fries asked everyone which meeting they would prefer to have the presentation of the bicycle painting by the artist.

Mayor Eva Galambos recommended the next meeting of Council.

There being no further discussion, the meeting adjourned at 8:30 p.m.



Eva Galambos, Mayor


Michael Casey, City Clerk