

Town of Onancock  
Town Council Meeting  
Onancock Fire House  
Monday, June 22, 2020  
7:00 P.M.

Call to Order and Roll Call:

Mayor Fletcher Fosque called the meeting to order at 7:04 P.M. Mayor Fletcher Fosque and Councilmembers Ray Burger, Catherine Krause, Joy Marino, and Maphis Oswald were present. Councilmember Robert Bloxom was absent. A quorum was established. Interim Town Manager Lisa Fiege and Deputy Clerk Mariellen Mearsheimer were also in attendance.

Pledge of Allegiance was recited.

Mayor Fosque thanked the Fire Department for allowing the council use of their station for this month's meeting.

Consideration and Approval of the Meeting Minutes for the May 28, 2020 Regular Town Council Meeting:

No minutes.

Public Business:

- a. Swearing in Ceremony for Mayor Fletcher Fosque and Councilmembers Robert Bloxom, Ray Burger and Maphis Oswald – Samuel Cooper, Jr. Clerk of Court, Accomack County

Clerk of the Court Samuel Cooper swore in Mayor Fletcher Fosque. He then swore in Councilmembers Ray Burger and Maphis Oswald.

Mayor Fosque and Councilmembers Burger and Oswald signed papers.

Clerk of the Court Samuel Cooper awarded Mayor Fosque and Councilmembers Burger and Oswald their certificates of election until June 30, 2022.

- b. Onancock Volunteer Fire Department Update – Adam James, Fire Chief

Deputy Fire Chief Jeremie Buyea stated that Fire Chief Adam James could not attend due to the birth of his child. So far this year they have had 112 engine runs, over 500 EMS calls, and thankfully it seems that their COVID-19 cases have been on the decline. Unfortunately, due to COVID-19, their expenses have been quite high and they had to cancel their golf tournament this year. Their Croaker Tournament is coming up on August 08, 2020 and he thanked the council for their support of the tournament. The Tournament starts at 11 A.M. Fishing is from 1 P.M. until 5 P.M. with weigh-in until 6:30 P.M. Fire Chief James had a suggestion on a way to raise money lost from their golf tournament fundraiser cancellation; a so-called block party. A clam/oyster roast that would close North Street in October similar to what is

currently occurring with the North Street dining. They would work with the town, VDOT, and local restaurants. The target date would be Sunday, October 11, 2020 in the afternoon. Fire Chief James had already spoken with a few restaurants in town; The Blarney Stone, The Tap House, Mallards, Bizzotto's, and The Charlotte Hotel. The Fire Department would get oysters/clams donated or at a reduced price then give them to all the restaurants, which would then fix their special of the day. They would sell 500 tickets at \$40.00 per person and each person who buys a ticket would get to visit the participating restaurants to try the restaurant's sample oyster/clam dish. They will serve beer and hope to use the Town's existing ABC license. They would have 400-500 people downtown, which is good for town business.

Mayor Fosque confirmed that tickets could be purchased online. He also suggested Chief James connect with the Town Manager to discuss details and specifics.

- c. Public Hearing: To Adopt a \$25.00 Zoning Permit Application Fee – Lisa Fiege, Interim Town Manager

Mayor Fosque opened the Town Council Public hearing at 7:15 P.M.

Mrs. Fiege stated that the Town of Onancock has not been charging a zoning application fee and we are proposing a \$25.00 fee starting July 01, 2020 which was also included in the budget proposal. This was discussed in the March 12, 2020 meeting as well as the Budget Public Hearing meeting on May 28, 2020. It is a \$25.00 flat fee, which will help with the considerable amount of staff time that goes into researching these and will help the town recoup some of those costs for staff time. Onancock is the only locality in the area that does not charge a fee. Accomack County charges \$65.00, Chincoteague charges \$45.00, Onley charges \$25.00. Charges are based on the square foot of the structure.

Mayor Fosque asked for clarification of this fee and when this is charged.

Mrs. Fiege clarified that if you would like to change the footprint of your property you are required to get a zoning application permit from the town. Onancock approves this then you go to Accomack County to get your building permit.

Mayor Fosque asked for public comment.

Councilmember Krause asked if people are currently doing this. If someone wants to change the footprint of their dwelling, would Accomack County process this without the Town's zoning application permit.

Mayor Fosque confirmed that they should not process these building permits without approval from the Town.

Mayor Fosque closed the Public Hearing at 7:17 P.M.

*Councilmember Krause made a motion that the Town of Onancock approve the amendment to Article XIV. Administration and Enforcement, Section 24-87. Zoning Permits to add a \$25.00 zoning permit application fee to the Town Code. Councilmember Oswald seconded the motion. The motion passed by unanimous voice vote.*

- d. Public Hearing: To Increase the Special Use Permit Fee – Lisa Fiege, Interim Town Manager

Mayor Fosque opened the Town Council Public hearing at 7:19 P.M.

Mrs. Fiege stated that this item was discussed at the March 12, 2020 Budget Workshop and the May 28, 2020 Budget Public Hearing. This increases the special use permit application fee from \$125.00 to \$250.00. It also adds language which passes the advertising costs along to the applicant. At present the \$125.00 fee barely covers advertising, let alone staff time involved with special use permits which are a lengthier process for the Town Manager than zoning permits.

Councilmember Oswald stated she is not opposed to advertising costs being passed along to the applicant but questioned whether the \$250.00 was too steep and asked for consideration if this fee was fair. She did not recall the plan being to include advertising in addition to a doubling of the fee.

Mrs. Fiege stated that \$205.00 was spent recently to run the public hearing for the electronic submitting system and that it depends on the size of the advertising. When we had the public hearing for Caleb Fowler's special use permit, we had to run the advertising twice and the town ate this cost. At present, regardless of how much the town spends, the applicant only pays the \$125.00 fee.

Councilmember Oswald stated she would like to see the advertising fee included as part of the cost but did not see the justification for doubling the fee and suggested \$175.00 or \$200.00 as a fee. She stated if they are paying the full freight on the advertising, this is already a big step forward from where the town had been.

Councilmember Marino asked for clarification if this was for Airbnb, VRBO, etc.

Mrs. Fiege confirmed this was for any special use permit.

Councilmember Krause asked if there was historical data on the costs for these fees.

Mrs. Fiege stated that it is different for every project and after being asked by Mayor Fosque what other towns charge, stated that Accomack County charges a flat fee of \$400.00 for their special use permits.

Mayor Fosque stated that there were not many permits issued and the impact of this change would not be significant to the budget and suggested delaying a vote.

Mayor Fosque asked for public comment.

Resident David Krause, 1 Market Street, commented that this is nearly a 200% increase and asked if these permits benefit the town or the individual.

Mrs. Fiege recommended keeping the \$250.00 fee and having the town absorb the advertising fees.

Mayor Fosque stated that the advertising would be significantly more expensive and thought it would be more beneficial to pass these fees on to the applicant.

Councilmember Oswald stated that the cost of the advertising was the fluctuating cost and thought this was a better cost to pass along to the applicant.

Mayor Fosque closed the Public Hearing at 7:26 P.M.

Mayor Fosque recommended tabling the discussion around the special use permits until the next meeting when it could be voted on.

- e. Public Hearing: For the Creation of Sec. 13-23 Additional Assessment for Electronic Summons Systems in the Town Code – Lisa Fiege, Interim Town Manager

Mayor Fosque opened the Town Council Public hearing at 7:26 P.M.

Mrs. Fiege stated that this section would allow the Onancock Police Department to charge a \$5.00 fee for each criminal or traffic case in the circuit court when the defendant is charged with a violation of any statute or ordinance for the purposes of installing and utilizing an electronic summons system. This money would be stored in a separate bank account to be used to pay for the electronic summons system, which the Police Chief believes will be required in the next 5-10 years. This money would only be used for that equipment purchase. The electronic summons system will cut traffic stop times in half and will make it easier for the officer to create a summons with the correct information. Once the defendant's license is scanned, the system will create a summons based on the appropriate information listed on the license. It will give real time summons to the defendant at the stop. The cost per vehicle is estimated to be about \$10,000.00.

Councilmember Oswald asked if the system was portable, since that would reduce the number of systems needed.

Discussion continued around the average number of summons written, which was unknown, and how much additional revenue this would generate per year, which was also unknown.

Councilmember Oswald stated that by her estimation if you write 11 tickets a week, you could pay for this system in 4 years. She questioned whether funds would be made available if this was mandated by the state.

Mrs. Fiege stated that she could not be sure, as there are unfunded mandates.

Mayor Fosque asked for public comment.

Mayor Fosque asked for further information on the number of summons issued to determine savings and further review this ask, given the large dollar amount and the mandate being an uncertainty. He stated it would be prudent to first determine if this is something they would be acquiring before raising funds for it.

Mayor Fosque closed the Public Hearing at 7:31 P.M.

There was no vote and the issue was tabled.

f. Adoption of the "Effective Tax Rate Increase" – Lisa Fiege, Interim Town Manager

Mrs. Fiege stated that staff recommends approval of the "effective tax rate increase" which was discussed during its public hearing on May 28, 2020. The tax rate itself is not changing, but due to the increased assessments by Accomack County it does increase tax revenue for the Town of Onancock's real estate taxes. This must be adopted separately from the budget.

*Councilmember Burger made a motion to adopt the "effective tax rate increase" of \$0.32 per \$100.00 of assessed valuation for FY 2021. Councilmember Oswald seconded the motion. There was no discussion. The motion passed by a voice vote of four in favor and zero opposed.*

g. Adoption of the FY21 Budget – Lisa Fiege, Interim Town Manager

Mrs. Fiege stated they had their first budget workshop on March 12, 2020 and a budget public hearing on May 28, 2020 when all of these line items were reviewed individually. A few of the highlighted items

were; No cost of living adjustments in this budget for staff, an almost 5% increase in the cost of health insurance, a slight increase to the Town's life insurance rate, a decrease in the Town's VRS rate, and a decrease in the Town's state unemployment tax rate. Real estate revenue will be increasing. Several revenue items were decreased due to the COVID-19 pandemic; the local sales tax, business license fees, transient occupancy taxes, meals tax, traffic fines, wharf transient dockage fees, wharf electric fees, and the wharf gasoline sales. Two other revenue items that were decreased, though not specific to the pandemic, were the bank stock tax and communication tax. There was an increase to the building and zoning permit. Trash revenue is increasing from \$4.00 per month to \$8.00 per month. The Historic Onancock School's request for an ADA-compliant ramp was able to be funded at \$7,500.00. Property insurance overall increased at 2%. The animal population control line item was added to enhance the Town's animal control efforts. Currently, Accomack County is still the primary animal control agency for the Town. Per state code, counties are the only ones allowed to handle domesticated animals. Street maintenance was increased, and the budget allows us to begin year 1 of the street repair plan. Water and sewer had a proposed 5% increase on both sides. \$24,500.00 was put aside for the painting of the water tower. Sewer was able to increase the plant collection repair and maintenance system by 17% for the coming year.

Mayor Fosque asked for comments from the council.

Councilmember Marino asked how much was cut from the budget after previous discussion.

Mrs. Fiege stated that after the March 12, 2020 meeting they had to cut approximately \$200,000.00 from the budget. She was not sure where additional cuts could be made but supported cost saving efforts for the coming fiscal year.

Councilmember Oswald asked, regarding the zoning permit application fee, if there was advertising involved.

Mayor Fosque stated that if someone needed to put a roof on their house, they would not advertise that in the paper. You would need to get a building permit in Accomack and then come to the Town for a zoning permit. This permit does not have the same advertising requirement as the special use permit.

Mayor Fosque asked for public comment.

*Councilmember Burger made a motion to adopt the FY 2021 Town of Onancock budget including the approval of all related sewer and water rate increases as presented at the budget hearing dated May 28, 2020. Councilmember Krause seconded the motion. There was no discussion. The motion passed by a voice vote of four in favor and zero opposed.*

h. Road Diet – Lisa Fiege, Interim Town Manager

Mrs. Fiege stated that the Town had previously sent a letter of support to VDOT for this project. VDOT's central office in 2019 created the statewide guide on roadway restriping projects, which aims to improve safety without changing the footprint of the road. They identified Market Street as a prime candidate to demonstrate restriping in a rural area. The project sketch shows the study's recommendation to restripe Market Street starting at Hill Street and ending at Route 13. The road's width and footprint would remain the same, but it would be restriped from four (4) travel lanes to two (2) travel lanes, plus one (1) center-turn lane and two (2) buffered bicycle lanes. The study recommends this as a means to improve safety on the road. The current lane configuration at the Route 13 intersection would not change. There is opportunity to fund this restriping project through VDOT's

Smart Scale program, which requires no local match or management and puts projects in VDOT's pipeline for its six (6)-year improvement program. Smart Scale applications are due at the beginning of August and will be prepared with no cost to the Town. She stated the Accomack County Board of Supervisors has signed the resolution of support for this project. Town Council's resolution will allow the Smart Scale project application to move forward.

Mayor Fosque asked for comment and stated that 60% of this project is in the county, with a small portion in Onley.

Councilmember Krause stated that she had been approached by multiple people in the community who are very much in favor of this project.

*Councilmember Marino made a motion that the Town of Onancock approve the Resolution of Support for the Market Street/Route 179 Restriping Project. Councilmember Krause seconded the motion. There was no discussion. The motion passed by a voice vote of four in favor and zero opposed.*

*i. CARES Act Allocation – Lisa Fiege, Interim Town Manager*

Mrs. Fiege stated that Accomack County is receiving \$2.8 million from the Federal Government for the CARES Act. Portions of this are required to be allocated to the towns, based on population size. Onancock is receiving \$106,333.00. This proposal asks to withhold \$40,000.00 from this allocation for town expenses such as retrofitting the town hall for safety measures, staff PPE, overtime related to COVID-19, and other un-budgeted items that were un-planned. This cannot be used to make up for any budget shortfalls. The recommendation for the other \$66,333.00 allocation is to create two grant options for small businesses in Town with a 2020 business license that were affected by the COVID-19 pandemic. The first grant option will be considered a "Full Grant" with a funding of \$5,000.00 or the maximum available depending on the availability of funds, up to the attested loss of revenue from April 2020 through June 2020 and will be available to businesses ordered to close in accordance with Executive Orders 53 and 55 and which were in operation on April 15, 2020. Those considered essential and allowed to open would not be able to apply for this grant. The second grant option will be considered a "Partial Grant" with funding up to one third (1/3) of the amount of the "Full Grant", not to exceed the business' lost revenue. All businesses with a 2020 Onancock Business License that did not receive a "Full Grant" from the town will be eligible for a "Partial Grant" and must provide the town with revenue numbers from April 2019 through June of 2019 and 2020 and must attest to a drop in revenue of at least 20% from 2019 to 2020. These options are detailed in the attached packet. The recommendation is also to create the Onancock Small Business Grant Program Committee and Councilmember Robert Bloxom has agreed to head a three-person committee to review all applications to determine a business' eligibility and the amount of their funding. The request is for the Town Council to approve the creation of this committee and appoint Councilmember Robert Bloxom, Hayden Rochester, and Richard Freeman to the committee.

Mayor Fosque asked for clarification on who has final approval of businesses approved for funding.

Mrs. Fiege stated that the council would approve how the funds are spent and the creation of the committee, but the committee would handle approval of business eligibility and grant approval.

Councilmember Krause asked how the businesses who are eligible for the funds would be identified.

Mrs. Fiege stated that every business with a 2020 Onancock Business License would be contacted and made aware that these grant options are available. This would be an opportunity to touch base with

businesses who have not finalized licenses to make sure their licenses remain current and to ensure they remain eligible for the grant. There are approximately 120 businesses with 2020 Onancock Business Licenses, not all located within town limits. Businesses located outside of the town limits are eligible to apply for Accomack County's small business grant program, but those businesses in town limits are not eligible for Accomack County grants.

Councilmember Oswald asked for more detail on Accomack County's Small Business program.

Mrs. Fiege stated that Accomack County provides up to \$5,000.00 to businesses who were directed to be closed ("Full Grant") and \$3,750.00 for those restaurants who were open for takeout and who still experienced lost revenue. The program is on a "First come, First served" basis.

Councilmember Oswald asked for clarity around the \$40,000.00 being allocated for the Town to account for COVID-19 retro-fitting measures for the Town and COVID-19 related overtime.

Mrs. Fiege provided clarifying details about how reimbursement would work for employees impacted in the future from COVID-19 resurgence.

Mayor Fosque asked for public comment.

Glenn Smith, from the Onancock Fire Department, asked if the Fire Department would be eligible for some of the \$40,000.00 in funds allocated for the Town. He stated they spent over \$10,000.00 for PPE and that they had received no reimbursement from the County or from FEMA. Because they do not have a SAMS identification number, they are ineligible to apply for most grants.

Mrs. Fiege stated that she did not think they were eligible since they were not a direct affiliation of the town, but that she would research this and follow up.

Questions and discussion surrounded distribution of the funds, the town's withholding of \$40,000 and whether that was appropriate, and how businesses would apply and receive grant (would they be required to do this online?).

Mrs. Fiege stated that Onancock would not be first come, first served and that the intention would be to distribute some percentage of funds to all businesses who applied and were deemed eligible. This would not be an online application process and the Town would provide resources to help people through the application process.

*Councilmember Krause made a motion that the Town of Onancock approve the Onancock Small Business Grant Program and approve the creation of the Onancock Small Business Grant Program Committee with the following members: Councilmember Robert Bloxom, Mr. Hayden Rochester, and Mr. Richard Freeman. Councilmember Marino seconded the motion. There was no discussion. The motion passed by a voice vote of four in favor and zero opposed.*

j. Discussion and Appointment of a New Council Member – Fletcher Fosque, Mayor

Mayor Fosque stated that Matt Spuck had to resign from the Town Council to take the job as Town Manager, with two years remaining on his term. His replacement will get an appointed two-year term and will be required to run at the end of the appointed term. The Council has received several applications of people who are interested, and the Council must make the decision on who they would like to appoint. This decision will not be made lightly, as all candidates are highly qualified.

Councilmember Krause stated that this was a very difficult decision. She stated instead of looking at this as a one or the other appointment, we should look at this as a win/win for the town as we now have two individuals willing to serve on the council and get involved with the town. She gave a strong recommendation for Carol Tunstall, with whom she has served on other committees. She stated that Shyreka Riley would bring a fresh perspective as a citizen of the Town's Northeast section, which is not represented on the council, as well as being a downtown business owner, also not represented on the council. If the council can agree to make every effort to incorporate these individuals in an ad-hoc committee forum, she would like to nominate Ms. Riley to serve on the town council.

*Councilmember Krause made a motion to appoint Shyreka Riley to the Town Council. Councilmember Marino seconded the motion.*

Councilmember Marino stated it was rare to find someone who puts the good of the community first and applauded Mrs. Tunstall.

Carol Tunstall stated that it was the best and right decision and was thrilled for Ms. Riley.

Councilmember Burger stated his experience with Mrs. Tunstall and again highlighted her strategic planning abilities through the school and hoped to work out the arrangement with her support.

*The motion passed by a voice vote of four in favor and zero opposed.*

Public Comment:

None.

Planning Commission Report – Robert Bloxom, Councilmember:

No meeting.

Waterfront Committee Report – Robert Bloxom, Councilmember:

Mayor Fosque recited an email from Councilmember Bloxom, which stated that transients have been trickling in, with the first full evening scheduled for tonight. July 04, 2020 is overbooked already. Fuel sales are on track with last year. They are having to fill up the tank almost every week. Several overnight guests have taken advantage of the outdoor dining situation on North Street. A couple that was picked up in a golf cart stated that this was one of their favorite marinas and wished it was available for the entire season. Mayor Fosque was hopeful that business would continue to increase and that the yacht business would return. Discussion continued about the new staff that was hired to work at the docks. There are two new dock hands and Bill Burnham. Valerie is the new female dock hand and is going off to JMU after the summer.

Personnel Committee Report – Catherine Krause, Councilmember:

Mayor Fosque stated that they received notice that Councilmember Oswald would be resigning from the Personnel Committee and that a new member would need to be appointed at a future meeting. He and Councilmember Krause remain on the committee and he offered anyone with interest to reach out.

Mayor's Report – Fletcher Fosque, Mayor:

Mayor Fosque thanked Lisa for her few months of dedicated service, especially regarding the North



Street closure which seemed like a simple task but took a lot of work. He introduced Matt Spuck, who would be the new Town Manager. There was a Northeast project that was going ahead. There was some concern that people in the Northeast weren't returning their questionnaires, so there will be a public meeting in mid-July at the Fire House, which Lisa and Matt will be a part of. The application has been officially submitted. No update on the Hampton Roads Sanitation District Sewer project, as this is still on hold. Nothing can be done until the courts re-open and they can have a public hearing to petition the Court. The docket should be opening soon, but this is at a standstill until the Court's approval. There is a vacancy on the Planning Commission, and he asked for anyone interested to reach out to the Town Office, where lists are maintained for anyone interested in serving on any committees. The Planning Commission meets once per month. He attended the Historic Onancock School Board meeting and they will begin building the ramp in July with grant money they received. They are starting a capital program with a goal to raise \$30 million and will target some large donors. This project will open up many more grants once the building is handicap accessible. He thanked everyone for their patience and cooperation while the town held online meetings during the COVID-19 disruption.

Town Manager's Report – Lisa Fiege, Interim Town Manager:

Mrs. Fiege stated that this coming weekend would be the final weekend of the North Street road closure. This was done through the ABC's temporary guidelines, which will expire when the State of Emergency expires on June 29, 2020. After speaking with ABC, if the council is interested in doing something on a limited scale, this is possible. The Town did not get the ABC permit they sought for the St. Patrick's Day parade road closure, but they can still purchase this license which would cost about \$500.00 and will be useable for 16 events in a 12-month period. One event can last for three (3) consecutive days. VDOT would still need to provide approval to close the road. Alcohol cannot be sold outside of the licensed establishments, but the license allows for people to consume alcohol outdoors in the closed-off area. Feedback from the Town has been very positive about the road closure.

The Council recommended applying for the permit immediately and then discussing how to use the permit once approved and acquired. The summer months made the most sense, since outdoor events would be less successful in colder months. Feedback from the Town has been positive. The Council asked for business owner feedback.

Mrs. Fiege stated she would follow up with VDOT and apply for the permit.

Resident Bill Burnham commented that removing the parking during the hours leading up to the road closure could impact the businesses along that street since people would not be able to access those businesses.

Mayor Fosque stated when previously asked the businesses did not have a problem with the parking issue, but the Council should again look into the impact the extended removal of these parking spaces has on businesses in the impacted area.

Mrs. Fiege stated that she, Mayor Fosque, and Councilmember Marino met with the Northeast section leadership group and user agreement returns have been low. A list was sent of the properties that have not responded. Once the Northeast Meeting has been set, she will reach out to those properties so they can learn more about the program. The more participation, the better.

The Eastern Shore of Virginia Broadband Authority (ESVBA) is still in the process of getting the hotspot up and running in Town square. Part of the delay is related to the equipment coming from China and resulting COVID-19 delays.

The Historic Onancock School has begun construction on their lift, and they hope it can be completed for their 100<sup>th</sup> anniversary in 2021.

Holy Trinity Episcopal Church has recently put up a free food pantry at their location on Market Street. This will be stocked with canned goods and other non-perishables for those in need.

NeuBeam recently put up a WIFI Hotspot at the Town Marina, which was shared through Town social media. This was done through a federal grant program designed to increase access during the COVID-19 pandemic.

Mayor Fosque stated he had discussions with Butch Williamson at ANEC about a grant for putting in charging stations for electric cars. He thought it would be worth looking into if there is a place in town where this installation could make sense.

Council Comments:

Councilmember Marino welcomed Ms. Riley and thanked Ms. Tunstall. She stated there was a great turnout and that the Fire House should be used more often.

Councilmember Krause stated the Council was very excited to have Ms. Riley join the Council and thanked her for accepting the position. She was looking forward to working with Ms. Tunstall at a town level capacity. She thanked Glenn for use of the Fire House hall. She too thought a future meeting in the space would be a good idea.

Councilmember Burger had no comment.

Councilmember Oswald stated that in the email today was the March on the Eastern Shore which is happening in Accomac and in Northampton County at the Eastville Courthouse. She stated that this is a demand for national legislative change and that this is the way things get changed in this country. Of importance to her was that as part of this march, there would be voter registration which has been missing from many of the demonstrations. She added the change will come from young people being registered and voter restoration programs for people who have been denied the right to vote due to misdemeanors, etc. She also stated that this is organized by a diverse coalition of preachers and if people are interested, we need to talk and communicate, and this may be the step.

Closed Session:

None.

Adjourn:

*Councilmember Krause made a motion to adjourn. Councilmember Marino seconded the motion. The motion passed by unanimous voice vote.*

The meeting adjourned at 8:21 P.M.

  
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Fletcher Fosque, Mayor

  
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Mariellen Mearsheimer, Deputy Clerk