

MINUTES OF MEETING
SAMPSON CREEK
COMMUNITY DEVELOPMENT DISTRICT

The regular meeting of the Board of Supervisors of the Sampson Creek Community Development District was held on Thursday, April 20, 2023 at 5:00 p.m. at the St. Johns Golf & Country Club, Meeting Room, 219 St. Johns Golf Drive, St. Augustine, Florida.

Present and constituting a quorum were:

Robert Sevestre	Chairman
Laura Webb	Vice Chairperson
Brad Weger	Supervisor
Graham Leary	Supervisor

Also present were:

Daniel Laughlin	District Manager
Wes Haber (<i>via phone</i>)	District Counsel
Tyler Smith	District Engineer
Marc Rousseau	Riverside Management Services
Leah Tincher	Riverside Management Services
Sean Smith	Vesta Property Services
Daniel Bauman	Brightview
Residents	

The following is a summary of the actions taken at the April 20, 2023 meeting. A copy of the proceedings can be obtained by contacting the District Manager.

FIRST ORDER OF BUSINESS

Roll Call

Mr. Laughlin called the meeting to order at 6:00 p.m. A quorum was present.

Mr. Sevestre reported that the license tag reader at the front entrance was stolen. He contacted the Police Department and spoke to an officer who was investigating it. The tag reader belonged to the District and cost \$37,000. Once he received the Police Report, he would update the Board. Mr. Laughlin would verify whether it was covered by insurance.

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SECOND ORDER OF BUSINESS

Public Comment *(regarding agenda items listed below)*

There were no comments.

THIRD ORDER OF BUSINESS

Landscape Update

A. Brightview Q&A

Mr. Daniel Bauman of Brightview reported the following:

1. The new spring flowers were thriving.
2. Turf throughout the community was fertilized recently and it was improving; however, a couple of areas of turf were overlooked for weed control and were scheduled for treatment.
3. There was leaf drop from the Magnolias, which should be in full bloom shortly and then the Pine trees would start dropping its leaves.
4. The irrigation team was working on resolving the irrigation on the soccer field.
5. A tree limb fell on the cart path near the soccer field, but it was hauled off the next day.
6. Hedges by the soccer field were trimmed.
7. The area outside of the cemetery was being mowed on a regular basis.

The Board walked the amenity area to discuss the landscape improvements. There was discussion about bush and sod replacements, improving the condition of the athletic field, replacing the rose bushes in all of the entrance medians and sod repair/replacements along Leo Maguire. Ms. Webb was in favor of replacing the rose bushes with a low-maintenance plant and installing mulch in the beds. Mr. Bauman would provide a proposal. Mr. Sevestre requested that Brightview replace the turf at the main entrance. Mr. Bauman would provide an aerial map of the community showing the areas where they recommended turf being replaced as well as a proposal.

B. Athletic Field Maintenance Proposal

Mr. Laughlin presented a proposal from the St. Johns Golf & Country Club (SJGCC) for maintenance of the athletic field as well as their analysis. The Superintendent surveyed the area of concern and claimed that the decline was due to the field irrigation not providing adequate coverage to the southwest corner of the field. Rotors would be replaced and were on order. They

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performed a soil survey, which showed an elevation in the nematode count, parasites that feed on plant roots and halt its growth. The following options were provided:

- **Option 1**: Top dress and level the area with mirimichi soil mixed with sand, apply four treatments of nematicide, fertilize and grow in turfgrass at a cost of \$2,500.
- **Option 2**: Re-sod playing surface with 5,600 square feet of Bermuda sod, apply four treatments of nematicide and fertilize at a cost of \$5,500.
- **Option 3**: Fraise mow and level surface and apply four treatments of nematicide at a cost to be determined.

Mr. Laughlin stated that staff looked at the agreement and there was an expense schedule attached, which allocated \$2,500 per year for sod replacements. Mr. Leary felt that the SJGCC needed to repair the damage as the District was paying \$64,000 and \$2,500 was allocated every April for sod replacements. Mr. Laughlin recalled in the Request for Proposal (RFP), that the SJGCC proposed taking over the irrigation. Ms. Webb asked if they would take over the watering schedule. Mr. Laughlin stated they would ensure that the irrigation system was running and make any repairs. Ms. Webb asked if fertilizer and nematode treatment was part of the agreement. Mr. Leary confirmed that fertilizer was part of the contract and Mr. Laughlin pointed out that nematode treatment was part of the pest control portion of the contract. Mr. Sevestre and Ms. Webb agreed that the golf course should pay for the sod replacement. Mr. Leary recommended that he and Mr. Laughlin go back to the golf course, point out the \$2,500 allocated for sod replacements and request the repair, which included roping the area off for 10 days.

Mr. Leary further recommended that someone review the scope of work in the existing contract and ensure that it aligned with the work that needed to be done. Mr. Laughlin pointed out that he, Mr. Rousseau and Mr. Haber would do this. Mr. Leary preferred that someone with technical experience determine what needed to be done to maintain the field on an annual basis and obtain a revised estimate from the golf course and the contractor maintaining the field. Mr. Rousseau recommended someone with an extensive background in greens keeping. Mr. Leary proposed asking the golf course to provide the specification on what activities they were recommending on an annual basis. Mr. Laughlin stated the only change in the specification was changing from one mow to two, from 300 pounds of seed to 400 pounds and removing the sod amendment. *Discussion ensued and there was Board consensus for the selection of Option 2,*

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with Mr. Leary and Mr. Laughlin going back to the golf course and pointing out the \$2,500 that was allocated for sod replacements and that they needed to repair it.

FOURTH ORDER OF BUSINESS**Discussion of Fiscal Year 2024 Budget**

Mr. Laughlin presented the draft Proposed Budget for the Board's review, which was included in the agenda package and was similar to last year's budget. He also presented a copy of the Reserve Study, which had a high recommended amount. The proposed increase in assessments was \$114 per year, which would add \$50,000 into capital reserves and at the Board's request, Mr. Laughlin provided the five-year actuals. Over the past five years, there was one increase of \$65, which was impressive, considering that other Districts had increases of 10 to 15 percent and were seeing similar increases this year. A big part of the increase was due to a \$50,000 increase in landscaping for the new landscape contract. Along with the \$50,000, there was also a transfer of \$86,424 from the \$167,000 carry forward surplus, for a total amount of \$130,000, which was \$70,000 less than what the Reserve Study recommended. The budget would be approved at the May meeting and the Board could decide whether the \$50,000 transfer into capital was sufficient or should be increased. A majority of the increases were typical increases from vendors. Mr. Laughlin read a statement from Mr. Yuro who recommended increasing the proposed assessment amount due to underfunding the capital reserve and reducing *Amenities and Recreation Management-Assistant* from \$32,206 to \$12,000, to allow the Amenities Assistant to be available full-time for summer camps and special events throughout the year. To offset the cost of the Amenities Assistant, Mr. Yuro recommended reducing the hourly maintenance to two times per week for four years versus two times per week for eight hours and increasing camp costs slightly. Mr. Leary requested that Mr. Laughlin discuss the Reserve Study. Mr. Laughlin offered to meet with the Board individually via phone or in person.

Mr. Weger joined the meeting.

Ms. Webb questioned how the \$114 was determined. Mr. Laughlin explained that it was a combination of the capital increase and increases throughout the budget. There were total expenditures of \$1,117,947 and it would take \$114 from each homeowner to match this amount. Of the \$114, \$62.57 would make up the \$50,000 to be transferred into the capital reserve. Mr. Leary thanked Mr. Laughlin for preparing the five-year actuals as it was easy to see any significant deviations and questioned why they were spending \$62,084 for Security when they

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spent \$85,000 in 2018. Mr. Laughlin would find out. Ms. Tincher believed it was because the security system was changed because so many security cards were issued and the security company was changed to Central Security, allowing for cost savings. Ms. Webb asked if the signups for the camp were going well. Ms. Tincher confirmed that they were full. Mr. Laughlin reminded the Board that when the Proposed Budget was approved, a high watermark was set, which could be lowered when the budget was adopted, but not increased. They would have a better idea of the actual numbers when the budget was adopted in August.

FIFTH ORDER OF BUSINESS**Discussion of Fountain Replacement**

Mr. Laughlin presented fountain proposals from Aquagenix in the amount of \$13,935, Lake Doctors in the amount of \$9,992.89 and SOLitude Lake Management (SOLitude) for a 5 horsepower (HP) with a light in the amount of \$15,554 and \$12,424 without a light and \$32,698 for a 7.5 HP with a light and \$27,860 without a light. Mr. Yuro informed Mr. Laughlin that he did not want to use Lake Doctors because they installed the previous fountain, which was not sized correctly and preferred the proposal from SOLitude for a 5 HP fountain with a light. Based on input from residents, Mr. Leary wanted to replace the fountain, but did not have the expertise to select one. Mr. Laughlin recalled hearing that a 7.5 HP fountain was too powerful and they did not have the wiring for it. Mr. Smith pointed out that a 5 HP fountain was recommended by Lake Doctors and SOLitude had a nice one. Ms. Webb noted that Lake Doctors recommended using their existing cable but recalled that their cable was part of the problem. Mr. Smith pointed out that their current fountain was correctly sized for a 5 HP fountain, but not a 7.5 HP one. In addition, they could use the existing light kit, but it must be re-built with LED lights as the current ones were incandescent bulbs. Mr. Weger asked if there was a warranty. Mr. Smith confirmed that there was a four-year manufacturer's warranty and the proposal with SOLitude included a five-year warranty. Ms. Webb agreed with Mr. Yuro's recommendation in order to have a new fountain with a warranty for less than \$2,000 more. Mr. Sevestre agreed as the Board delayed this matter so they could get additional information and the Board did their due diligence. Ms. Webb questioned how it would be paid for. Mr. Laughlin stated it was a capital expense.

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On MOTION by Mr. Leary seconded by Ms. Webb with all in favor the proposal with SOLitude for a 5-horsepower motor with a light and 400 feet of cable in the amount of \$15,554 was approved.

SIXTH ORDER OF BUSINESS**Consideration of Resolution 2023-02,
Regarding Records Retention Policy**

Mr. Haber stated under Florida Law, CDDs were required to have Records Retention Policies. This District previously adopted a policy similar to the two options in the memorandum that was included in the agenda package. There were two new matters related to records retention. The first was the law recognized a document called "*Transitory Message*", such as an email from GMS regarding a CDD meeting that a Board Member responds to and once the meeting was held, the Board Member's response would no longer served a useful purpose and the email could be deleted. The second was related to records retention, whereby if a hard copy of a document was converted to an electronic copy, there was no obligation to retain the hard copy. The two Resolutions attached to the memo, which were included in the agenda package, provide two options for retaining records. The first option was to retain records until Florida or Federal Law allowed for its destruction and then taking the appropriate steps to destroy the records and the second one was for the CDD to retain all records in perpetuity and destroy pursuant to Florida Law until the Board otherwise directs. The majority of CDDs and GMS choose Option 2, as it removed any obligation to review documents. Discussion ensued and there was Board consensus to select Option 2. Mr. Weger questioned who would review the documents before they were destroyed. Mr. Haber explained that it was the job of the records custodian, which was GMS. Mr. Weger preferred Option 1, as having documents 10 to 15 years old was more of an issue and there was a value in destroying documents. Mr. Laughlin preferred Option 2, as they could retain documents on a server, electronically and documents could be obtained easily versus having hard copy documents in boxes on shelves. Mr. Sevestre pointed out at a later date, they could determine whether or not to retain the documents electronically.

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On MOTION by Ms. Webb seconded by Mr. Leary with all in favor selecting Option 2 of the Record Retention Policy and adopting Resolution 2023-02 Providing for the Appointment of a Records Management Liaison Officer, Providing the Duties of the Records Management Liaison Officer, Adopting a Records Retention Policy, Determining the Electronic Record to be the Official Record and Providing for Severability and an Effective Date was approved.

SEVENTH ORDER OF BUSINESS**Discussion of Speed Radar and Crosswalk Signs**

Mr. Laughlin presented a proposal from Traffic Safety Warehouse for signs and a location map, as discussed at the last meeting, which were included in the agenda package. Two crosswalk signs would be installed where the current crosswalks were at the cart path and would have a push button flashing light, which would help traffic coming through the Amenity Center. Speed radar signs would be placed after the entrance into the Amenity Center and one just after the crosswalk to catch people before they were crossing the Amenity Center where there was heavy traffic. The District Engineer submitted the Site Plan to the county and the county approved it. The cost for the speed radar and crosswalk signs was \$7,079.86, but Mr. Laughlin requested that the Board approve a not-to-exceed of \$7,500 or \$8,000 in case the pole needed to be replaced. In response to Mr. Leary's question, Mr. Laughlin confirmed that the proposal did not include installation. Mr. Leary reported that the location of the existing 25 miles-per-hour (MPH) sign was in a common area and not in front of a house on St. Johns Golf Drive towards Leo Maguire Parkway. Ms. Webb asked if there would be another 25 MPH sign as she did not like excess signage. Mr. Leary confirmed that there was one that would be replaced with a radar sign. Ms. Webb asked if the crosswalk signs were on both sides of the road. Mr. Laughlin indicated they would be in their current locations. Mr. Leary noted this was the only crossing in the community that did not have a stop sign. Mr. Sevestre agreed that it was needed as a police officer noticed three people leaving the neighborhood driving greater than 35 mph. Mr. Rousseau pointed out that the location of the signs could shift 50 feet as the signs were solar, to get the sunlight it needed. Mr. Leary asked if this item could be funded under the roadway improvements. Mr. Laughlin confirmed that it would be funded from the capital.

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On MOTION by Mr. Leary seconded by Mr. Sevestre with all in favor the purchase of crosswalk and speed radar signs in a not-to-exceed amount of \$8,000 was approved.

Mr. Laughlin requested that the Board approve a not-to-exceed of \$16,000, as \$8,000 was for one sign.

On MOTION by Mr. Sevestre seconded by Mr. Leary with all in favor amending the prior motion for the purchase of crosswalk and speed radar signs in a not-to-exceed amount of \$16,000 was approved.

EIGHTH ORDER OF BUSINESS

Review & Discussion of Updated Kiddie Pool Concepts

Ms. Webb recalled requesting two meetings ago, renderings for the old kiddie pool area and met with a company that proposed removing a 3-foot wall to open up the area into two levels, with stairs in the middle to provide usable space. Mr. Laughlin confirmed that bond money could be used for this purpose as it was an amenity enhancement. Mr. Sevestre agreed that they needed to do something to make the area usable. Mr. Leary was supportive, but Mr. Weger was not sure there should be a fire pit. Ms. Webb suggested having an outdoor chess set or Connect 4. Mr. Rousseau suggested providing the rendering to contractors to obtain cost estimates. Mr. Haber advised that if the project was over \$400,000, there needed to be public bids, but recommended obtaining competitive proposals. Mr. Laughlin suggested tabling this until the Winter. Mr. Laughlin requested that Ms. Webb provide the specifications so he could send it out to contractors.

NINTH ORDER OF BUSINESS

Staff Reports

A. Attorney

Mr. Haber reported that Mr. Leary, on behalf of the Board, entered into negotiations with Duval Landscaping (Duval) on three unpaid invoices in the amount of \$26,000. Duval initially stated that they would not settle for anything less than the full amount that they were owed as they fully performed the work; however, after multiple conversations and letters, they settled for \$15,000. Mr. Haber recommended that the Board authorize a settlement in a not-to-exceed

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amount of \$15,000 and delegate settlement authority to Mr. Leary to work with Mr. Haber to resolve this matter.

On MOTION by Mr. Sevestre seconded by Mr. Leary with all in favor the settlement with Duval Landscape in a not-to-exceed amount of \$15,000 and delegating the authority for Mr. Leary to work with District Counsel to make the final decision on the settlement amount was approved.

Mr. Sevestre thanked Mr. Leary for his hard work. Mr. Haber reported that Mr. Fixel, the attorney that the Board retained for the eminent domain matter with Florida, Power & Light (FPL), reported that FPL planned to do an informal negotiation, which would ultimately provide the District with fewer records and less support for the amount that FPL would be offering for the easement. However, the District opted for a more formal process. Mr. Sevestre reported that most people on County Road 210 accepted money for FPL to install powerlines, which put the District in a bad position. Mr. Fixel was trying the best deal for the District, but it was going to be difficult to fight, as FPL comes to the table with nine lawyers and has certain rights and powers.

B. Engineer

There being none, the next item followed.

C. Manager

Mr. Laughlin stated that the budget would be presented to the Board at the next meeting. If the Board approved it with an increase, a mailed notice would be sent to every resident and a public hearing would be held before adoption to allow residents to speak.

D. Amenities & Recreation Manager

Ms. Tincher presented the Amenities & Recreation Manager Report, which was included in the agenda package. The "Egg" Stravagazna was a success, as they had over 400 adults and 300 kids hunting eggs, despite someone questioning it. However, there were issues with the teenagers, who were being destructive in the Clubhouse and were now prohibited, unless they were accompanied by an adult. Four teenagers were kicked out of the bounce houses for shaking

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and were told to leave the property; however, they returned and were not permitted to return unless she spoke to their parents. As a result of the teenagers, Ms. Tincher wanted to disband the food trucks temporarily at the end of April; however, for the age group 12 to 15, she proposed having them serve as coaches for *Tiny Tots* and having a pizza party to present the idea to them. Ms. Webb questioned whether the teenagers were vandalizing the Clubhouse. Ms. Tincher stated they were stuffing toilet paper down toilets in the Clubhouse bathrooms and playing handball on the tennis courts on Friday nights between 9:30 p.m. and 10:00 p.m. Ms. Webb asked if someone was waiting to play tennis. Ms. Tincher explained that the teenagers would not get off of the tennis courts when someone wanted to play.

Ms. Webb felt that security should be handling these issues. Ms. Tincher pointed out that the security guard had other issues to handle. Teenagers were also holding up the food trucks by asking the vendors questions and not ordering anything. Ms. Webb assumed if the food trucks did not receive orders, they would stop coming and was in favor of Ms. Tincher bringing back *Tiny Tots* as there would be parents there to monitor the teenagers. Ms. Tincher could not do it by herself, if the Board cut back her assistant's hours, as suggested by Mr. Yuro; however, any money earned, would go into the Sampson Creek Recreation Fund, not to Riverside Management. Mr. Leary pointed out that the Board did not agree to cut the hours. Ms. Webb felt that there should be an attendant at the bounce houses to control the teenagers. Ms. Tincher explained that the owner was there, but the teenagers talked back to him and used foul language, which was when she had them exit the property. Mr. Laughlin suggested suspending their amenity privileges. As a former teacher, Ms. Tincher wanted to do something and would provide a plan to the Board. Mr. Sevestre supported Ms. Tincher 100 percent. Ms. Webb signed up her daughter for the babysitting course, but she was sick when the course was held. Ms. Tincher would provide a credit.

E. Operations Manager

1. Report

Mr. Rousseau presented the Operations Manager Report, which was included in the agenda package. The pool deck, furniture and slide tower were pressure washed and the slide tower structure was painted an earth tone color. Ms. Webb recalled that the Board wanted the tower to be painted black. Mr. Laughlin stated there was consensus at the last meeting to paint the slide tower Caramello, but the handrails were painted black. Mr. Rousseau reported that four

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shade awnings were installed at the tennis courts, which the ladies loved and was in the process of obtaining proposals to repair and repaint large cracks on four tennis courts. Ms. Webb asked if concrete companies did this work. Mr. Rousseau noted there were companies that squeezed silicon into the cracks and resurfaced. One company used fiberglass over the cracks to provide a longer life, but it was expensive.

2. Lake Doctors Report

Mr. Rousseau presented the Lake Doctors Report, which was included in the agenda package.

3. Slide Tower Stairs Repairs

Mr. Rousseau presented proposals from 2 Men Concrete in the amount of \$1,500 and from Thornton Brothers Concrete in the amount of \$3,475, to repair one corner on the slide tower stairs that was cracked and fill in holes on the posts. Mr. Sevestre wanted to ensure that they used a rubber-based compound for the crack material versus water-based caulking. Mr. Sevestre was in favor of the proposal from 2 Men Concrete.

On MOTION by Ms. Webb seconded by Mr. Sevestre with all in favor the proposal from 2 Men Concrete for repairs to the slide tower stairs in the amount of \$1,500 was approved.

4. St. Johns Golf Drive Soil Repair

Mr. Rousseau presented a proposal from 2 Men Concrete to clean and fill both sides of the sidewalk that was recently repaired by Thornton Brothers on St. Johns Golf Drive in the amount of \$950. Brightview proposed \$1,161 to remove tree roots and level high spots as well as cleaning and filling both sides of the sidewalk. He did not want to use Thornton Brothers because of what they left behind and felt that 2 Men Concrete would do a good job. Ms. Webb questioned when the pictures were taken of the area. Mr. Rousseau took them just after the work by Thornton Brothers was completed. Mr. Laughlin recalled that Mr. Yuro requested the proposal at the last meeting due to the state of the area. Ms. Webb was more in favor of using a landscaper than a concrete company. Mr. Laughlin felt it was more reasonable to spend \$900 than to fight with Thornton Brothers to restore the area. Mr. Sevestre preferred the proposal from Brightview.

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On MOTION by Mr. Sevestre seconded by Mr. Leary with all in favor the proposal from Brightview to clean and fill both sides of the sidewalk that was recently repaired on St. Johns Golf Drive in the amount of \$1,161 was approved.

5. Indigo Sports – Soccer Field Monthly Report

Mr. Rousseau presented the March Soccer Field Report from Indigo Sports, which was included in the agenda package. Mr. Laughlin pointed out the Board would receive a monthly report at future meetings. Ms. Webb requested that they include the dates that they mow the field. Mr. Rousseau stated that they would spruce up the report and include dates.

TENTH ORDER OF BUSINESS

Supervisors' Request

Ms. Webb received an email from a resident who asked if they were responsible for cutting tree roots when she replaced her driveway since it was a CDD tree. Mr. Laughlin confirmed that the trees were the responsibility of the homeowner, according to HOA documents, but the CDD made repairs in the past because the CDD would be liable if someone tripped and fell on the sidewalk. Mr. Sevestre pointed out that they only trimmed trees over the roadway. Mr. Sevestre noted several trees in the street that were low and should be raised so school buses could get through. Mr. Laughlin would contact the county.

ELEVENTH ORDER OF BUSINESS

Public Comments

Resident Robert Meloga questioned the location of the fountain replacement. Mr. Sevestre confirmed that it was on 13th hole. Mr. Meloga asked if the Board considered having a fountain up front. Mr. Sevestre stated they considered it, but fountains were expensive to purchase and maintain. Mr. Meloga requested an awning over the pool to provide shade. Mr. Sevestre stated it was something they could look into. Mr. Laughlin suggested including it in the plans for the old kiddie pool area. Resident William Dunley lived in the community for 19 years and noted this was the first meeting that he attended.

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TWELFTH ORDER OF BUSINESS

Approval of Consent Agenda

- A. Approval of Minutes of the March 16, 2023 Meeting**
- B. Balance Sheet as of March 31, 2023 and Statement of Revenues & Expenditures for the Period Ending March 31, 2023**

Mr. Laughlin presented the minutes of the March 16, 2023 meeting and Balance Sheet as of March 31, 2023 and Statement of Revenues and Expenditures for the Period Ending March 31, 2023, which were included in the agenda package. Overall expenditures were currently \$42,000 under budget and assessment collections were at 97.9%.

C. Check Register

Mr. Laughlin presented the Check Register from April 20, 2022 in the amount of \$114,467.96 for the General Fund and \$7,196.11 for the Capital Reserve Fund, which was included in the agenda package.

On MOTION by Mr. Sevestre seconded by Ms. Webb with all in favor the consent agenda items as stated above were approved.

THIRTEENTH ORDER OF BUSINESS

**Next Scheduled Meeting – May 18, 2023
@ 6:00 p.m. @ St. Johns Golf & Country
Club Meeting Room**

Mr. Laughlin stated the next meeting was scheduled for May 18, 2023 at 6:00 p.m. at this location.

FOURTEENTH ORDER OF BUSINESS

Adjournment

On MOTION by Mr. Leary seconded by Ms. Webb with all in favor the meeting was adjourned.

DocuSigned by:
Daniel Laughlin
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Secretary/Assistant Secretary

DocuSigned by:
Robert Sevestre
9724814GA626448...
Chairman/Vice Chairman