

MINUTES
KEY COLONY BEACH CITY COMMISSION
SPECIAL MEETING
“Golf Course Comprehensive Agreement & Lease Agreement”

Monday, January 12th, 2026 – 9:37 AM
Marble Hall, 600 W. Ocean Drive, Key Colony Beach
& via Zoom Conferencing

1. **Call to Order & Roll Call:** The Key Colony Beach City Commission Special Meeting was called to order by Mayor Foster at 10:37 AM followed by Rollcall. **Present:** Mayor Freddie Foster, Vice-Mayor Doug Colonell, Commissioner Tom Harding, Commissioner Tom DiFransico, Commissioner Diehl. **Also present:** City Attorney Jim Hicks, City Administrator John Bartus, Building Official Tony Loreno, Public Works Department Head Mike Guarino, Administrative Assistant Par Darnall, City Clerk Silvia Roussin.

Public Attendance: 26

2. **Approval of the Agenda** (*Additions, changes, and deletions can be made via one motion and a second to approve by a majority vote*)

There were no changes to the agenda, and Mayor Foster asked for a motion to approve the agenda.

MOTION: Motion made by Vice-Mayor Colonell to approve the agenda. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

3. **Citizen Comments and Correspondence:** None.

4. **City Commission Discussion/Approval**

- a. Draft Comprehensive Agreement
- b. Draft Lease Agreement
- c. Attachments for Comprehensive Agreement
- d. Comments by D. Rice Management

Mayor Foster opened the discussion and asked that individual items be addressed one by one.

Mayor Foster asked for a motion to address the term of the lease.

MOTION: Motion made by Commissioner DiFransico to offer a 20-month lease to Daryl Rice. Commissioner Harding seconded the motion:

DISCUSSION: Mayor Foster asked for further discussion. There was none.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster asked for discussion on the termination notice and on both parties' ability to terminate. Assistant City Attorney Hicks explained the right to terminate for cause and the right to include it in the agreement. The Commission discussed the clause allowing termination for convenience and whether to include it. Mayor Foster asked for a motion. Assistant City Attorney Hicks explained the agreement's termination clauses, stating that termination is at the city's discretion and that the clause is included in all city contracts.

MOTION: Motion made by Mayor Foster to leave the language included in the agreement. There was no second.
ON THE MOTION: Motion failed.

MOTION: Motion made by Commissioner DiFransico to delete Section 9.3.1.1 of the draft agreement. Commissioner Harding seconded the motion.

DISCUSSION: Mayor Foster noted the need for termination language.

ON THE MOTION: Rollcall vote. Vice-Mayor Colonell – Yes. Commissioner Harding – Yes. Commissioner Diehl – Yes. Commissioner DiFransico – Yes. Mayor Foster – No. The motion passed.

Mayor Foster asked for further review of the proposed agreement, and Assistant City Attorney Hicks confirmed that the termination for convenience clause has been removed from both agreements.

Mayor Foster commented on Section 5.4.14 and recommended removing the tree trimming, with Daryl Rice responsible for all other maintenance.

MOTION: Motion made by Mayor Foster to approve Section 5.4.14, minus the trimming of the trees. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster asked for a review of Section 7.1.3, which recommends a different fee schedule and recommended removing the section.

MOTION: Motion made by Mayor Foster to remove Section 7.1.3. Commissioner DiFransico seconded the motion.

DISCUSSION: Mayor Foster clarified the removal of the section pertaining to different fee schedules for non-residents.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster asked for a review of Section 8.6 and the provision of equipment, stating that the equipment had been purchased with an estimated arrival in March. Public Works Department Head Guarino supported the use of large equipment but not consumables like fuel and cleaning supplies, and supported keeping the wording as is.

MOTION: Motion made by Mayor Foster for the wording to stay as is for Section 8.6.

DISCUSSION: Commissioner DiFransico asked Public Works Department Head Guarino to review Section 8.2 for estimates and labor paid by the lessee and asked whether that should be changed so the city performs all major repairs in maintenance. Mike Guarino agreed. Mayor Foster asked for a second to the motion on Section 8.6. Commissioner Harding seconded the motion.

ON THE MOTION: Rollcall vote. Unanimous approval.

MOTION: Motion made by Commissioner DiFransico on Section 8.2 that verbiage should be changed to ‘all major repairs completed by the city’. Commissioner Harding seconded the motion.

DISCUSSION: Mayor Foster clarified that the verbiage change will be from lessee to lessor.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster asked for a review of the maintenance of the irrigation system. Mayor Foster clarified that Daryl Rice should continue to maintain the irrigation system, excluding the pump and the mainline, which Public Works Department Head Guarino confirmed.

MOTION: Motion made by Mayor Foster for Daryl Rice to maintain the irrigation system minus the mainline and the pumps. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

MOTION: Motion made by Mayor Foster that Daryl Rice is responsible for the Clubhouse bathrooms. Commissioner Diehl seconded the motion.

DISCUSSION: Public Works Department Head Guarino confirmed that the Golf Shop maintenance costs can be separated.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster asked for an explanation of the verbiage regarding storage in the service building. Public Works Department Head Guarino explained that private property had previously been stored in the building.

MOTION: Motion made by Mayor Foster to maintain verbiage that the building is for the storage of property needed for the operation and maintenance of the golf course. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster spoke on the addition of a vending machine to the golf course and stated that Daryl Ricse has given no objections.

MOTION: Motion made by Mayor Foster for verbiage in the agreement that the city operate and maintain vending machines. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

The Commission discussed the current rent assessment.

MOTION: Motion made by Mayor Foster to maintain the current rent cost. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster asked that Commissioner Harding be referenced as the point of contact, which Commissioner Harding accepted.

Mayor Foster asked for a review of the utility costs. City Clerk Roussin confirmed that Daryl Rice is currently paying water costs and half of the electricity costs. Mayor Foster agreed that the current process should be maintained.

MOTION: Motion made by Mayor Foster to maintain the current agreement. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

City Clerk Roussin asked for clarification on the performance bond. The Commission gave consensus to leave the bond at \$20,000.00.

The Commission discussed current operating hours.

MOTION: Motion made by Commissioner Harding for operating hours from 8:00 AM to 4:00 PM. Commissioner DiFransico seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Commissioner DiFransico spoke about Daryl Rice's proposal to operate on Mondays and Fridays during the summer months, with the clubhouse not being staffed on those days. Mayor Foster asked that language be added to the agreement to ensure residents can still play on those days. The Commission agreed that the summer months would be May 1st to September 1st.

MOTION: Motion made by Mayor Foster for the summer months to be identified as May 1st to September 1st. Commissioner Harding seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Vice-Mayor Colonell asked for confirmation that Workers' Comp insurance has been secured. Assistant City Attorney Hicks confirmed that the Workers' Comp insurance requirements are included in the agreement.

Commissioner Harding offered to review the updated draft with Daryl Rice to minimize legal costs. The Commission agreed. Commissioner Harding agreed that any substantial changes must come back before the Commission.

MOTION: Motion made by Mayor Foster for Daryl Rice to be responsible for the purchasing of mulch as part of the landscaping, and that verbiage remain in the new agreement. Commissioner Diehl seconded the motion.

DISCUSSION: The Commission discussed the amount of mulch needed and decided not to state an exact amount for the upkeep of the golf course.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster asked Assistant City Attorney Hicks to review whether all talking points were addressed. Jim Hicks asked for a brief review. Commissioner Harding asked about the need for additional screen barriers and who is responsible for the purchase. The Commission gave consensus to stay as is, with the city maintaining the screens.

Assistant City Attorney Hicks asked for clarification on responsibilities for consumables such as fertilizer and herbicides. The Commission confirmed that these are Daryl Rice's responsibility.

Jim Hicks asked for the requirement of the placement of water coolers on the course, which could not be provided by Daryl Rice.

MOTION: Motion made by Commissioner DiFransico to remove the requirement from the contract. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

Mayor Foster called for a 5-minute break.

The meeting reconvened at 11:15 AM.

Assistant City Attorney Hicks stated that the existing language regarding minor and major repairs was appropriate, as future repair needs cannot be fully anticipated. Jim Hicks also addressed the topic of fee setting and the role of the Commission in that process. Commissioner Harding expressed support for continued Commission involvement in setting the fees. The Commission reached consensus to retain the current wording in the agreement.

The Commission also discussed the start and end dates of the lease agreement and agreed to establish the lease term ending on September 30, 2027.

Assistant City Attorney Hicks stated that all open discussion items had been addressed and suggested a motion to approve, subject to all amendments made.

MOTION: Commissioner DiFransico made a motion to approve the agreement and the lease as modified during today's meeting. Commissioner Diehl seconded the motion.

DISCUSSION: None.

ON THE MOTION: Rollcall vote. Unanimous approval.

5. Citizen Comments

Doug Lipke thanked the Commission for its discussions and compromises and recommended providing a red-line copy of the agreement for Daryl Rice to review.

Cindy Catto expressed her appreciation to the Commission and offered the assistance of the Recreation Committee.

Dave McKkahan, 2 7th Street, echoed Ms. Catto's comments and offered the support of the Beautification Committee as well.

6. Adjournment: The meeting adjourned at 11:20 AM.

Respectfully submitted,

Silvia Roussin

City Clerk

ADOPTED: February 19, 2026

Silvia Roussin

City Clerk