

## Ronald Hanna

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**From:** BRIAN NADEL <brianbhoy@icloud.com>  
**Sent:** Tuesday, November 3, 2020 5:36 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] 37th avenue resident concerns

Hello -

Not sure what is hyperbole and what is fact; however, I would like to have more clarity with regard to the dealings at the marina/restaurant area and ask that any final decisions are tabled until more investigation, evaluation and consideration are allowed.

If you are a council for the people, then listen to the people. If you are proposing/pushing through items that will sour your legacy, I encourage you to be transparent and provide the appropriate insight to the residents - especially since a loud portion are clamoring for this transparency.

Any questions, feel free to call me directly at 704-675-3151. In addition to being a full time resident, I'm involved in a multitude of business transactions in the markets I work.

Respectfully,

Brian Nadel

Thanks,

Brian

## Ronald Hanna

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**From:** Christine Donovan <coachchristined@gmail.com>  
**Sent:** Tuesday, November 3, 2020 8:00 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] Marina Restaurants - Please approve lease

Thank you for your long and hard work to get a restaurant lease in place at the marina. You have used professionals to advise you and it appears that the lease is fair to all involved. You delayed the vote in order to allow residents to more fully understand the lease and the restaurant plans. A couple of people have been very vocal on social media and have raised some questions that you have answered.

You have found a way to lease a dilapidated building at no cost to the city. As people have raised questions about the rental rate, it is clear that many have not taken into consideration the millions of dollars it will cost the tenants to put it into a usable condition. All the questions about the cost of rebuilding being less than anticipated have been answered. I also note that the tenants have been given no guarantee that the cost may be more than what they anticipate.

I personally know Dave Lorenz and know him to be a man of integrity, who has proven himself in the types of restaurants that he develops. I hope that there are no further delays in approving this lease and allowing these restauranteurs to proceed.

Christine Donovan  
#31 26th Ave.  
Isle of Palms

## Ronald Hanna

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**From:** Michele French <mfdecor@icloud.com>  
**Sent:** Wednesday, November 4, 2020 1:20 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] Political sign removal

Hello council members,

I think it's safe to say most residents are sick of seeing all the political signs lining all of our streets . There's been so much drama on Nextdoor and FB groups about stealing them etc. , I don't think we need the signs to remind us who to vote for . Can we please not allow these signs to litter our island next election as they are very unnecessary? I've had many discussions with neighbors and I think it's safe to say most feel the same way. How soon can they all be removed and who takes care of it ? , Palm Blvd looks like Myrtle beach not IOP . Thank you , Michele French

Sent from my iPhone

## Ronald Hanna

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**From:** Sondra Hines <hinessf57@gmail.com>  
**Sent:** Saturday, November 7, 2020 4:53 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] Marina Resturant

Due to out of town company I just watched the council meeting and felt the presentation explain very well the process. All aspects seem to have been throughly considered. I dont think comparing this water front property to that in FL is comparing apples to apples. The amount of boat and vehicle traffic in FL is much greater than our small island. Also the outlay of 2 mil. is a hugh investment. Please don't let a couple vocal residents who really have no clue about what is going on and like to spew hate and rile people up with half truths keep this lease from happening. I feel this will be good for IOP. Thank you for your hard work!

Sondra Hines

## Ronald Hanna

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**From:** Scott Pierce <scott.pierce@prodigy.net>  
**Sent:** Tuesday, November 10, 2020 10:07 AM  
**To:** Jimmy Carroll; Kevin Popson; Randy Bell; John Moye; Jimmy Ward; Susan Hill Smith; Phillip Pounds; Rusty Streetman; Ryan Buckhannon  
**Cc:** Desiree Fragoso; Ronald Hanna  
**Subject:** [EXTERNAL] Marina Restaurant Lease - Thank You!

Mayor, Council, Staff,

Thank you for your diligence and long, persistent, thorough work for the new restaurant lease on the IOP. It's been a challenging road to get here and for those that have followed this from the start well over a year ago, it's clear you should all be commended for transparency, thoughtful negotiations, and following proper RFP, competitive, guidelines.

You've managed to turn a very challenging and difficult situation at the Marina, into a viable and hopefully thriving solution for residents, visitors and the business owner. It's a win-win situation all around.

Let's get it moving forward as soon as possible, so we have a great new local venue to enjoy next season.

Scott Pierce  
4 9th Avenue

## Ronald Hanna

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**From:** Mueller, Rene Dentiste <MuellerR@cofc.edu>  
**Sent:** Tuesday, November 10, 2020 1:33 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] Restaurant lease concerns  
**Importance:** High

Please do not approve the restaurant lease as proposed. The residents voted to purchase the marina property for resident use. As has been the situation over the last decade, commercial interests always override residents' interests; resident access to the marina space is decreasing. This is despite the fact that the town, not private business, bought the marina property and maintain it. Indeed, we are investing an additional \$4.5 million in renovations for a property that is almost exclusively commercial. Council needs to stop the land grab and work towards improving resident access.

As outlined in my letter last week, my two main concerns are.

- 1) **Exclusive use of dock.** We just went through a very acrimonious vote on Tidal Wave dock space. Council rightly voted to return that dock space to residents. It is, therefore, difficult for me to understand why Council would turn around and give the restaurant 24 years of EXCLUSIVE use over other IOP owned dock space. To me, this is exactly the situation Council voted on last month, only the players are different. As per the lease agreement, *the town is paying for all the renovation and upkeep of the dock space*. If needed, give the restaurant use of the dock space, just not exclusive use.

If Council won't return that dock space to residents, at least have the restaurant group pay full market value for the dock. Current rates for dock space are already \$500 per month per space. Consequently, the dock space is worth at least \$36,000 annually (these rates are likely to escalate as more people move to the area). The restaurant is only paying \$100,000 annually so I cannot believe that the lease rates adequately account for the docks that island residents are paying to renovate and maintain. To give exclusive use of the dock to the restaurant without adequately charging full market rates is fiscally irresponsible.

- 2) **Restaurant Employee Parking.** I understand the need for restaurant parking but handing over more IOP owned parking to the restaurant employee parking is not in the best interest of residents. If I understand it correctly, Marina Tenant Parking is already available under the Marina Joint Venture (MJV) lease. Rather than award the restaurant additional parking, the town needs to work with MJV to ensure MJV provides adequate space for restaurant employee parking.

Given this is a 24 year lease, residents will have to live with your decision for at least a generation. Please also understand that the current lease proposal isn't anything like the proposal put forth via the RFP. Please, go back to the drawing board to ensure that residents' interests are adequately addressed.

Regards,

Rene Dentiste Mueller, PhD

## Ronald Hanna

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**From:** Suzi's <slajas1@gmail.com>  
**Sent:** Tuesday, November 10, 2020 1:57 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] Restaurant Lease

Dear Council,

Please consider some amendments to the proposed lease. Prior to last week's meeting, I asked some questions regarding the parking lot assignments. Having received no answer, I can only hope that this Council will address the concerns and not enter into a binding agreement which will have repercussions for future parking. The "shared" lot as I understand it is for unpaid parking.

Please do not stipulate times and managers for this area without a formal agreement. I fear that the stipulation of the 25 year lease will enable the MJV to have formal control over that parking area for the life of the lease. It appears they (MJV) have already encroached and are collecting revenue for their profit, not the City's.

Please take the residents into consideration!

Thank you!  
Suzi Wheeler

## Ronald Hanna

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**From:** Josh Hooser <josh@hooserlawyer.com>  
**Sent:** Tuesday, November 10, 2020 2:09 PM  
**To:** Desiree Fragoso; Ronald Hanna  
**Cc:** Hooser Legal Assistant  
**Subject:** [EXTERNAL] CORRESPONDENCE REGARDING TODAY'S COUNCIL MEETING  
**Attachments:** IOP CARES - Demand Letter 11-10-2020.pdf

Please see attached.



171 Church Street, Suite 340  
Charleston, SC 29401  
Telephone: (843) 640-3152  
[www.hooserlawyer.com](http://www.hooserlawyer.com)





November 10, 2020

Desirée Fragoso, City Administrator  
1207 Palm Boulevard  
Isle of Palms, SC 29451  
City of Isle of Palms, South Carolina  
*Sent via email to desireef@iop.net*

Dear Ms. Fragoso:

I have been retained by several businesses, taxpayers, and residents of the City of Isle of Palms, South Carolina (“the City”) to represent their interests in litigation against the City regarding lease agreements at the marina property owned by the City. My clients include, but are not limited to: Long Island Cafe, IOP Raw, Acme Lowcountry Kitchen, and Luke & Ollies.

As I indicated to you in my correspondence dated November 3, 2020, any affirmative action taken by the City regarding these lease agreement(s) will irreparably harm my clients and other City residents, taxpayers, and businesses. I understand a meeting of City Council is scheduled for today. Please let this letter serve as notice that my clients intend to file a lawsuit in federal or state court to protect their interests and enjoin the City from further action regarding the marina property should this occur.

The most urgent issue is the City’s faulty Request for Proposal process to bid out and build out the highly coveted marina restaurant previously known as Morgan Creek Grill. The City violated the law by selectively asking for bids to replace the building of the restaurant and then accepting a lease agreement that requires insufficient capital to satisfy the terms of the bid.

In addition, the terms of the proposed lease are against industry standards and feature financial terms well below fair market value. If the new lease is signed, the City will subsidize the new restaurant by at least \$3,000,000.00. The City will also agree to financially support parking and a generous boat dock to the detriment of my clients and other businesses. This is unacceptable and patently unfair to the businesses and residents that help make this island thrive.

We look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Hooser".

Attorney Joshua Hooser

## Ronald Hanna

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**From:** Valerie Kraus <vbkraus@aol.com>  
**Sent:** Tuesday, November 10, 2020 2:10 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] MEETING VOTE

Rene Dentiste Mueller has shared her letter that she submitted to the IOP City Council. We agree 100% with her statements and position. We are so disappointed in the outcome of the restaurant lease and believe it does not serve the best interests of IOP residents. In addition, it does not appear to be a fiscally responsible lease. It appears to be so one sided and in favor of one particular interest group, the IOP Families restaurant group. The current structure of the lease in no way resembles the original RFP. In our view, the only responsible thing to do is start over. Please do not proceed with tonight's vote.

Valerie and John Kraus  
4 Hidden Green Lane

## Ronald Hanna

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**From:** Jonathan Swartz <iamjonathanswartz@yahoo.com>  
**Sent:** Tuesday, November 10, 2020 2:45 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] Marina Lease  
**Attachments:** IOP CARES - Demand Letter 11-10-2020.pdf

Jonathan Swartz  
Owner,  
Luke 'n Ollie's Pizzeria

Sent from my iPhone

## Ronald Hanna

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**From:** ravi scher <ravischer@hotmail.com>  
**Sent:** Tuesday, November 10, 2020 2:59 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Subject:** [EXTERNAL] Marina lease  
**Attachments:** IOP CARES - Demand Letter 11-10-2020.pdf

Please find attached letter regarding the marina lease / aka . Morgan creek grill.

I have voiced my stance on the proposed marina lease. It's unfair to all The business who are paying a lease based on reality.

I contest the comps were not done properly. The 3 largest restaurant brokers in the Lowcountry were not even consulted or retained.

I would be happy to provide contact information.

Bring the lease to fair market or re bid the entire project. I'd love to have a restaurant that I can enjoy the views on the water also. But I'd also like to still have a livelihood on this island. This current deal causes detriment to businesses and puts an unfair burden on Isle of Palms tax payers.

Please consider a modification or amended.

Regards  
Ravi Scher

Sent from my iPhone

## Ronald Hanna

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**From:** Bobby Simons <bobbyacme@gmail.com>  
**Sent:** Tuesday, November 10, 2020 2:56 PM  
**To:** Desiree Fragoso; Jimmy Carroll; Jimmy Ward; John Moye; Randy Bell; Ronald Hanna; Rusty Streetman; Ryan Buckhannon; Susan Hill Smith; Kevin Popson; Phillip Pounds  
**Subject:** [EXTERNAL] Marina Restaurant Lease  
**Attachments:** IOP CARES - Demand Letter 11-10-2020.pdf

Hi there!

Sucks having to do this.

Bobby Simons

## Ronald Hanna

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**From:** Garrett Krause <garrettkrause@me.com>  
**Sent:** Tuesday, November 10, 2020 2:46 PM  
**To:** Jimmy Carroll; Randy Bell; Ryan Buckhannon; John Moye; Jimmy Ward; Susan Hill Smith; Desiree Fragoso; Phillip Pounds; Rusty Streetman; Kevin Popson; Ronald Hanna  
**Cc:** josh@hooserlawyer.com  
**Subject:** [EXTERNAL] IOP City Council  
**Attachments:** iop cares - demand letter 11-10-2020.pdf

### To all members of our Current City Council.

I am sending this email to you because I am the Director of a new group called IOP Cares and we have retained a lawyer to file an injunction and lawsuit against Isle of Palms to stop the signing of the Marina Lease Agreement with Marker116 LLC.

We have 4 local restaurants on our side and are talking to many many more local restaurants and have support of many City taxpayers and residents that you say you represent but with this big asset giveaway it does not seem like it.

Go ahead, have your vote, you have been put on notice as the residents, taxpayers and small business on the IOP are not buying your story.

Listen, we all want a new beautiful new restaurant but not under the unacceptable terms you have negotiated and not having the taxpayer subsidize this venture that will harm our local restaurants.

### ***Here is what we are pushing for:***

1. We need a Fair Market Value for the lease - We have found your comps and appraise unacceptable and the work of Lee & Associates should not be accepted. Maybe you should all actually read the appraisal and look at the comps used.

*We are prepared to bring a expert witness to court to prove that your lease is not fair market value no matter how excited you get about a \$2,000,000 capital investment.*

2. A fair RFP process - The top to restaurant brokers in the Low Country were not contacted and there may be some funny business in the process because not 1 outside group actually made a proposal, that seems not above board.

*I have stated that I will bring in a partner and pay \$2,000,000 CAPEX and pay \$20,000 to \$25,000 per month rent. Right now you have \$8,333 after a 1 year rent gift at \$40,000.*

*I know there are many big players that will pay the same, so if you give it away at \$8,333 per month then you have just stolen money from the City and could be held liable.*

3. We were promised in the acceptable on the RFP that they would build a new building that would have value after 25 years. But then we got the switch and now you have approved a minimal structural improvement. with no controls are planned. We have to make sure none of the \$2,000,000 goes to FF&E expense to open restaurant.

*In our opinion, at the end of 25 years, this existing building plus the \$2,000,000 will be need to be demolished, while a new building as promised would still have value if built correctly.*

Bottom line, by accepting this current lease we intend to take this to court and prove that you are voting for the City to subsidize this new IOPa restaurant venture and by doing this you will harm many other small restaurants on the island that compete for the same customers.

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**Further to Council**

At this time, I am putting you all on notice that our new IOP Cares Association has been set up with a mission to keep current and future IOP City Councils in check with the law. It has been said by many (Including 3 new organizations) that this group is the most controversial, secretive and non-transparent City Council of all time and moving forward we funded to be a true check and balance on your decisions and of all members of City Council going forward.

Welcome to the new IOP, where we now are organized with real residents, taxpayers and small businesses that actually care about what happens, but many are afraid to stand up for their rights because of the intimidation and retaliation tactics by some of our council members for which I have first hand knowledge.

What is sad is that I have to actually say the above, but with first hand experience myself with Randy Bell and watching the Tidalwave fiasco for 3 years I do know first had about the intimidation and retaliation tactics which in my case lead to physical violence and assault.

Good luck to you all, you say your represent the City Residents, Taxpayers and Small Business Owners so maybe you should listen for once.

Please govern yourself accordingly,

Garrett Krause  
Chairman - IOP Cares, LLC