

From: [William H Lynch](#)
To: [Evans, Kelsey](#)
Subject: Fwd: Bradford Beach Pavilion Development- The Dock
Date: Thursday, May 20, 2021 2:20:06 PM

CAUTION: This email originated from outside of Milwaukee County. Use the Phish Alert Report button to have IMSD review this message if you think it is suspicious.

Hi Kelsey,

Here is the Michael Cain letter for inclusion with the Dock Bradford response item. Thanks,

Bill Lynch

Sent from my iPhone

Begin forwarded message:

From: Michael Cain <cainmjc@gmail.com>
Date: May 10, 2021 at 11:04:42 AM CDT
To: William H Lynch <billylynch@me.com>
Cc: "German, Tom - BCPL" <Tom.German@wisconsin.gov>, "Kowalkowski, Michael J - DNR" <Michael.Kowalkowski@wisconsin.gov>, "Thompson, Michael C - DNR" <MichaelC.Thompson@wisconsin.gov>, "Siebert, David R - DNR" <david.siebert@wisconsin.gov>, Tony Wilkin Gibart <tgibart@midwestadvocates.org>, George Meyer <georgemeyer@tds.net>, Fred Clark <fclark@wigreenfire.org>, Charles Kamps <chaskamps@gmail.com>, Guy Smith <Guy.Smith@milwaukeecountywi.gov>, Kurt Mihelich <kurt_mihelich@hotmail.com>, Sheldon Wasserman <repsaw@yahoo.com>, "James hall (E-mail)" <jhh@hall-legal.com>, Lauri Gorton <lg@g-etg.com>, "Timothy K. Hoelter" <tkhoelter@gmail.com>, Nik Kovac <nkovac@milwaukee.gov>, Felesia Martin <Felesia.Martin@milwaukeecountywi.gov>, Carl Krueger <ckrueger@browndeerwi.org>, Jonathan Brostoff <jonathan.brostoff@gmail.com>, Dan Bukiewicz <dbukiewicz@oakcreekwi.org>, John Budzinski <John.Budzinski@wisconsin.gov>, "CoryAnn St.Marie-Carls" <coryann.stmc@gmail.com>, Greg A Patin <Greg.Patin@milwaukee.gov>, Lafayette Crump <Lafayette.Crump@milwaukee.gov>, Adam Tindall-Schlicht <adam.tindall.schlicht@milwaukee.gov>, Dan Besson <dbesson@halescorners.org>
Subject: Re: Bradford Beach Pavilion Development- The Dock

Thank you, Mr. Lynch, for the response on April 30th re: the developments at Bradford Beach by "The Dock". I have been out of state but, upon my return, I've had contacts from Milwaukee County citizens continuing to express concerns about both The Dock proposal and about signage at other Milwaukee County Park facilities that are, ostensibly, on public lakebed (Grant Park Beach and South Shore Terrace) where Milwaukee County Parks is restricting public access to tables to those who purchase food and drink at certain facilities.

The documents you sent do not provide any definitive promises for the operation of The Dock facilities. It is my understanding that WI DNR will be reviewing these issues and requiring specific contract language. From the information I have received (outlined below) it will be imperative that the final contract language require specific operational requirements, explicit signage, and a system for enforcement at Milwaukee County Parks.

I attach below photos of the three sites I mentioned above. I also submit a summary of concerns expressed by Milwaukee County citizens in the past week about their observations and their discussions with personnel of The Docks.

An individual told me that they had a conversation last week at the Pavillion with a gentleman named "Zack" who said he was the "general manager" of the Dock operations at Bradford Beach. He said he has been in that capacity since 2019. He said that the "public" would not be able to bring their own food and beverages into the upstairs area of the Pavillion. He said The Dock purchased the tables "and they can set the parameters for who sits on them". He said that some people had been requesting pricier food items at the Pavillion so they can have a more "exclusive, comfortable place to eat because "some people don't want to put their feet in the sand".

The person also advised that there are new areas near the Tiki Huts that are roped off and that ostensibly will be available only to persons who purchased food and beverage from The Docks.

I was also advised that a person inquired of Milwaukee County about the required signage to assure that the public would be aware of their rights to use all parts of the beach and the Pavillion. I was advised that a person from Milwaukee County Parks stated that "They have no money for signage".

The above information, which comes from what I perceive to be reliable sources, does not give confidence that Milwaukee County Parks recognizes the public nature of this lakebed (including Grant Park and South Shore), the prohibition of commercial bar and restaurant facilities which are not "ancillary to" the legitimate public use of the beach area, or an indication on the part of Milwaukee County or The Dock that they intend to comply with appropriate limitations on their proposed food and beverage operations.

I would urge all parties to assure that the appropriate limitations are placed on these developments and that steps be taken to assure both explicit signage and enforcement of the public trust requirements at all of these lakebed sites in Milwaukee County.

Thank you.

Michael Cain
Madison, WI

On Fri, Apr 30, 2021 at 1:42 PM William H Lynch <billylynch@me.com> wrote:
Dear Mr. Cain,

By email on April 23rd I inquired about the status of the consideration of the recommendations of the Lakefront Development Advisory Commission. My inquiry and the April 27th response of Milwaukee County Parks Director, Guy Smith, are below. The response does not indicate that the County intends to proceed full steam ahead with the restaurant and bar development. The 1/13 staff memo referred to is attached for your convenience. That memo was among the documents LDAC had before it when it discussed and acted on the proposal. Note that the County's Contract office is preparing "some additional minor revisions to the addendum". I assume the addendum referred to is the "clarification of operation plan" presented to LDAC just prior to its meeting in February where it acted on its recommendations. It is attached. As you may recall, that addendum prompted extensive questioning by the Commission. The proposed revisions will be submitted to WDNR before they are sent to DockBradford. Park's Director Smith's response does not specify whether the LDAC recommendations will be acted on by the Milwaukee County Board's Parks, Energy & Environment Committee or the Milwaukee County Board. It remains unclear whether the County Board will have a role in determining whether the operations of DockBradford will meet the standards

for public accessibility required by the Public Trust and the lakebed land grants. Thank you for your continued interest in this matter.

Bill Lynch,
Chairperson
Lakefront Development Advisory Commission

Hi, Guy,

It appears that Dock Bradford is going ahead with opening the restaurant operation on the second floor of the Bradford Beach Pavilion. Has the County required adherence to any of the conditions LDAC recommended? Is there an enforceable agreement in place? If so, I would like to update the LDAC Commissioners on the County's response to its recommendations. I am also receiving requests from concerned citizens I would like to be able to respond to. Did the Park's Committee or the County Board undertake any action in response to LDAC's report? If so, what was the response?

Bill Lynch

Good afternoon Bill,

We still consider the 1/13 staff memo to be an accurate summary of where things stand. I believe that The Dock is still in the process of plan review at the City and will then presumably return to the County to clarify resolution of the items we have identified. I expect that review to take the form of an additional memo and/or permit, if appropriate.

The WDNR provided their review and related statement(s). That WDNR review is cross-referenced in the staff memo. Our Contracts Office was making some additional minor revisions to the addendum and are going to send those to WDNR to make sure those were sufficient, and then the Contracts Office will send the addendum to the owners of The Dock. Parks Team, any additional information that I may have missed?

Sincerely,
Guy

Guy D. Smith, CPRP
Executive Director

Milwaukee County Parks

T: 414-257-4782

Guy.Smith@milwaukeecountywi.gov

countyparks.com On Apr 29, 2021, at 2:05 PM, Michael Cain <cainmj@gmail.com> wrote:

I had a contact from a Milwaukee County citizen this week relative to The Dock's proposed development at Bradford Beach. The citizen provided the following links, which show a fully developed facility and hiring/planning for the summer.
See:

[https://www.facebook.com/thedockatbradford/?_xts__\[0\]=68.ARAvuzv9XIAg_FjuR3Y3cDfg3UUVLY83f2xvMtBx8h5pQyXfbEMUE6LFCo6vwk6PxSQIGG-NPXAIvSjFDiVvMU6hk2E6kzbdMr0OhsZHccvpYGA2T-Q9xHkwOlhmflvP5mKhbufl8sqku1f8XAgco9kbO4PnX15thhlbJAEloqJ0dwMi7hdWlrQj51_5U_dNMjxGKdol0PFusnS8ioEYUu_u8RZ5LArju8iaOGYz2XvfQBMrXYm5cglU7YsRzB5c0mq21_YaoVRkZnX5W4Z54M0fZZ8ShjK0eeqJ7JGL1a2-wRd8O6EOrJv_HKozGTfA](https://www.facebook.com/thedockatbradford/?_xts__[0]=68.ARAvuzv9XIAg_FjuR3Y3cDfg3UUVLY83f2xvMtBx8h5pQyXfbEMUE6LFCo6vwk6PxSQIGG-NPXAIvSjFDiVvMU6hk2E6kzbdMr0OhsZHccvpYGA2T-Q9xHkwOlhmflvP5mKhbufl8sqku1f8XAgco9kbO4PnX15thhlbJAEloqJ0dwMi7hdWlrQj51_5U_dNMjxGKdol0PFusnS8ioEYUu_u8RZ5LArju8iaOGYz2XvfQBMrXYm5cglU7YsRzB5c0mq21_YaoVRkZnX5W4Z54M0fZZ8ShjK0eeqJ7JGL1a2-wRd8O6EOrJv_HKozGTfA)

<https://www.thedockatbradfordbeach.com/events>

The person who provided these also stopped at The Dock site and asked the manager about the availability of the 2nd floor of the Bradley Beach Dock development for use by the public. The person advised me that:

"Spoke with a manager who said the public will be able to sit on the rooftop "as long as there are not other customers who want to be seated."

Despite the many contacts and activities that have occurred this year, including the LDAC hearing and report, it appears clear, based on all evidence that I have been able to glean from citizens and persons tracking this issue, that Milwaukee County and The Dock intend to proceed full steam ahead with a restaurant and bar development at this location which will be in violation of the grant and the public trust doctrine.

As a person who worked on many of these transactions as an attorney for the DNR, I sincerely hope that WI DNR, BCPL and the Attorney General will assert the State's supervisory authority over this site. I know I need not attach the Attorney General's Opinions on this issue.

I'm going to be out of the State until May 5th, but I would be happy to discuss what I have heard when I return.

Thank you.

Michael Cain
Cell- 608-225-6071



