

**COUNTY OF MILWAUKEE**  
INTEROFFICE COMMUNICATION

**DATE:** November 8, 2023

**TO:** Supervisor Marcelia Nicholson, Chair, County Board of Supervisors

**FROM:** Celia Benton, Economic Development Director, Department of Administrative Services

**SUBJECT:** From the Economic Development Director, Department of Administrative Services, an information report providing updates on Economic Development's ongoing compliance with recommendations of the September 2021 Audit Report on The Rock/Ballpark Commons.

**REQUEST**

This report is for informational purposes only and is a follow-up to provide updates on the department's ongoing efforts to comply with the recommendations of the Audit Department's 2021 audit entitled "Between The Rock and a Hard Place: Former Landfill Becomes Entertainment Center with Unresolved Community Concerns Beyond the County's Ability to Solve." Economic Development has committed to providing the Board with annual updates on various recommendations found in this report.

**BACKGROUND**

File 21-760 – Between the Rock and a Hard Place: Former Landfill Becomes Entertainment Center with Unresolved Community Concerns Beyond the County's Ability to Solve  
File 21-934 – An informational report on Community Benefits Compliance on the Ballpark Commons Project

In September 2021, the Audit Department's report about The Rock/Ballpark Commons included a commitment by Economic Development Division to provide annual updates to the County Board on the following ongoing recommendations:

- (1) DAS-ED establish a scheduled check in for material violations at Franklin and Greendale, expand its current tracking log and provide an annual informational report to the County Board on any reported violations by the municipalities.**

Economic Development has created a system of calendar reminders to contact the City of Franklin Planning Department on a quarterly basis, to request updates on (1) any material violations (defined as exceedance of allowed noise levels that continues unabated for 30 minutes or longer); (2) logs of all citizen complaints received by the City; and (3) enforcement records for any complaints (if violation was found, any action taken). Contacts with the City of Franklin and records received are logged.

According to the City of Franklin records, in 2021, there were 51 complaints filed by citizens. Of those, 7 were closed as combined with other requests; 3 were abated; and the remaining 41 were closed with no violation found. In 2022, records included 141

citizen complaints. Of those, 11 were combined with other requests; 4 remained open with action pending; and the remaining 126 were closed with no violation found.

According to their records, the City of Franklin received 98 complaints in 2023. There were 73 of those that were combined with other requests; 7 remain open; 2 resulted in a letter sent to The Rock; and 16 were closed with no violation found.

The City of Franklin noted in a recent discussion that there was a recent violation resulting in a notice of violation letter. In October, The Hills Have Eyes event noise continued past 12:00, in violation of their event permit. (Issue was not related to sound volume, but noise continuing after allowed hours.) Several complaints in the enforcement log seem to have resulted from that incident.

No “material violations,” as defined in the Development Agreement, have been reported in 2023.

There were issues last year with sound monitors not being functional for several months during ongoing events. Economic Development confirmed that all three monitors are now active and monitoring sound as required, as of May 1, 2023. The Economic Development Division also now has access to review sound monitor data directly from the monitoring system, to aid in confirming any specific violations reported to the County. However, sound monitors currently only save sound data for monitoring for 12 days. They are required to have this data available for one year. Additionally, one of the three monitors’ clock is set to the wrong time zone. The City of Franklin issued a violation notification for these issues in October 2023.

**(2) DAS-ED develop a formal documented system to log and track any complaints about the Rock received by the multiple entities at Milwaukee County with an annual report provided to the County Board and set up a system to regularly refer non-County complaints to the responsible entity.**

Economic Development has reached out to the County Executive’s office, County Board office, and the Parks Department, to request that any complaints related to The Rock be forwarded to our department. We continue to update our Log of Citizen Complaints to include any such notifications.

If any of these notifications include information about a specific potential violation, they are referred to the City of Franklin Planning Department, where specific complaints are compared against sound monitor logs and, if needed, a notice of violation and/or fines can be issued by the City. So far, all notifications have been general complaints, mostly related to noise, and not notifications/requests related to a specific event or time.

**(3) DAS-ED should work with the Office of the Comptroller to provide an annual informational report on the status of the financial items contained within the Contribution and Participation agreement to the County Board within three months of the annual oversight committee meeting.**

The annual oversight committee meeting related to the Contribution and Participation Agreement took place in August 2023. The Office of the Comptroller is preparing a County Board report to provide an update on the status of financial items for the December Board cycle.

### **ADDITIONAL UPDATES**

Following the September 13 Audit Committee meeting and discussion of the recent sound study findings as to Ballpark Commons/The Rock noise issues, Economic Development sent letters to both the City of Franklin and The Rock, outlining the findings of the sound study and recommendations that related to them. These letters were emailed and sent out via mail September 29, 2023.

The letter to The Rock outlined updates recommended related to their sound systems, acoustical consulting, notifications to the community, and other ways to minimize noise pollution into local communities. In addition, this letter noted at least two violations of their contracts with Milwaukee County: the Umbrella Bar is required to install a dedicated sound system for concerts there, and their sound monitors are required to be consistently active and functional. There has been no reply to this letter from The Rock.

If there is no response in the coming weeks, an additional letter will be sent to request updates on their plans to comply with our agreements, including these violations as well as the current sound monitor data retention issue (data stored for 12 days instead of the mandatory 12 months), and the requirement they provide notifications to the City and area residents as to a schedule of planned events that may create noise disturbances. It is unclear if they have been complying with that requirement.

### **RECOMMENDATION**

This report is for informational purposes only.

*Celia Benton*

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Celia Benton

Economic Development Director, Department of Administrative Services

#### Attachments:

- City of Franklin Enforcement Log 2021
- City of Franklin Enforcement Log 2022
- City of Franklin Enforcement Log 2023
- Economic Development Log of Citizen Complaints

cc: David Crowley, County Executive  
Scott Manske, Comptroller  
Economic and Community Development Committee Members  
MaryJo Meyers, Chief of Staff, Office of the County Executive  
Aaron Hertzberg, Director, Department of Administrative Services  
Kelly Bablitch, Chief of Staff, County Board of Supervisors  
Allyson Smith, Committee Coordinator  
Ken Smith, County Board Research Analyst