

**KENOSHA COUNTY BOARD OF SUPERVISORS**

**COUNTY BOARD CHAMBERS**

**COUNTY ADMINISTRATION BUILDING**

**March 16, 2004**

The **Regular Meeting** was called to order by Chairman Kessler at 7:30 p.m., in the County Board Room located in the Administration Building. Roll call was taken.

Present: Supervisors Kessler, Grady, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Singer, Montemurro, Carey-Mielke, Clark, Noble, Smitz, Ekornaas, Pitts, Molinaro, Gorlinski, Elverman, O'Day, Wisnefski, Boyer, West, Larsen, Huff, Kerkman.

Excused: Supervisors Marrelli, Ruffolo.

Present. 26. Excused. 2.

**ANNOUNCEMENTS OF THE CHAIRMAN**

Chairman Kessler announced that Resolution 134 was incorrectly put on tonight's agenda. This resolution had been on the prior County Board Agenda.

Chairman Kessler stated that Supervisor Carey-Mielke had put together a brochure explaining the Duties and Responsibilities of Kenosha County Government. One was placed on each desk.

Chairman Kessler stated that due to the April 6th Spring Election the next County Board Meeting will be April 13th.

**SUPERVISORS REPORTS**

Supervisor Elverman stated that Brighton Dale will be opening tomorrow and Petrifying Springs on Thursday. Weather permitting. Two fund raisers planned so far this year are for June 17th at Brighton Dale and June 23rd the County Executive's Golf tournament for the Junior Golf Program.

Supervisor Molinaro stated that this will be his last meeting for this term and he wants to thank the residents of the Sixth District. The feed-back over the last ten years has been phenomenal. He also would like to thank Supervisor Carbone who ten years ago appointed him. He respects everything the board has done together no matter what side they were on.

Supervisor Gorlinski spoke regarding the Casino issue. What happens in the City does affect the whole county. A little quid pro quo is appropriate.

Supervisor Gorlinski also spoke about the letter included in their packets from a concerned citizen regarding the golf courses. He agrees that there should be more youth programs at reduced fees to encourage young people participation. We should have a Director of Recreation that would work with City, Towns, Villages and School Districts relative to total recreation and what is available to not only young people but to all citizens of Kenosha County. Also, more supervisors should have email available to their constituents.

Supervisor Carey-Mielke stated that one of the driving forces behind putting together the brochure was to help educate her constituents. This will help keep them informed as to what the County Board does for them.

Supervisor Larsen stated that he has gotten over the hump and he is feeling and doing better. There is not much he can't do. He can still perform the duties.

Supervisor Rose spoke regarding the 60th street property that we sold. The contract stated that the corporation would not apply for tax exempt status and he has heard that they recently did. He would like to have Corporation Counsel look into this issue and make a report to the County Board.

Supervisor Faraone stated that the corporation that bought the 60th Street property also made the same representation regarding tax exempt status to the City Planning Commission. They were told that this would not become a tax exempt property.

Supervisor Wisnefski gave a report on the 60th Street property. The Building & Grounds Committee has asked the Public Works Director to contact Corporation Counsel and look into this issue.

**OLD BUSINESS**

Ordinance - second reading, two required.

**ORDINANCE 45**

45. From Land Use Committee regarding Amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance Repealing the Existing Adult Entertainment Overlay (AEO) District and Creating Sections Related to Restricting Adult Establishment Locations and Business Uses.

**ORDINANCE 45**

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**Kenosha County**

**Adult Entertainment Ordinance - Final 2/4/04**

A GENERAL ORDINANCE OF THE COUNTY OF KENOSHA PERTAINING TO THE REGULATION OF ADULT ESTABLISHMENTS, REPEALING SECTIONS 12.26-3 AND 12.29-8(B)(2) OF THE KENOSHA COUNTY GENERAL ZONING AND SHORELAND/FLOODPLAIN ZONING ORDINANCE, CREATING SECTION 12.22-6 ADULT ESTABLISHMENTS, AND AMENDING SECTIONS 12.17-2, 12.19-1, 12.22-2, and 12.22-3.

19 *RECITALS*

A. WHEREAS, the operation of adult establishments and certain activities that frequently occur in or around adult establishments tend to have adverse secondary effects on communities, including increasing criminal and other offensive activity, disrupting the peace and order of communities, depreciating the value of real property, harming the economic welfare of communities, encouraging or facilitating the spread of sexually transmitted diseases, and impairing the quality of life of the communities; and

B. WHEREAS, the adverse secondary effects of adult establishments are well documented in studies by other communities, including but not limited to studies by Phoenix, Arizona (1979); Tucson, Arizona (1990); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Adams County, Colorado (1998); Denver, Colorado (1998); Manatee County, Florida (1987); Indianapolis, Indiana (1984); Kansas City, Kansas (1998); Minneapolis, Minnesota (1980); St. Paul, Minnesota (1988); Las Vegas, Nevada (1978); Ellicottville, New York (1998); Islip, New York (1980); New York, New York (1994); Syracuse, New York (1999); New Hanover, North Carolina (1989); Cleveland, Ohio (1977); Oklahoma City, Oklahoma (1986); Amarillo, Texas (1977); Austin, Texas (1986); Beaumont, Texas (1982); Cleburne, Texas (1997); Dallas, Texas (1997); El Paso, Texas (1986); Fort Worth, Texas (1986); Houston, Texas (1983 & 1997); Newport News, Virginia (1996); Bellevue, Washington (1988); Des Moines, Washington (1984); Seattle, Washington (1989); St. Croix County, Wisconsin (1993); and

C. WHEREAS, the adverse secondary effects of adult establishments are also reported in judicial opinions relating to adult establishments, including but not limited to City of Los Angeles v. Alameda Books, Inc., 535 U.S. 425, 122 S.Ct. 1728, 152 L.Ed.2d 670 (2002); City of Erie v. Pap's A.M., 529 U.S. 277, 120 S.Ct. 1382, 146 L.Ed.2d 265 (2000); Barnes v. Glen Theatre, Inc., 501 U.S. 560, 111 S.Ct. 2456, 115 L.Ed.2d 504 (1991); City of Renton v. Playtime Theatres, Inc., 475 U.S. 41, 106 S.Ct. 925, 89 L.Ed.2d 29 (1986); Young v. American Mini Theatres, Inc., 427 U.S. 50, 96 S.Ct. 2440, 49 L.Ed.2d 310 (1976); Ben's Bar, Inc. v. Village of Somerset, 316 F.3d 702 (7th Cir. 2003); Schultz v. City of Cumberland, 228 F.3d 831 (7th Cir. 2000); DiMa Corp. v. Town of Hallie, 185 F.3d 823 (7th Cir. 1999); North Avenue Novelties, Inc. v. City of Chicago, 88 F.3d 441 (7th Cir. 1996); Matney v. County of Kenosha, 86 F.3d 692 (7th Cir. 1996); United States v. Marren, 890 F.2d 924 (7th Cir. 1989); Tee & Bee, Inc. v. City of West Allis, 936 F. Supp. 1479 (E.D. Wis. 1996); Suburban Video, Inc. v. City of Delafield, 694 F. Supp. 585 (E.D. Wis. 1988); Urmanski v. Town of Bradley, 273 Wis. 2d 545, 613 N.W.2d 905 (Wis. App. 2000); Jake's Ltd., Inc. v. City of Coates, 284 F.3d 884 (8th Cir. 2002); Déjà Vu of Nashville, Inc. v. Nashville, 274 F.3d 377 (6th Cir. 2001); Artistic Entertainment, Inc. v. City of Warner Robbins, 223 F.3d 1306 (11th Cir. 2000); Wise Enterprises, Inc., et al. v. Unified Government of Athensclarke County,

Georgia, 217 F.3d 1360 (11th Cir. 2000); Stringfellow's of New York, Ltd. v. City of New York, 91 N.Y.2d 382, 694 N.E.2d 407, 671 N.Y.S.2d 406 (N.Y. 1998); Colacurcio v. City of Kent, 163 F.3d 545 (9th Cir. 1998); Ben Rich Trading, Inc. v. City of Vineland, 126 F.3d 155 (3rd Cir. 1997); DLS, Inc. v. City of Chattanooga, 107 F.3d 403 (6th Cir. 1997); Hang On, Inc. v. City of Arlington, 65 F. 3d 1248 (5th Cir. 1995); ILQ Investments, Inc. v. City of Rochester, 25 F.3d 1413 (8th Cir. 1994); TK's Video, Inc. v. Denton County, Texas, 24 F.3d 705 (5th Cir. 1994); LLEH, Inc. v. Wichita County, Tex., 289 F.3d 358 (5th Cir. 2002); Star Satellite, Inc. v. City of Biloxi, 779 F.2d 1074 (5th Cir. 1986); Mitchell v. Commission on Adult Entertainment Establishments of Delaware, 10 F.3d 123 (3rd Cir. 1993); Kev, Inc. v. Kitsap County, 793 F.2d 1053 (9th Cir. 1986); and

D. WHEREAS, based on the above studies and cases, as well as the experiences of the County, its residents and communities, the Kenosha County Board of Supervisors finds that:

1. Adult establishments can and do impair the character and quality of surrounding neighborhoods, the value of surrounding properties, the economic welfare of communities, and the quality of life of residents;
2. Adult establishments contribute to the physical deterioration and blight of neighborhoods;
3. Adult establishments contribute to increased levels of criminal activities in neighborhoods where such establishments are located, including prostitution, promotion of prostitution, rape, sexual assaults, other assaults, other sex related crimes; robbery; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; sexual molestation; molestation of a child; disorderly conduct; disturbances of the peace; drinking in public; drug use; drug dealing; littering; and other violations of the law;
4. The operation of adult establishments can impair property values and have other adverse secondary effects on property up to at least 1,000 feet from the adult establishments;
5. The impacts of adult establishments on the value of neighboring properties are greater on residential properties than nonresidential properties;
6. Adult retail establishments tend to have less significant secondary effects than adult entertainment establishments, and limited adult media stores, properly controlled, tend to have less significant secondary effects than other adult retail establishments.
7. Video viewing booths are often used by patrons of adult establishments for engaging in sexual acts, including masturbation, intercourse, sodomy, and oral copulation, resulting in unsafe and unsanitary conditions in the booths. Bodily fluids, including semen and urine, are often found in such booths. These fluids, and the activities that occur in video viewing booths, may spread communicable diseases, including, but not limited to, syphilis, gonorrhea, genital chlamydia trachomatis, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiosis, salmonella infections, and shigella infections;
8. Many adult entertainment establishments provide live entertainment in which physical contact between performers and customers, often sexual in nature, occurs and can occur, thus facilitating the transmission of various diseases and exposing performers to the risk of assaults and other unwelcome contact.

E. WHEREAS, the Kenosha County Board of Supervisors believes that the experiences, evidence and studies from other communities cited, set forth herein, and/or considered by the Board and the Land Use Committee in whole, part or summary, are relevant and important in understanding and addressing the

secondary effects of adult establishments; and

F. WHEREAS, the secondary effects of adult establishments are detrimental to the public health, safety and general welfare of Kenosha County residents, businesses and visitors; and

G. WHEREAS, requiring adult establishments to locate in the vicinity of state trunk highways enhances the ability of county law enforcement personnel to monitor the establishments, and deter and respond to criminal activity at such establishments; and

H. WHEREAS, the Kenosha County Board of Supervisors has previously adopted regulations to limit the secondary effects of adult establishments within the County, including Kenosha County Ordinance Sections 12.26-3 and 12.29-8(b)2; and

I. WHEREAS, developments in the law subsequent to the adoption of those regulations may have rendered those regulations ineffective; and

J. WHEREAS, on August 20, 2002, the Kenosha County Board adopted Ordinance No. 21, establishing a moratorium on the acceptance of applications or issuance of permits for adult establishments under Section 12.26-3 of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance, and directing the Land Use Committee to review and recommend revisions to the regulations governing adult establishments; and

K. WHEREAS, the Land Use Committee has completed its review and made recommendations to the Kenosha County Board; and

L. WHEREAS, the Board has considered those recommendations and has determined that the techniques provided herein reduce the secondary effects of adult establishments while fully protecting the constitutional rights of citizens;

NOW, THEREFORE, the Kenosha County Board does hereby ordain as follows:

SECTION 1: Section 12.26-3 AEO Adult Entertainment Overlay District and Subsection 12.29-8(b)2 are hereby repealed.

SECTION 2: Section 12.17-2, concerning the location of swimming pools, is hereby amended to read as follow:

12.17-2 DISTRICTS  
Swimming pools may be installed in all districts except the C-1 Lowland Resource Conservancy District, FPO Floodplain Overlay District, FWO Camp Lake/Center Lake Floodway Overlay District, HO Historic Overlay District, or on any parcel on which an Adult Establishment is located.

SECTION 3: Section 12.19-1 is amended to specify that the county is divided into seven (7) overlay districts, rather than eight (8), and to eliminate reference to the AEO Adult Entertainment Overlay District, so that section 12.19-1 shall provide as follows:

12.19-1 ESTABLISHMENT (8/6/02)  
For the purpose of this ordinance, Kenosha County, Wisconsin is hereby divided into twenty-nine (29) basic zoning districts and seven (7) overlay districts as follows:

- A-1 Agricultural Preservation District
- A-2 General Agricultural District
- A-3 Agricultural Related Manufacturing, Warehousing and Marketing District
- A-4 Agricultural Land Holding District
- R-1 Rural Residential District
- R-2 Suburban Single-Family Residential District
- R-3 Urban Single-Family Residential District
- R-4 Urban Single-Family Residential District
- R-5 Urban Single-Family Residential District
- R-6 Urban Single-Family Residential District
- R-7 Suburban Two-Family and Three-Family Residential District
- R-8 Urban Two-Family Residential District
- R-9 Multiple-Family Residential District
- R-10 Multiple-Family Residential District
- R-11 Multiple-Family Residential District

- R-12 Mobile Home/Manufactured Home Park-Subdivision District
- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 Highway Business District
- B-4 Planned Business District
- B-5 Wholesale Trade and Warehousing District (8/9/94)
- M-1 Limited Manufacturing District
- M-2 Heavy Manufacturing District
- M-3 Mineral Extraction District (8/20/91)
- M-4 Sanitary Landfill and Hazardous Waste Disposal District (8/20/91)
- I-1 Institutional District
- PR-1 Park-Recreational District
- C-1 Lowland Resource Conservancy District
- C-2 Upland Resource Conservancy District
- FPO Floodplain Overlay District
- FWO Camp Lake/Center Lake Floodway Overlay District (3/1/94)
- FFO Camp Lake/Center Lake Floodplain Fringe Overlay District (3/1/94)
- HO Historical Overlay District
- PUD Planned Unit Development Overlay District
- AO Airport Overlay District
- RC Rural Cluster Development Overlay District

SECTION 4: Subsection 12.22-2(b), which lists the principal uses allowed in the B-2 Community Business District, is hereby amended to insert "Limited Adult Media Stores, as provided in section 12.22-6" as item 45 in the list, with current items 45 ("Liquor stores") through 83 ("Vegetable stores") renumbered to items 46 to 84.

SECTION 5: Subsection 12.22-3(b), which lists the principal uses allowed in the B-3 Highway Business District, is hereby amended to insert "Adult establishments, as provided in section 12.22-6" as item 2 in the list, with current items 2 ("Bars and taverns (without live entertainment)") through 12 ("Utility substations") renumbered to items 3 to 13.

SECTION 6: Subsection 12.22-3(e)1 is hereby repealed and subsection 12.22-3(e)2 is amended and renumbered to read as follows:

- 1 Individual businesses served by either public sanitary sewage facilities or on-site soil absorption sewage disposal systems or other approved private means of sewage disposal, shall provide a minimum lot area of 40,000 square feet and a minimum lot frontage of 150 feet in width.

SECTION 7: Section 12.22-6 Adult Establishments is hereby created to read as follows:

12.22-6 ADULT ESTABLISHMENTS

- (a) Intent. Mindful of the fact that it is the intent of this Ordinance to protect the health, safety and morals of the citizens of Kenosha County and to further preserve the quality of family life and to preserve the rural and urban characteristics of its neighborhoods in Kenosha County and prevent adverse and deleterious affects contributing to the blight and downgrading of neighborhoods, and also mindful of the effects of adult entertainment upon minors and the violation of civil rights of many persons partaking in such entertainment, and also mindful of the criminal activity and disruption of public peace associated with such establishments, and also mindful of the unsanitary and unhealthful conditions associated with such establishments, it is the intent of this section to regulate the location and certain characteristics of such establishments. An adult establishment lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant of the adult establishment permit,

if a sensitive land use is located within 1,000 feet of the adult establishment. By the enactment of this ordinance, the Kenosha County Board of Supervisors does not intend to give any explicit, implicit or tacit approval or condone any activity relating to adult entertainment.

(b) Definitions. For the purpose of this section:

- 1 Adult Bath House. An establishment or business which provides the services of baths of any kind, including all forms and methods of hydrotherapy, that is not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin, and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to observe employees or independent contractors exhibiting "specified sexual activities" or "specified anatomical areas."
- 2 Adult Body Painting Studio. An establishment or business wherein patrons are afforded an opportunity to paint images on the body of a person who is exhibiting "specified sexual activities" or "specified anatomical areas." For purposes of this ordinance, the adult body painting studio shall not be deemed to include a tattoo parlor.
- 3 Adult Cabaret. An establishment or business which regularly or on a frequently recurring basis features live entertainment that is distinguished or characterized by an emphasis on the exhibiting of "specified anatomical areas" or "specified sexual activities" for observation by patrons therein, or which holds itself out or identifies itself to the public by its name, its signs and/or its advertising as an establishment where such live entertainment is regularly or on a frequently recurring basis available, including, without limitation, by verbal or pictorial allusions to sexual stimulation or gratification or by references to "adult entertainment," "strippers," "showgirls," "exotic dancers," "gentleman's club," or similar terms.
- 4 Adult Entertainment Establishment. Is defined to include adult cabarets, adult modeling studios, and adult motion picture theaters.
- 5 Adult Establishments. Is defined to include adult entertainment establishments and adult retail establishments as defined herein.
- 6 Adult Massage Parlor. An establishment or business with or without sleeping accommodations which provides the services of massage and body manipulation, including, without limitation, exercises, heat and light treatments of the body, and all forms and methods of physiotherapy, not operated by a medical practitioner, professional physical therapist, or massage therapist licensed or registered by the State of Wisconsin and which establishment provides to its patrons an opportunity to engage in "specified sexual activities" or to engage in any method of rubbing, pressing, striking, kneading, tapping, pounding, vibrating or stimulating a "specified anatomical area" with the hands or with any instruments, or the opportunity to observe employees or independent contractors exhibiting "specified sexual activities" or "specified anatomical areas."

- 7 Adult Media. Books, magazines, videotapes, movies, slides, CD-ROMs, posters, or other devices to display images, that are distinguished or characterized by their emphasis on matters depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".
- 8 Adult Media Store. An establishment or business that rents and/or sells adult media and that meets any of the following three tests:
- a 40 percent or more of the gross public floor area is devoted to adult media.
  - b 40 percent or more of the stock-in-trade consists of adult media.
  - c The store advertises or holds itself out in any forum as a sexually oriented business
- 9 Adult Modeling Studio. An establishment or business which provides the services of live models modeling lingerie or transparent apparel to patrons or a business where a person who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Adult modeling studios shall not include a proprietary school licensed by the State of Wisconsin or a college, technical college, or university; or in a structure:
- a that has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
  - b where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
  - c where no more than one (1) nude or semi-nude model is on the premises at any one (1) time.
- 10 Adult Motion Picture Theater. An establishment or business located in an enclosed building and emphasizing or predominantly showing movies distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 11 Adult Motion Picture Theater (Outdoor). An establishment located on a parcel of land and emphasizing or predominantly showing movies out of doors for observation by patrons, which movies are distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".
- 12 Adult Novelty Shop. An establishment or business offering goods for sale or rent and that meets any of the following tests:
- a The establishment offers for sale items from any two of the following categories: (a) adult media, (b) lingerie, or (c) leather goods, marketed or presented in a context to suggest their use for flagellation or torture of a person clothed or naked, or the binding or other physical restraint of a person clothed or naked.
  - b More than 5 percent of its stock in trade consists of instruments, devices, or paraphernalia either designed as representation of human genital organs or

- female breasts, or designed or marketed primarily for use to stimulate human genital organs.
- c More than 5 percent of its gross public floor area is devoted to the display of instruments, devices, or paraphernalia either designed as representation of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.
- 13 Adult Retail Establishments. "Adult Retail Establishments" is defined to include adult media stores, limited adult media stores, and adult novelty shops.
- 14 Gross Public Floor Area. The total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entryways serving such areas.
- 15 Limited Adult Media Store. An establishment that rents and/or sells adult media but is not an "adult media store" as defined in this Section, and that meets either of the following tests:
- a More than 10 percent but less than 40 percent of the gross public floor area is devoted to adult media
- b More than 10 percent but less than 40 percent of the stock-in-trade consists of adult media
- 16 "Sensitive land-use" is defined to include any and all of the following:
- a Property zoned or used for residential purposes
- b Property zoned or used for religious institutional purposes
- c An educational institution for students in twelfth grade or below
- d A library or museum
- e A public or private park, recreation area, or playground
- f A day care center
- g A historic district
- h A facility predominantly serving individuals with a "developmental disability," as that term is defined in sec. 51.01(5)(a) and (b), Wis. Stats., and subsequent amendments thereto.
- i A private youth development organization such as but not limited to YMCA, Junior Achievement, Boys Club of America and Campfire Girls.
- 17 "Sex toy" means an instrument, device, or paraphernalia either designed as a representation of human genital organs or female breast, or designed or marketed primarily for use to stimulate human genital organs.
- 18 "Specified sexual activities" is defined as actual or simulated:
- a Exhibition of genitals in a state of sexual

- stimulation or arousal;
    - b Acts of human masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochistic abuse, fellatio or cunnilingus;
    - c Fondling or other erotic touching of human genitals, pubic region, buttock or female breast.
  - 19 "Specified anatomical areas" is defined as:
    - a Less than completely and opaquely covered:
      - 1) Human genitals, pubic region;
      - 2) Buttock, anus, anal cleft;
      - 3) Female breast below a point immediately above the top of the areola; and
    - b Human male genitals in a discernibly turgid state even if completely and opaquely covered.
  - 20 Video-viewing booth. Any booth, cubicle, stall, or compartment that is designed, constructed, or used to hold or seat patrons and is used for presenting adult media for observation by patrons therein. A video viewing booth shall not mean a theater, movie house, playhouse, or a room or enclosure or portion thereof that contains 600 square feet or more.
  - (c) Principal Uses
    - 1 Where the underlying zoning is B-2 Community Business District, Limited Adult Media Stores
    - 2 Where the underlying zoning is B-3 Highway Business District,
      - a Limited Adult Media Stores
      - b Adult Cabarets
      - c Adult Media Stores
      - d Adult Modeling Studios
      - e Adult Motion Picture Theaters
      - f Adult Novelty Shops
  - (d) Prohibited Uses
    - 1 Adult Bath Houses
    - 2 Adult Body Painting Studios
- Adult Massage Parlors  
Adult Motion Picture Theaters (Outdoor)
- (e) Accessory Uses. Any accessory use authorized by the underlying zoning district may be an accessory use to an adult establishment. In no case shall an adult establishment be an accessory use to any principal use designated by any section of this ordinance.
  - (f) Underlying District Standards. Adult establishments shall comply with the standards of the zoning districts in which they are located, including standards relating to lot area and width, building height and area, yard requirements and sanitary sewer systems.
  - (g) General requirements and restrictions governing adult establishments. Except as provided below, all adult establishments shall comply with the following requirements and restrictions:
    - 1 Intoxicating beverages shall not be sold or served.
    - 2 Parking shall be provided in a lighted area, in conformity with applicable lighting and parking standards provided elsewhere in this Ordinance.
    - 3 No adult establishment shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult media, or any live entertainment that is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas", from any sidewalk,

public or private right-of-way, or any property other than the lot on which the adult establishment is located.

4 Signs advertising adult establishments shall conform with section 12.14-5 of this ordinance and with the further exception that signs will not depict the human body or any part thereof, and provided further that there shall be no flashing or traveling lights located outside the building.

5 No adult establishment patron shall be permitted at any time to enter into any of the non-public portions of any adult establishment, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of adult establishment employees. This subsection shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the permitted premises; provided, however, that any such persons shall remain in such non-public areas only for the purposes and to the extent and time necessary to perform their job duties.

6 Other than limited adult media stores, signs at least one (1) square feet in area stipulating that persons under the age of 18 are not permitted inside the establishment, shall be posted at all public entrances to the establishment, and persons under the age of 18 shall not be permitted inside the establishment.

7 The cashier's or manager's station shall be located so that someone working there can quickly move to physically halt any attempted or accidental entry by a minor. An employee shall occupy the station at all times when patrons are in and on the premises.

8 The adult establishment shall clearly post and enforce a no loitering policy.

9 The owner and/or operator of the adult establishment shall agree to comply with all State, Federal and Local laws and ordinances, including obscenity, liquor and cabaret laws. Solicitation for purposes of prostitution shall be strictly prohibited. Conduct in violation of sec. 944.21, Wis. Stats., or sec. 9.10.2 of the Kenosha County Code of Ordinances, including the exhibition of "obscene material" and "obscene performances," as those terms are defined in sec. 944.21(2), Wis. Stats., and sec. 9.10.2 of the Kenosha County Code of Ordinances, shall be strictly prohibited.

10 No video viewing booth(s) shall be established, operated or used in any adult establishment.

11 The hours of operation of adult establishments shall be limited to the same hours of operation for bars and taverns within that community within which the adult establishment is located.

12 No residential quarters shall be allowed on a premises with an adult establishment.

(h) Location requirements and restrictions.

1 No more than one adult establishment may be established on any one parcel.

2 No adult establishment may be established within 1000 feet of any other adult establishment.

3 No adult retail establishment may be established within 1000 feet of any "sensitive land-use."

4 No adult entertainment establishment may be

established within 1000 feet of any "sensitive land-use."

5 All adult entertainment establishments shall be located within 300 feet of a State Trunk Highway right-of-way (Maintained & Traveled) as indicated on the map of the official layout of the State Trunk Highway System of Kenosha County prepared by the State of Wisconsin, Department of Transportation in accordance with Section 84.02(12) State Statutes and as currently on file with the Kenosha County Clerk and Kenosha County Highway Commissioner and as subsequently amended and shall not be located within 1,000 feet of the right-of-way of the intersection of another State Trunk Highway or any Federal or County Trunk Highway, or any other road.

6 For these purposes, distance shall be measured in a straight line from the closest point of the structure or portion of the structure occupied or proposed for occupancy by the adult establishment to the nearest lot line of the other parcels of property to which these location requirements apply.

7 The location requirements and restrictions specified in subsections 12.22-6(g)1 through 6 do not apply to limited adult media stores.

(i) Requirements Applicable to Limited Adult Media Stores Only. Adult media in a limited adult media store shall be kept in a separate room or section of the shop, which room or section shall:

1 not be open to any person under the age of 18; and  
2 be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching from the floor to at least eight feet high or to the ceiling, whichever is less; and

3 be located so that the entrance to it is as far as reasonably practicable from media or other inventory in the store likely to be of particular interest to children; and

4 have access controlled by electronic or other means to provide assurance that persons under age 18 will not easily gain admission and that the general public will not accidentally enter such room or section, or provide continuous video or window surveillance of the room by store personnel; and

5 provide signage at the entrance stipulating that persons under the age of 18 are not permitted inside.

(j) Additional Restrictions and Requirements Applicable to Adult Entertainment Establishments. Adult entertainment establishments shall comply with certain additional restrictions and requirements as set forth below:

1 It is unlawful for any person to perform or engage in or for any licensee or manager or agent of an adult entertainment establishment to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of an adult entertainment establishment, which:

a Shows his/her genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering.

b Shows the female breast with less than a fully opaque covering of any part of the nipple and areola.

- c Shows the human male genitals in a discernibly turgid state, even if fully and opaquely covered.
- 2 Adult Cabarets
  - a Adult cabarets shall comply with section 12.12-4(e) of this ordinance relating to noise.
  - b All live performers in an adult cabaret shall perform only on a stage elevated no less than 24 inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least 36 inches from the stage. The stage shall be in a room or other enclosure of no less than 600 square feet.
- 3 Adult modeling studios.
  - a All models or other live performers in an adult modeling studio shall perform only on a stage elevated no less than 24 inches above floor level. There shall be a railing attached to the floor surrounding the stage which shall keep patrons at least 36 inches from the stage. The stage shall be in a room or other enclosed space of no less than 600 square feet.
- 4 Adult motion picture theaters.
  - a Adult motion picture theaters shall show movies only in a room or other enclosed space of no less than 600 square feet.

SECTION 8. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof.

SECTION 9. This ordinance shall take effect and be in force from and after its passage and publication, as provided by law.

PASSED BY the Kenosha County Board this \_\_\_\_\_ day of \_\_\_\_\_, 2004, and signed in authentication thereof this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

/s/ \_\_\_\_\_ Title: \_\_\_\_\_

Name:  
 Submitted by:  
 LAND USE COMMITTEE  
 Donald Smitz  
 Mark Molinaro Jr.  
 Thomas J.Gorlinski  
 Irving Larsen  
 Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 45. Seconded by Supervisor Gorlinski.

It was moved by Supervisor Noble to direct the Judiciary & Law Committee to look into the licensing in Chapter 8 and report back within sixty days. Seconded by Supervisor Clark.

It was moved by Supervisor Gorlinski to call the question on Supervisor Noble's motion. Seconded by Supervisor Johnson.  
 Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Johnson, Pitts, O'Day, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Gorlinski, Smitz, Elverman.

Nays: Supervisors Huff, Molinaro, Faraone, Singer, Montemurro, Kerkman, Ekornaas.

Ayes. 19. Nays. 7.

Motion carried.

Roll call vote on Supervisors Noble's motion.

Ayes: Grady, Boyer, Huff, Carbone, Johnson, Pitts, O'Day, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, Kerkman, Gorlinski, Smitz.

Nays: Kessler, Rose, Molinaro, Bergo, Modory, Faraone, Singer, Montemurro, West, Elverman, Ekornaas.

Ayes. 15. Nays. 11.

Motion carried.

It was moved by Supervisor Grady to call the question on Ordinance 45. Seconded by Supervisor Gorlinski.

Roll call vote.

Ayes: Supervisors Kessler, Grady, Boyer, Rose, Bergo, Carbone, Modory, Faraone, Johnson, Pitts, O'Day, Singer, Larsen, Wisnefski, Carey-Mielke, Clark, Noble, West, Kerkman, Gorlinski, Smitz, Elverman, Ekornaas.

Nays. Supervisors Molinaro, Huff, Montemurro.

Ayes. 23. Nays. 3.

Motion carried.

Roll call vote on Ordinance 45

Motion carried unanimously.

**NEW BUSINESS**

Ordinance - first reading, two required.

**ORDINANCE 47**

47. From Land Use Committee regarding proposed amendments to the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance amending boundaries of the floodplain overlay district incorporating the Comprehensive Plan for the Des Plaines River Watershed Study and amending Appendix "C" Index to Large Scale Topographic Mapping in regards to the floodplain of the Des Plaines River Watershed Study and to reflect topographic maps recently prepared meeting the standards of the County's Topographic Mapping Program.  
Ordinances - one reading.

**ORDINANCE 48**

48. From Land Use Committee regarding Dale and Janet Elfering, requesting rezoning from A-1 Agricultural Preservation District to R-1 Rural Residential District and C-1 Lowland Resource Conservancy District in the Town of Bristol.

**AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF  
KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING**

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:  
That part of Tax Parcel #35-4-121-341-0101 located in the northeast quarter of Section 34, Township 1 North, Range 21 East, Town of Bristol be changed from A-1 Agricultural Preservation District to R-1 Rural Residential District and C-1 Lowland Resource Conservancy District. For informational purposes only, this property is located on the west side of County Trunk Highway "MB" approximately ¼ mile south of the intersection of County Trunk Highway "CJ" (Horton Road).

**Dale and Janet Elfering - (Owners)**

**Descriptions: R-1 Rural Residential District:** Being part of the southeast quarter of the northeast quarter of Section 34, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Town of Bristol, County of Kenosha and State of Wisconsin and being more particularly described as follows: Begin at the southeast corner of said northeast quarter section; thence south 89°10'31" west along the south line of said northeast quarter section 865.13 feet; thence north 02°08'37" west 900.24 feet; thence north 89°10'31" east 862.03 feet to a point on the east line of said northeast quarter section; thence south 02°20'26" east along said east line 900.33 feet to the place of beginning. Containing 17.84 acres of land more or less. Dedicating the east 40 feet thereof for highway purposes (County Trunk Highway "MB").

(Excluding the following to be placed in the C-1 Lowland Resource Conservancy District).

Part of the southeast quarter of the northeast quarter of Section 34, Township 1 North, Range 21 East of the Fourth Principal Meridian, in the Township of Bristol, County of Kenosha, State of Wisconsin and being more particularly described as follows: Commence at the southeast corner of the northeast quarter

of said Section 34; thence south 89°10'31" west along the south line of said northeast quarter section, 693.12 feet to the place of beginning of this description: thence continue south 89°10'31" west along said south line 172.01 feet; thence north 02°08'37" west 368.93 feet; thence south 88°05'35" east 54.43 feet; thence south 84°12'36" east 295.27 feet; thence north 56°02'39" east 80.61 feet; thence north 01°40'38" west 69.87 feet; thence north 84°01'52" east 10.79 feet; thence south 54°14'12" east 72.17 feet; thence south 42°18'22" east 82.08 feet; thence south 64°14'48" east 50.46 feet; thence south 78°40'52" east 71.35 feet; thence south 73°58'23" east 42.67 feet; thence south 17°39'48" east 10.64 feet; thence north 88°53'12" west 33.36 feet; thence north 85°26'54" west 38.44 feet; thence south 78°44'13" west 25.64 feet; thence north 89°56'18" west 39.42 feet; thence north 84°01'51" west 92.85 feet; thence north 83°21'25" west 38.10 feet; thence south 82°51'16" west 27.35 feet; thence south 84°18'11" west 18.80 feet; thence south 81°08'41" west 21.95 feet; thence south 87°09'06" west 56.91 feet; thence south 86°54'20" west 93.27 feet; thence south 67°09'24" west 26.57 feet; thence south 32°43'03" west 24.02 feet; thence south 01°49'27" east 46.97 feet; thence south 10°29'03" west 42.47 feet; thence south 16°44'13" west 111.34 feet; thence south 07°19'38" east 44.34 feet; thence south 74°22'27" east 41.50 feet; thence south 27°47'10" east 5.80 feet to the place of beginning.

This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinance 48. Seconded by Supervisor Molinaro.  
Motion carried.

#### ORDINANCE 49

49. From Land Use Committee regarding Delores S. Thomas, requesting rezoning from A-1 Agricultural Preservation District and A-4 Agricultural Land Holding District to A-2 General Agricultural District and from R-2 Suburban Single-Family Residential District to A-2 General Agricultural District in the Town of Somers.

#### AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That Tax Parcel #80-4-222-092-0308 and #80-4-222-093-0204 located in the northwest and southwest quarter of Section 9, Township 2 North, Range 22 East, Town of Somers be changed as follows: Tax Parcel #80-4-222-092-0308 from A-1 Agricultural Preservation District and A-4 Agricultural Land Holding District to A-2 General Agricultural District, and Tax Parcel #80-4-222-093-0204 from R-2 Suburban Single-Family Residential District to A-2 General Agricultural District. For informational purposes only, these properties are located on the east side of County Trunk Highway "H" (88<sup>th</sup> Avenue) approximately ½ mile north of the intersection of 10<sup>th</sup> Place.

**Delores S. Thomas - (Owner)**

**Descriptions: A-2 General Agricultural District:** Part of the west half of the northwest quarter of Section 9, Town 2 North, Range 22 East of the Fourth Principal Meridian, lying and being in the Town of Somers, Kenosha County, Wisconsin and being more particularly described as: Commencing on the west line of said quarter section at a point north 01°36'44" west 597.75 feet from the southwest corner thereof; thence south 89°27'28" east parallel to the north line of said quarter section, 1336.77 feet and to the east line of the west half of said quarter section; thence north 01°38'51" west along and upon said east line, 350.01 feet; thence north 89°27'28" west parallel to the north line of said quarter section 1336.55 feet and to the west line of said quarter section;

thence south 01°36'44" east along and upon said west line, 350.00 feet and to the point of beginning. Subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 10.73 acres, more or less.

**In addition:** Commencing on the west line of said quarter section at a point north 01°36'44" west 247.75 feet from the southwest corner thereof; thence south 89°27'28" east parallel to the north line of said quarter section, 1336.99 feet and to the east line of the west half of said quarter section; thence north 01°38'51" west along and upon said east line, 350.01 feet; thence north 89°27'28" west parallel to the north line of said quarter section 1336.77 feet and to the west line of said quarter section; thence south 01°36'44" east along and upon said west line, 350.00 feet and to the point of beginning. Subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 10.73 acres, more or less.

**Further adding:** Commencing on the west line of the northwest quarter section of said Section 9, at a point north 01°36'44" west 195.00 feet from the southwest corner thereof; thence continue north 01°36'44" west along and upon said west line, 52.75 feet; thence south 89°31'54" east parallel to the south line of said northwest quarter section; 1336.99 feet and to the east line of the west half of said northwest quarter section; thence south 01°38'51" east along and upon said east line, 246.03 feet and to the south line of said northwest quarter section; thence south 89°31'54" east along and upon said south line, 477.88 feet; thence south 01°57'34" east parallel to the west line of the southwest quarter section of said Section 9, 518.71 feet; thence north 89°29'45" west 970.00 feet; thence north 01°57'34" west parallel to the west line of said southwest quarter section, 518.10 feet and to the north line of said southwest quarter section, thence north 89°31'54" west along and upon said north line, 426.98 feet and to the east line of Certified Survey Number 2052, a plat of record and on file at the Kenosha County Land Registry; thence north 01°36'44" west along and upon said east line and its extension northerly thereof, 195.00 feet; thence north 89°31'54" west parallel to the south line of the northwest quarter of the aforesaid Section 9, 418.00 feet and to the point of beginning. Subject to County Trunk Highway "H" (88<sup>th</sup> Avenue), over and across the entire most westerly 33 feet. Containing 17.24 acres, more or less.

**Further adding:** CSM 2052, northwest quarter and southwest quarter of Section 9, Township 2 North, Range 22 East, also the north 150.00 feet of the south 195.00 feet of the west 418.00 feet of the northwest quarter of said section (2.65 acres).

This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE  
Donald Smitz  
Mark Molinaro, Jr.  
Thomas J. Gorlinski  
Irving Larsen  
Fred R. Ekornaas

#### **ORDINANCE 50**

50. From Land Use Committee regarding Gail Sklar (Owner)/Melissa O'Keefe (Agent) requesting rezoning from A-2 General Agricultural District and R-5 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District in the Town of Randall.

#### **AN ORDINANCE TO AMEND CHAPTER 12 OF THE MUNICIPAL CODE OF KENOSHA COUNTY, WISCONSIN, WITH REFERENCE TO ZONING**

That the map referred to in Section 12.02(a) of the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance be amended as follows:

That Tax Parcels #60-4-119-172-0410 and #60-4-119-172-0420 located in the northwest quarter of Section 17, Township 1 North, Range 19 East, Town of Randall be changed from A-2 General Agricultural District and R-5 Urban Single-Family Residential District to R-2 Suburban Single-Family Residential District.

For informational purposes only, these properties are located on the west side of 391<sup>st</sup> Court approximately 108 feet south of the intersection of 88<sup>th</sup> Place.

**Gail Sklar - (Owner)**

**Melissa O'Keefe - (Agent)**

**Description:** Lot 1 and Outlot 1 of Certified Survey Map No. 1312 being part of the southwest quarter of the northwest quarter of Section 17 and part of the southeast quarter of the northeast quarter of Section 18, Town 1 North, Range 19 East, Town of Randall.

This description is intended to extend to the center of all roads.

Submitted by:

LAND USE COMMITTEE

Donald Smitz

Mark Molinaro, Jr.

Thomas J. Gorlinski

Irving Larsen

Fred R. Ekornaas

It was moved by Supervisor Smitz to adopt Ordinances 49 & 50. Seconded by Supervisor Larsen.

Motion carried.

Resolutions - one reading.

**RESOLUTION 132**

132. From Highway & Parks Committee regarding Kenosha County Public Snowmobile

Trail (Existing trail 76.9 miles).

**WHEREAS**, Kenosha County has at the present time a public snowmobile trail

which is 76.9 miles in length and is maintained by contract service with the Kenosha County Snowmobile Club Alliance, and

**WHEREAS**, Kenosha County wants to retain the same number of miles in the trail system for the 2004-2005 winter season, and

**WHEREAS**, the Kenosha County Public Snowmobile Trail is eligible for 100% reimbursable funds under Sec.23.09(26), Wis. Stats., for such eligible maintenance acquisition, insurance and development costs.

**NOW, THEREFORE, BE IT RESOLVED** that the Kenosha County Board of Supervisors hereby authorizes the Department of Public Works to act on behalf of Kenosha County to:

Submit an application to the State of Wisconsin Department of Natural Resources for 100% reimbursable financial aid that is available; sign documents, and take necessary action to undertake, direct and complete the approved project.

Submitted by:

HIGHWAY & PARKS COMMITTEE

Dennis Elverman

Irving Larsen

Douglas Noble

Robert Pitts

William Grady

It was moved by Supervisor Elverman to adopt Resolution 132. Seconded by

Supervisor Noble.

Motion carried.

**RESOLUTION 133**

133. From Human Services and Finance Committees regarding Modifying the 2004 Division of Disability Services Budget to Reflect funding for the Newly Created Autism Waiver.

**WHEREAS**, the Kenosha County Board of Supervisors passed Resolution 71 on 10-21-03 authorizing the Kenosha County Human Services Department's Division of Disability Services to administer the State Autism Waiver Program, and

**WHEREAS**, the Autism Waiver supports in-home treatment which has been demonstrated to improve the condition for many children, potentially reducing out-of-home placements, and

**WHEREAS**, children with already receive services from the County through the Birth to 3 Program, Family Support Program and the Division of Children & Families, and

**WHEREAS**, the Autism Waiver provides \$96 per day, plus 7% administrative costs for those children at the intensive level of service, and \$30.60 per day including administrative costs for children at the ongoing level of service, and

**WHEREAS**, the exact amount of funding available was unknown at that time, and

**WHEREAS**, specific figures for the Autism Waiver will not require additional County tax levy nor County employees,

**NOW THEREFORE BE IT RESOLVED**, the Department of Human Services, Division of Disability Services budget be modified as follows:  
Expenditures increase by \$825,718 with revenue increase of \$825,718, as indicated in the attached budget modification which is incorporated into this resolution by reference.

Submitted by:

HUMAN SERVICES COMMITTEE

Eunice Boyer

Anne Bergo

John O'Day

Don Smitz

William Grady

FINANCE COMMITTEE

Robert Carbone

Terry Rose

John O'Day

Robert Pitts

Gordon West

It was moved by Supervisor Boyer to adopt Resolution 133. Seconded by Supervisor Carbone.

Roll call vote.

Motion carried unanimously.

#### **RESOLUTION 134**

134. From Human Services and Finance Committees regarding Modifying the 2004 Budget to create the Grant Employment Position of Public Health Specialist within the Division of Health.

Removed from agenda.

#### **RESOLUTION 135**

135. From Judiciary & Law and Finance Committees regarding Modifying 2003 Sheriff's Department Budget.

**WHEREAS**, County Board Policy Resolution #4 enacted on November 12, 2002 approving the year 2003 budget stipulates that any appropriated monies in a specific appropriation unit that are to be used for another purpose requires the authority of the County Board for the transfer of said funds, and,

**WHEREAS**, the Sheriff's Department had been directed to resolve any negative budgetary expenditure line items in the year 2003 budget, and,

**WHEREAS**, the Sheriff's Department reviewed the budgetary expenditures for the year 2003 and identified the Detentions - Inmate Medical Services expenditures will exceed the funds available within the appropriation unit, and

**WHEREAS**, the Inmate Medical Services expenditures were necessary to comply with State Statutue governing the Sheriff's obligation to cover the costs of any off-site inmate medical care while the inmate remains in custody, and

**WHEREAS**, the predictability of the frequency and duration of off-site inmate medical services cannot be exact resulting in expenditure overruns, and

**WHEREAS**, the Kenosha County Sheriff's Department has sufficient funds within other appropriation units to offset the expected overdrafts, and

**WHEREAS**, county levy remains unaffected by this resolution.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the transfer of funds between Sheriff's Department appropriation units per the budget modification document attached hereto and incorporated by reference, thereby, reconciling the budgetary shortage.

Submitted by:

Judiciary and Law Enforcement Committee

James Huff

Brenda Carey-Mielke

Anita Faraone

Finance Committee

Robert Carbone

Terry Rose

John O'Day

Joe Montemurro  
Terry Rose

Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 135. Seconded by Supervisor Carbone.

2/3 vote required  
Motion carried unanimously.

**RESOLUTION 136**

136. From Judiciary & Law and Finance Committees regarding Request for waiver of competitive bid process for Data Radio MDC Hardware Purchase.

**WHEREAS**, in the Sheriff's 2004 budget, \$135,000 was provided for the purchase, installation, and service of MDC Radio Base Hardware upgrade, and

**WHEREAS**, this is a custom package of computer hardware that is specifically designed by the Data-Radio Corporation to be used with the existing Mobile Data Radio System now operating in the Sheriff, Kenosha Police, Twin Lakes Police, Silver Lake Police, and UWP Police Departments, and

**WHEREAS**, the MDC Radio Base Hardware upgrade will provide vastly improved speed and transmission/reception data, and

**WHEREAS**, because our current MDC system is a custom design by Data Radio, only this particular Data Radio Base Package will work with our current mobile data radio system.

**NOW, THEREFORE BE IT RESOLVED**, that the Kenosha County Board of Supervisors authorize the competitive bidding process be by passed as described in County Ordinance 3.11 (d) for this purchase only and allow Data Radio Corp. to provide the MDC Radio Base Hardware upgrade.

Submitted by:

Judiciary and Law Enforcement Committee  
James Huff  
Carey-Mielke  
Anita Faraone  
Joe Montemurro  
Terry Rose

Finance Committee  
Robert Carbone  
Terry Rose  
John O'Day  
Robert Pitts  
Gordon West

It was moved by Supervisor Huff to adopt Resolution 135. Seconded by Supervisor O'Day.

2/3 vote required.  
Motion carried unanimously.

**RESOLUTION 137**

137. From Legislative Committee regarding Asking Governor James Doyle and the State Legislature to Examine and Study the Entire Taxing, Fees and Revenue Raising Activities of the State and Local Governments.

**WHEREAS**, there is a need to create a tax system which would help the state and local governments address their budget problems; and

**WHEREAS**, there is a need to reform the state's taxation system to become more competitive with other states and to make Wisconsin fiscally healthier; and

**WHEREAS**, taxation reform can be a component of the "Grow Wisconsin Initiative", an action agenda to get Wisconsin's economy moving again, producing the kind of good paying jobs that permit people to support their families, buy a home and enjoy the great life Wisconsin has to offer.

**NOW THEREFORE BE IT RESOLVED** that the Kenosha County Board of Supervisors requests Governor James Doyle and the State Legislature to examine the current and all alternative methods of providing funding for state and local governments by examining such things as:

1. The proper mix between personal income tax, corporate income tax, sales tax, property tax and all other taxes to provide funding for government operation.
2. The proper role that fees for services should play in paying for the cost of government operations.
3. The proper funding mechanism for state mandated services.

4. The overall tax burden imposed by the state and local government on families and businesses and whether the current tax climate in Wisconsin is hurting our ability to attract and retain family supporting jobs.

**BE IT FURTHER RESOLVED** that the County Clerk is directed to send a copy of this resolution to Governor James Doyle, all members of the Wisconsin Legislature, all other counties, the Wisconsin Counties Association, all cities, towns and villages located within Kenosha County, the Kenosha Unified School District, University of Wisconsin, Parkside and Gateway Technical College.

Submitted by:

LEGISLATIVE COMMITTEE

Ronald Johnson

Tom Kerkman

Fred Ekornaas

Anita Faraone

It was moved by Supervisor Johnson to adopt Resolution 137. Seconded by Supervisor Kerkman.

It was moved by Supervisor Gorlinski for a 'friendly' amendment to the last paragraph. Seconded by Supervisor Carey-Mielke

**BE IT FURTHER RESOLVED** that the County Clerk is directed to send a copy of this resolution to Governor James Doyle, all members of the Wisconsin Legislature, all other counties, the Wisconsin Counties Association, all cities, towns, villages, (insert - all school districts located within Kenosha County), (strike -the Kenosha Unified School District), University of Wisconsin, Parkside and Gateway Technical College. Seconded by Supervisor Carey-Mielke.

Motion carried on resolution 137 as amended.

#### COMMUNICATION

34. From George E. Melcher, Director of Planning and Development regarding future rezonings.

Chairman Kessler referred Communication 34 to the Land Use Committee.

It was moved by Supervisor Johnson to approve the March 2nd minutes. Seconded by Supervisor West.

Motion carried.

It was moved by Supervisor Wisnefski to adjourn. Seconded by Supervisor Modory.

Meeting adjourned at 9:05 P.M.

Prepared by: Pam Young

Chief Deputy

Submitted by: Edna R. Highland

County Clerk