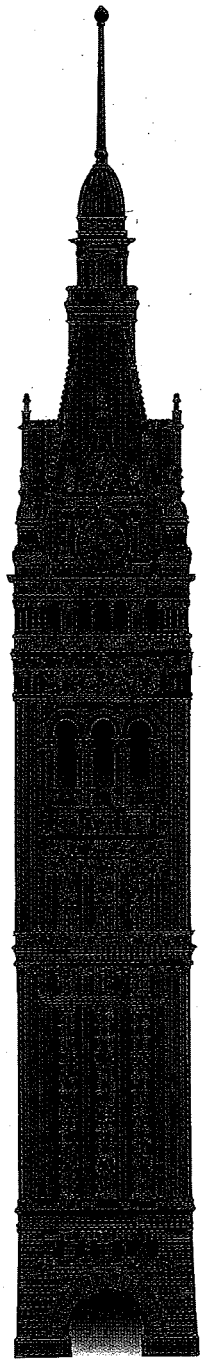
John O. Norquist
Mayor
City of Milwaukee



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August 6, 2002

Honorable Common Council of the City of Milwaukee
City Hall
200 E. Wells Street
Milwaukee, Wisconsin 53202

Dear Common Council Members:

I am vetoing file number 011264, an ordinance relating to zoning regulations for existing transmission towers used to transmit or receive television signals.

As part of the comprehensive plan of the City of Milwaukee, adopted by the Common Council in 1997, a "Transmission Tower Policy Statement" was drafted and implemented. This policy has been supported consistently by the Board of Zoning Appeals and has withstood numerous court challenges. Its intent is stopping the proliferation of towers in our skyline. Urban areas across the country are moving towards co-location. In a number of American cities including Madison, Salt Lake City, Denver, Chicago, and New York, the mandate to consolidate towers fueled cooperation because current technology allows joint transmission. There is no reason Milwaukee residents should endure more towers than are technically necessary.

Granting this extension is in direct conflict with a clear and documented policy. Such an action may also put the City at risk for another lengthy court battle from parties who have endeavored to follow the existing law as adopted by the Common Council. It will also make the "Transmission Tower Policy" more difficult to defend in future requests for exceptions, which will surely follow if you allow this ordinance to stand.

The Federal Communications Commission mandate that all full-service television broadcasters provide digital television services by May 1, 2002 should be the impetus for tower consolidation, not a justification for continued proliferation or extensions of towers.

Technical claims in support of the extension are not valid. The only requirement that the FCC has imposed upon broadcasters is that they commence broadcasting a DTV signal strong enough to cover their "community of license": in Channel 12's (Hearst-Argyle Television, Inc.) case, the entire City of Milwaukee. Channel 12 could mount its DTV antenna at almost any level on its existing tower to meet that requirement. There is absolutely no FCC ruling or requirement that compels

Channel 12 to raise the height of its tower. No metropolitan Milwaukee resident is at risk of not receiving a DTV signal from Hearst.

The Common Council also expressly allowed Channel 10/36 to erect its new digital tower for the purpose of allowing co-location. The Milwaukee Area Technical College (MATC) board, which at the time included a current member of the Common Council, promoted the idea of renting its space as new FCC rules came into effect. MATC taxes the citizens of Milwaukee to help pay for this tower. Its potential to generate revenue through consolidation was to be a means of fulfilling their fiduciary responsibility to act in the best interest of taxpayers. It is my strong belief that support for Channel 12's extension, in light of available alternatives, does not fulfill the trust bestowed upon us by the taxpayers.

The Council's support of this ordinance is shocking given that no public interest has been articulated for the extension. Policy set by your Honorable Body risks becoming meaningless if it is not upheld in the face of special interests.

Members of the Council, I urge you to sustain this veto.

Sincerely,

JOHN O. NORQUIST
Mayor

JON:jrm