

Teresa Mollette

3rd Ward Constituent

1705 Franklin Blvd.
Portsmouth, Ohio 45662

Phone: 740-353-0099
email: mollette@adelphia.net
website: <http://portsmouthcitizens.info/blog>

Correspondence#: 06-001

February 1, 2006

Jim Kalb, Mayor
728 Second Street
Portsmouth, Ohio 45662

Dear Mayor Kalb,

RE: Democracy v. Despotism in the City of Portsmouth

I am concerned, as a citizen of the City of Portsmouth, your attached letter dated January 26, 2006 is another progressive step to intimidate, harass, and silence an informed citizen's opinion concerning our local government's lack of transparency against the requirements mandated in Ohio laws for open meetings and public records; these laws are documented in the Ohio Revised Codes and the Sunshine Laws. With my letter I will demonstrate the path our city is following towards Despotism and illustrate the unprofessional manner in which you executed your job as Mayor. It also serves as an avenue by me to encourage your office to support accountability amongst Public Officials instead of your current arrogant, "I don't give a dam (sic) attitude."

I became interested and involved in City issues when I discovered the City had improperly collected taxes and purchased the Marting Building at a controversial \$2 million dollar purchase price from the Richard D. Marting Foundation. At that time I started attending Council meetings and requesting public documents to validate the rumors circulating about the impropriety that occurred during the purchase of the Marting Building. After attending several months of Council Meetings and reviewing many documents we knew the Marting Building was purchased illegally by the city so Bob and I filed an injunction in May of 2004 through the Common Pleas Court. My belief the Marting Building had been purchased illegally was confirmed in November of 2004 by Judge Marshall. Judge Marshall ruled Council not only violated their own City Charter but violated the Sunshine Laws when they met in groups of three Back-To-Back (Round-Robin) meetings to circumvent to law. The City is currently appealing Judge Marshall's decision to the 4th Circuit Court of Appeals.

Bob and I became involved in a Recall of the 3rd Ward Council person after we became aware of the deliberate attempts, by our representative, to exclude and hide significant Public Records from the community, which led up to and including all deliberation and the purchase the Marting Building; at the time her actions were assumed to be irresponsible and likely illegal. The result of the Recall validated and verified a majority of the 3rd Ward constituents also felt their Council representative demonstrated an attitude of irresponsibility—Was Recalled—and Bob was voted to replace the 3rd Ward Council Seat. Even after the recall I continued to stay involved and a strong advocate for the rights of the citizens of the City. Bob's successful election to Council should not indicate I should become a dormant voice in our community; after all, I am also a taxpayer and citizen of Portsmouth. Jim, I do not welcome your numerous attempts during Council meetings or in the halls of the City Building to silence my critical comments of our government and your statement that Bob is nothing more than my puppet. These statements and your

attitude are being directed towards me as a form of verbal intimidation to coerce and silence me. Your comments are also meant to discredit Bob for his questioning attitude and demanding accountability. You want to exclude the public from pertinent information because of the continued controversy over the Marting Building—You want the Public Excluded from their rights.

Jim, prior to the initiation of my website I tried several times to discuss with you the importance of an inclusive City website. I tried to encourage you to use the existing City website and resources to provide information to the citizens through the City's already existent City website, but to no avail. So my decision to start my own website was an easy decision by me. My website <http://portsmouthcitizens.info/blog> provides public records and files that belong to the citizens and what is required to bring transparency to our local government. Also, after Bob was elected to Council, he was obligated to inform the citizens with council information to increase communication and energize citizen resources to improve the City's future. He decided to provide a website <http://mollette.info> for his continuants in providing them their Public Records. After all, open communication and respect for the public ensures that Despotism and Tyranny are non existent.

The most recent exhibit of your attempts to bully me to silence was the memo of response to Bob; you have now moved to the next level of intimidation and coercion in your attempts to silence a citizen, more directly me. Your response memo should have been directed only to Bob but you feel intimidated by Bob's skills. What intimidates you is Bob's 20 year engineering background and his ability to understand the City's infrastructure. He is very capable of using this experience to solve problems expressed by his constituents. Your insecurities and inabilities as Mayor are affecting your job performance; this all relates back to your lack of formal training and background for the position of Mayor. Instead of impeding the progress of the community with your childish antics you should be using your resources, the citizens of Portsmouth and Bob's background. You continue to make a mockery of the Cities governmental system and demonstrated such in your latest correspondence to Bob, which was also addressed to me. At no point in Bob's memo 06-005 (See attached), in which you were responding, did you see my name associated, or for that matter have you seen any other of Bob's previous correspondences, except of course 06-010 (See attached) on January 31st 2006, do you see my name. To respond to correspondence from Bob or any other Public Official concerning Public business in the above manner is unprofessional and unacceptable. To disregard and disrespect Bob's constituents, as well as your own, is unprofessional and unacceptable. Your behavior was not only irresponsible but unnecessary. Your sole intent was to intimidate and coerce me to silence and to try and discredit the exceptional job Bob is doing while performing in his official capacity of Councilman. If you would invest as much time in doing your job properly instead of seeing how quickly you can turn our community towards Despotism maybe just maybe our community will recover. Corruption is prevalent in our community as documented statistic's show and as long as Public Officials condone this kind of behavior nothing will change.

Bob is dedicated to the service of his constituents by utilizing his 20 years of engineering background to seek to understand problems and providing possible solutions. It is very demanding when there is a lack of accountability. So, yes Bob and I do work together as a team. This ability to work as a team helps Bob have the time to ensure his constituent's concerns are heard, addressed, and allows him time to spend with his family. This team does not mean I do the job of council person but it does mean I am a supporter and a cheerleader for him and for the city. Maybe if more Public Officials in our community relied on teamwork the City would move forward and not like the digressive state that is prevalent under your watch. So, instead of attacking Bob's wife and other concerned and vocal citizens for their continued strife for improvements of Portsmouth try working with Bob and the citizens of Portsmouth to provide a plan and the required answers to move our city forward in a positive manner.

Jim, your fear of information being disseminated to the citizens of Portsmouth concerns me. The taxpayers have ever right to have their Public Records. Why are you trying so desperately to keep Public Records from the taxpayers of Portsmouth? What are you hiding? Are you afraid the information about backroom deliberations and deals will be exposed? After all, the Marting Sham did occur during your watch as

President of Council representing the 2nd Ward, and if my memory serves me correctly you expressed how much you respected Judge Marshall but you did not agree with his decision. What was it you said, "We met in three's to avoid violating the intent of the Sunshine Laws", my opinion and that of the courts was circumventing the law. This attitude among Portsmouth Public Officials is common. This attitude must change!

Jim, you and I were raised in this community. We both attended the Portsmouth City Schools. We even had and still have common friends and acquaintances. How can you be so discourteous and disrespectful to the constituents of this community?

My hope in writing this letter is a guarantee Portsmouth citizens will be afforded their constitutional rights of the United States. To guarantee the citizens of Portsmouth have their freedom of information and the freedom of speech; the constitutional rights you seem to so effortlessly ignore.

Let's work together as a community!!!!

Respectfully,



Teresa Mollette, 3rd Ward Constituent

<http://portsmouthcitizens.info/blog>

cc: w/attachment

Joe Griffith, Attorney djgriffith@daggerlaw.com

David Kuhn, City Solicitor

Mark Kuhn, County Prosecutor

Frank Deaner, President ONA and Ohio Coalition for Open Government fdeaner@ohionews.org

Todd Book, Ohio House Representative district89@ohr.state.oh.us

W. Scott Oelslager, Ohio House Representative district51@ohr.state.oh.us

Kirk Schuring, Ohio Senate Representative SD29@mailr.sen.state.oh.us

Ted Strickland, Congressman, 4th District info@tedstrickland.com

Jean Schmidt, Congressman, 2nd District jean@jeanschmidt.com

Jim Petro, Ohio Attorney General

State Office Tower

30 E. Broad Street, 17th Floor

Columbus, OH 43215-3428

Charles Horner, Chief of Police

Council (6)

Bob Mollette

3rd Ward Councilman

1705 Franklin Blvd.
Portsmouth, Ohio 45662

Phone: 740-353-0099
email: mollette@mollette.info
website: www.mollette.info

Correspondence#: 06-010

January 31, 2006

Jim Kalb, Mayor
728 Second Street
Portsmouth, Ohio 45662

Re: **Mayor's Response to 3rd Ward Correspondence #06-005 (January 25, 2006)**

I am very disappointed and saddened after reading your response dated January 26, 2006 to the above correspondence. It indicates a lack of ability to understand and manage the resources available to address concerns raised by citizens. As Mayor and leader of the City of Portsmouth, you are demonstrating a lack of concern which is an obstacle to resolving documented concerns and issues voiced by citizens.

I find your target behind addressing the letter to both Teresa and I as "Councilteam" disturbing and shows a lack of professionalism on your part. You have moved from addressing the documented issues raised by me, in my job of representing my constituents of the 3rd Ward, to sidestepping the issues to launch a personal attack.

I have reviewed your responses and ask the following questions:

1. *A very large portion of your correspondence deal with issues not pertaining to the ward that you represent. This is vague at best and needs clarified. Please review my attached correspondence (#06-005 dated January 25, 2006) and identify which concerns you are referencing. This is a serious accusation.*
2. *Most of your questions and concerns have been previously answered in writing by the pertinent department heads and myself. Council minutes actually reflect that some of your questions were answered by yourself. Please review my attached correspondence and update with any pertinent information or actions taken to resolve the various topics. Communication is a must to resolve issues and guarantee accountability.*
3. *It appears that you fail to read or comprehend the time consuming information that I have previously submitted to you. Example: You had no idea that there was an 8% increase in water rates in the 2006 budget. You posted the entire "unratified, proposed" budget on your website that clearly showed an increase on the water works summary page. This increase was clearly shown on the first line on the page under "Revenues" and it was marked in two places with asterisks. You were unaware of this proposed increase until it was verbally mentioned by the Auditor at the council meeting. I did not question the 8% water rate increase in my attached correspondence but I will respond to your statement. I did review the 2006 Operating Budget and documented seventy (70) questions in correspondence #05-021 dated December 8, 2005. My first question; #1. *General Comment; The 2005 Operating Budget proposed and passed by Council included a rate increase to the Sanitation Enterprise Fund. Please identify any additional rate increases that could be associated with the 2006 Budget.* Your response in a letter dated December 27, 2005 "*No rate increases are planned for later in the year other than possibly sanitation, which council must authorize.*" It was a simple question and I was surprised and thankful the Auditor redirected the question to you during the Council meeting which informed the public you included an 8% water rate increase in the 2006 Operating Budget. My belief, it was not an appropriate way to disclose a rate increase. It did not allow the utility users to be given pertinent information in advance to allow them to be a part of the solution to the problem.*
4. *You have a problem with receiving "confidential" information and maintaining that confidentially. This is a serious unsubstantiated allegation which I am requesting relevant and pertinent data to support your statement.*

5. *In just over three month's time, I have accumulated approximately three hundred pages of copies of correspondences from you, department heads and myself. Many of your correspondences are redundant and many are outside the realm of responsibility of a member of the legislative body. I am requesting a copy of the pages you mentioned above for informational purposes and as a public records request. Also your statement concerning me working outside the realm of a member of the legislative body is a grave allegation. I am requesting you to justify your statement and refrain from making unsubstantiated allegations.*

You stated any further documentation by paperwork will be done as you deem necessary. My belief, citizens are owed accountability and the respect of a follow-up to their concerns by addressing their issues.

As I informed you this morning in our casual meeting at the municipal building (prior to reading your correspondence) the previously documented issues on Layton Drive has worsened and your action is required to address this issue

After reading your correspondence I am concerned you may be attempting to punish my 3rd Ward constituents because of your personal dislike for my wife, Teresa. I suggest you resolve your issues with Teresa, who is a concerned 3rd Ward Constituent and taxpayer, and who just so happens to be married to the 3rd Ward Councilman and discontinue the unprofessional behavior.

Respectfully,



Bob Mollette, 3rd Ward Councilman

rwm

cc: w/attachment

Department Directors
David Kuhn, Solicitor
Charles Horner, Chief of Police
Jo Ann Aeh, City Clerk (Record)
Council (5)
Teresa Mollette, Concerned Taxpaying Citizen



JAMES D. KALB
MAYOR

CITY OF PORTSMOUTH
OFFICE OF THE MAYOR

TELEPHONE: 740 / 354-8807
FAX: 740 / 354-8809

728 SECOND STREET, ROOM 1
PORTSMOUTH, OHIO 45662

January 26, 2006

Mr. & Mrs. Bob Mollette
"Councilteam", Third Ward

Re: Correspondence #005 of 2006

Dear Teresa and Councilman Mollette:

Having reviewed your most recent list of questions and concerns I have determined the following:

1. A very large portion of your correspondences deal with issues not pertaining to the ward that you represent.
2. Most of your questions and concerns have been previously answered in writing by the pertinent department heads and myself. Council minutes actually reflect that some of your questions were answered by yourself.
3. It appears that you fail to read or comprehend the time consuming information that I have previously submitted to you. Example: You had no idea that there was an 8% increase in water rates in the 2006 budget. You posted the entire "unratified, proposed" budget on your website that clearly showed an increase on the water works summary page. This increase was clearly shown on the first line on the page under "Revenues" and it was marked in two places with asterisks. You were unaware of this proposed increase until it was verbally mentioned by the Auditor at the council meeting.
4. You have a problem with receiving "confidential" information and maintaining that confidentiality.



5. In just over three months time, I have accumulated approximately three hundred pages of copies of correspondences from you, department heads and myself. Many of your correspondences are redundant and many are outside the realm of responsibility of a member of the legislative body.

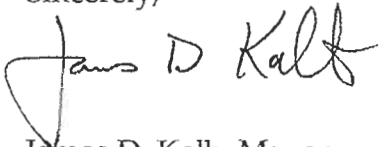
For all of the above reasons, I can no longer justify the time involved exchanging paperwork with you. I will gladly schedule a meeting with you, at your convenience, and have the proper authorities present to discuss any further questions, concerns, suggestions, complaints or anything else you feel necessary for the proper and efficient operation of the City of Portsmouth.

Any further documentation by paperwork will be done as I deem necessary. This is the procedure followed by all of the other council members and seems to be working well for everyone else.

When you feel there is a need for correspondence in the future or have issues that you wish to discuss, please call my office for an appointment.

Thank You.

Sincerely,

A handwritten signature in black ink that reads "James D. Kalb". The signature is written in a cursive style with a large, stylized initial "J".

James D. Kalb, Mayor
City of Portsmouth

Cc: Honorable Council Members
Charles Horner, Chief of Police
David Kuhn, Solicitor
Department Directors

Bob Mollette

3rd Ward Councilman

1705 Franklin Blvd.
Portsmouth, Ohio 45662

Phone: 740-353-0099
email: mollette@mollette.info
website: www.mollette.info

Correspondence#: 06-005

January 25, 2006

Jim Kalb, Mayor
728 Second Street
Portsmouth, Ohio 45662

Re: **Various Problems Unresolved and Requests for Relevant Information**

During the January 9, 2006 City Council Meeting, Miscellaneous Business 3rd Ward Report, I requested pertinent information or actions on various topics. For your convenience I have assembled a list of these items in question.

1. Correspondence #05-027, dated December 30, 2005, requested your assistance to resolve the reported repeated issues of solid waste and parking at 1431 Layton Drive. I am requesting an update with any documentation for actions taken to resolve this expressed concern.
2. I am perplexed by the city's inactions to date to resolve the reported wastewater and raw sewage backup in homes in the Grandview Area. Lack of action has led to litigation against the City in an effort to resolve issues. I am requesting a plan with projected dates to resolve this issue as soon as possible. I am also requesting investigation into the potential for grants of such projects.

Various written requests still unanswered and additional information requested:

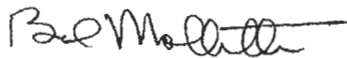
3. **#05-001** (10/03/05) Sherman Road Traffic - A request to assure citizens statements represented at City Planning Commission meetings will be enforced as needed. What actions, if any, have been taken to enforce proclamations made by SOMC representatives concerning traffic on Sherman Road?
4. **#05-002** (10/3/05) 1803 Baird Avenue – What actions have been taken to assure repeat violations do not occur and enforce misdemeanor charges as per Section 941.99(b) of the Codified Ordinances? Taxpayers of Portsmouth want to know their local government will enforce codified ordinances as needed to provide a safe and desirable environment for all.
5. **#05-005** (10/18/05) 1721 Offnere Street – A request for repair was initially made December 27, 2004. Please provide a projected date for repair.
6. **#05-006** (10/24/05) City Planning Commission – What actions have been taken to improve City Planning Commission Rules, which allow two (2) of five (5) members to approve any requests? If attendance at meetings is an issue I have interested constituents.
7. **#05-008** (10/24/05) City Infrastructure to Meet Expanding SOMC Campus – Please inform of the status of "Preliminary Drainage Plan" to be submitted to the Engineering and Wastewater Departments for the expanding SOMC Campus. Provide pertinent scope and projected schedule for the City Long Term Control Plan for Combined Sewer Overflows.
8. **#05-010** (11/02/05) Parking Issue for Residents at 17th and Waller Streets – Provide a status of any documentation submitted concerning proposed construction at the property located at 1202 17th Street.

9. **#05-012** (11/14/05) Safety Concern Expressed on Hutchins Avenue due to vehicles exceeding speed limits – List any actions or observations concerning persons violating speed limits since November 2005.
10. **#05-022** (12/12/05) Liquor Control Permit Renewal Objections – Provide any documentation of valid objections, which exist within the City.
11. **#05-023** (12/27/05) Solid Waste Facility and Potential Safety Concerns – Provide information requested within the letter concerning the status of the dumping of the side loader trucks, scale pad, and hydraulic system.
12. I requested an update at the November 28, 2005 City Council Meeting on a dilapidated structure located on the property at 1722 Baird Avenue. It was declared a public nuisance November 15, 2005 by the Engineering Department. Provide any documentation of any actions related to this property to resolve this issue.

Please forward to me any documentation or actions taken to resolve the above questions and/or comments.

Thanks in advance for your cooperation in resolving these issues.

Respectfully,



Bob Mollette, 3rd Ward Council

rwm

cc: David Kuhn, Solicitor
Trent Williams, Auditor
Richard Duncan, Wastewater Treatment
Christopher Murphy, Public Service Department
Charles Horner, Chief of Police
City Planning Commission
Engineering Department
Health Department
Jo Ann Aeh, City Clerk (Record)
Council (5)