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Office of the Superintendent

September 14, 2007

The Honorable James D. Kalb
Mayor of Portsmouth, Ohio
728 Second Street, Room 1
Portsmouth OH 45662

Re: Spartan Municipal Stadium

Dear Mayor Kalb:

I am writing to register my and the Portsmouth City School District Board of Education's ongoing concern with respect to the seriously deteriorated condition of the visitors' bleachers at Spartan Municipal Stadium, the City-owned site for Portsmouth High School home football games.

As you know, I and the Board continue to believe the visitors' bleachers should not currently be used because the safety of fans cannot be assured. Fortunately, the Stadium is large enough to accommodate all fans, including visitors, on the home side of the field, and we believe the prudent thing to do (which is what was in fact done at our first home game on August 31) would be to barricade entrance to the visitors' bleachers on game nights and, instead, rope off and reserve space for guests in an area where the structural integrity of the seating is assured. The City, obviously, has a different view, as evidenced by the City's encounter with District personnel at the Wheelersburg game on Friday, September 7, 2007. I and the Board respectfully, but firmly, disagree with the City's position, for the reasons that follow.

Last December, Joseph Lewis, a consulting structural engineer, informed the District that

"[t]he visitors bleachers have suffered significant distress, as evidenced by the enormous cracking in the structure. These bleachers are unsafe, and should no longer be used. They are beyond repair, and my recommendation is for immediate demolition."

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In early March, I wrote to you, enclosing a copy of Mr. Lewis' report, and posed a series of questions regarding the upcoming summer football practices and ensuing season. The ultimate upshot was your August 31 letter to me in which you stated, based on the City's own interactions with Anthony Lauro and Richard Howerton, that "[t]he overall integrity of the superstructure of the [visitors'] bleachers . . . does not appear to be a safety hazard" and that, in your opinion, using the bleachers would pose "no life threatening problems at this time." Mr. Howerton's report (a copy of which you enclosed), however, stated that, based on "preliminary observations," the seating in question "contains safety concerns" and "many repairs will be needed." He went on to say that a "comprehensive evaluation" in accordance with accepted structural engineering guidelines would "result in a more defined conclusion." Mr. Lauro's report (a copy of which you enclosed) also acknowledged problems with the bleachers but ended with the statement that "I could not condemn this structure." All told, your conclusion that continued use of the bleachers poses no safety hazard strikes me and the Board as a rosier assessment than warranted; moreover, it is the expert opinions of structural engineers that are most persuasive to us under these circumstances.

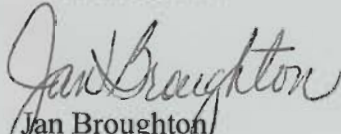
Nobody really denies the deteriorated condition of the bleachers. The only question is one of degree and whether the safety of those who would now sit in them can reasonably be assured. I recognize the odds are that a catastrophic collapse would not occur. Especially in light of the recent collapse of the Interstate-35W bridge in Minneapolis, however, one can hardly brush aside that possibility in light of the engineering reports, taken as a totality. Indeed, should an incident occur, it would be at least arguable, if not clear, in light of these reports that the incident was reasonably foreseeable. In consultation with the Board's liability insurer, I am now taking steps to document clearly my and the Board's concern in an effort to insulate the Board to the maximum extent possible from liability in the event of an incident and to ensure that, if an incident should occur, the fault or responsibility is placed squarely where it belongs.

The Portsmouth High School football team's next home games are against Jackson High School on September 21 and Gallia Academy (Gallipolis) on September 28, 2007. By copy of this letter, I am informing Jackson City School District Superintendent Stephenson Anderson and Gallipolis City School District Superintendent Jack Payton of my and the Board's concern. I and the Board believe they are entitled to know in advance of the deteriorated condition of the visitors' bleachers, of our disagreement with the City as to whether these bleachers should be used in their current condition, and of the fact that we will rope off and reserve a section of seats on the home side of the field for use by visitors who attend either game. My recommendation to them, under the circumstances, is that their fans should be informed of the availability of such seating and that the structural integrity of the visitors' bleachers cannot be assured by me or the Board with confidence.

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Much as I regret writing this letter, I feel I have no realistic alternative. Please call if you have any questions.

Sincerely yours,


Jan Broughton
Superintendent

cc: Stephen Anderson, Superintendent, Jackson City Schools
Jack Payton, Superintendent, Gallipolis City Schools
- Portsmouth City Council Members
Portsmouth Board of Education Members
Chris Murphy, City Service Director
David Kuhn, Esq.
Tom Grashel, PCSD Athletic Director
Tom Walker, Director Secondary Operations