CITY OF FAIRBORN
COUNCIL MEETING
March 3, 2025, at 6:00 p.m.
Council Chambers

COUNCIL MEMBERS	Present	Absent
Dan Kirkpatrick, Mayor	☒	☐
Clint Allen, Councilman	☒	☐
Sylvia Chess, Councilwoman	☒	☐
Adam Fritzsche, Councilman	☒	☐
Rodney McCubbins, Councilman	☒	☐
Mary Reaster, Deputy Mayor	☒	☐
Tana Stanton, Councilwoman	☒	☐

STAFF MEMBERS PRESENT

Browning, Gay, Gebhart, Jacobs, McClure, McNamee, Myers, Taylor, Wellbaum, and Williams.

Everyone stood for the Pledge of Allegiance and a moment of silence.

APPROVAL OF MINUTES

Councilman McCubbins moved to approve the February 17, 2025, Work Session Meeting Minutes. Councilman Allen seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Councilman Fritzsche moved to approve the February 17, 2025, Regular Council Meeting minutes. Deputy Mayor Reaster seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Councilman Allen moved to approve the February 24, 2025, Citizens Forum Minutes. Councilwoman Stanton seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

PRESCHEDULED

Ryan William, Fire Chief, explained there was a residential structure fire on April 25, 2024. Several subjects were trapped inside the property. All Fairborn Fire Units, several Fairborn PD units and mutual aid from Huber Heights, Wright-Patt, Mad River Twp. and Beavercreek Township responded to the call. He gave a Certificate of Recognition to the following dispatchers involved: Ryan Harper, Amy Pease, and Steve Ison. He provided a Letter of Commendation to the following members of the Fairborn Police Department who were involved that day: Chief Ben Roman, Officer Matthew Bracey, Officer Rachel

Taubert and Sergeant Ross Feree. Fairborn Fire Department Unit Citation Awards were given to Assistant Chief Brad Eckert, Lt. Gregg Wert, Lt. Seth Johnson, Senior Firefighter Brian Bartes, FF Jim Trimbach, FF Ben Valiton, FF Nic Brock, FF Aletha Friessen, FF Chris Clark, FF Jared Eifert and FF Brooke Hilling. Battalion Chief John Sands was presented with the Life Saving Award. The Medal of Honor, which is the highest level of award a firefighter can receive, was given to Lt. Dan Wolfe, FF Travis Diltz and FF Cody Dotson.

Mayor Kirkpatrick presented Fire Chief Ryan Williams with a Unit Citation Certificate for his efforts that day as well.

OLD BUSINESS

ORDINANCE 4-25 LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION AND REPAIR OF CERTAIN CURB AND SIDEWALKS IN THE CITY OF FAIRBORN, OHIO, BEING THE 2025 CURB AND SIDEWALK PROGRAM.

Councilwoman Chess motioned to read Ordinance 4-25 for the second time by title only. Deputy Mayor Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 4-25 by title only.

Matt Wellbaum, Asst. Finance Director, explained earlier this year Resolution 1-25 was adopted which authorized a list of parcels and actual costs to be published in the newspaper for three weeks. They were published in the Fairborn Daily Herald for three weeks ending January 24, 2025. The objection period expired February 7, 2025, and no objections were received. Passage of this Ordinance authorizes the City to level assessments for this program. Invoices will be issued after the effective date of this Ordinance.

Residents will receive the invoices and have 30 days to pay. There are three options in which to pay. They can pay the entire amount of the invoice by the due date either in one lump sum or in partial payments. The second option is to make partial payments until the invoice's due date and then have any remaining balance assessed to the property taxes. The third option is to make no payments and have the entire amount assessed to the property taxes. Any balances left unpaid after the due date will be assessed through the real estate taxes for a period of five years at the earliest date possible. Typically, special assessment certifications are due to the Auditor no later than the second Monday of September 2025. Interest will be added at the rate to include all issuance and debt service costs for any bonds issued in anticipation of collecting assessments or if bonds are not issued the rate will not exceed 5.5 percent annually. The County Auditor will also include a service charge of 5 percent. When the property is sold the entire assessment is due and should be paid upon closing. Any assessment under $25 will be billed in its entirety on the first property tax bill. Staff does recommend approval of Ordinance 4-25.

Mayor Kirkpatrick opened the public hearing.

Mayor Kirkpatrick closed the public hearing.

Deputy Mayor Reaster stated this is an annual housekeeping item.

Councilman McCubbins asked what the average cost was per parcel. Mr. Wellbaum explained it varies from $375 to $2,300.

Deputy Mayor Reaster moved to waive the rule requiring that Ordinances be read on three separate occasions and that Ordinance 04-25 be read for the third time by title only. Councilman Fritzsche seconded. Yeas, seven: Reaster, Fritzsche, Allen, Chess, McCubbins, Stanton and Kirkpatrick. Nays, none. Mike McNamee, City Solicitor, read Ordinance 04-25 by title only.

Councilman Allen moved to approve Ordinance 4-25. Deputy Mayor Reaster seconded. Yeas, seven; Allen, Reaster, Chess, Fritzsche, McCubbins, Stanton and Kirkpatrick, Nays, none. Motion carried. Mayor Kirkpatrick declared Ordinance 4-25 duly adopted.

Mayor Kirkpatrick stated as they came to Resolutions, he stated to Mike McNamee that he understood there may be new business that Mr. McNamee would like to introduce. Mr. McNamee stated as City Council is well aware we passed an entertainment admissions tax in 2019. The tax itself is applied to any entertainment as defined in Chapter 169 of the Codified Ordinances. The primary location that is impacted is the Nutter Center. This Ordinance again went into effect in 2019, just before Covid and Wright State has elected to not pay that admission fee tax. So, we thought it was important to enforce the legislation and that is what Resolution 8-25 is about. He knows the City Manager, Mr. Gebhart, in a cell phone comment asked for consideration. To get it on the agenda we need to properly add it. He believes Mayor Kirkpatrick is aware of how to do that.

Councilwoman Chess made a motion to add Resolution 8-25 to the agenda. Councilman McCubbins seconded the motion. Yeas, seven: Chess, McCubbins, Allen, Fritzsche, Reaster, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick announced that Resolution 8-25 was added to the Council agenda. It will be more fully covered at the end of the agenda.

NEW BUSINESS

RESOLUTION 7-25 AMENDING RESOLUTION 38-23, A PRELIMINARY PLANNED UNIT DEVELOPMENT AND REPLAT AT 50 CHAPELGATE DRIVE TO REFLECT A CHANGE TO THE INITIAL STORM WATER DRAINAGE.

Deputy Mayor Reaster motioned to read Resolution 7-25 for the first time by title only. Councilman McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 7-25 by title only.

Manuel Jacobs, City Engineer, provided the project background. He explained that in January 2023 Resolution 38-23 was adopted in October for the Crawford Hoying site that is otherwise known as 50 Chapelgate Drive. A Resolution was approved with two

conditions, but the one pertaining to us at this particular moment is in regard to the stormwater drainage. The language in the Resolution reads as follows: "all the stormwater drainage when the development assigned and known as Xenia Building Storage, etc., etc. shall drain to the east into the Beavercreek watershed and non-connected basins into the stormwater system.

Now, to provide more background, when this site was approved with this condition the design was not in place. They were eager to get this approval so they could get the design going and get everything put together. During that design a number of restricting factors were essentially assessed and evaluated and it was determined that the condition could not be met with the language that was placed on it that basically by us simplifying or keeping the language simple and putting it as all stormwater essentially gave no wiggle room, no exceptions, no redundancy, no fallback to with that condition. So, with the stormwater plans for him to approve them, language needs to be modified to at least give enough wiggle room that we can still continue enforcing the intent that the conditions were put in place on them. We will still give them a little flexibility to be able to address or do some other site considerations they have brought forward.

The amendment proposal is we have reviewed the stormwater report and we have confirmed that for all of the impervious and new improvements that are being proposed for the site are meeting the conditions put on the approval and that all of the building, parking lot and all the impervious surfaces are being adequately corrected by the stormwater system and that the water system is only releasing to the south, only to the east of the site. The modification of the original conditions is needed for final site approval because as good of a job as they have submitted to us in terms of stormwater management, it technically does not meet that 100 percent. So, in order for him to approve it while not going against the expressed intent of council in the conditions, we need to modify it.

He worked with Nate and Mike McNamee's team on putting the language together for this and they tried to keep it simple and not change things very much so the new language reads as follows: Stormwater drainage from the development of the site known as Xenia Cold storage, etc., etc. shall primarily be drained to the east into the Beavercreek Watershed wherever possible and not connect to the existing stormwater system along East Xenia Drive unless approved by the City Engineer. All they are really trying to accomplish with this language is just because it says unless approved by the City Engineer does not mean he is going to start approving anything and everything else they would want to change. He continues to be fairly rigid in terms of what the condition calls for. He just wants to have the language and flexibility that when he does come to approve this site with the expectation that it is not going to change much from what they are already submitting for the stormwater perspective it meets that intent, but it does allow the site to have the considerations of the wetlands and the unimproved areas on the north side that are not being disturbed. They are going to remain as is so by nature they are going to continue draining to the north. They just want that language for it. This is not an opportunity for them to try to sneak anything past us. They just wanted to know if the opportunity or the condition needed to be specified in another way, they could certainly do that. But he believes from a resolution perspective for the language this does a sufficient job of giving us the opportunity to continue being stringent while not being

impossible. That is the language they are proposing to modify. Staff recommends approval of Resolution 7-25 so that he can continue with the approval process.

Councilwoman Chess thanked Mr. Jacobs for his hard work and dedication to this project.

Councilman McCubbins had no questions. He thinks they have been pounding this out for a couple of years now.

Councilwoman Stanton stated this was just a requirement by Council. It was not from the Planning Board, right? Mr. Jacobs stated Planning Board, he believes, is the one who put the initial recommendation in place. So, when the PUD plan was presented to Council it was recommended with that condition. He thinks the condition was initially established in Planning Board and then brought forth to Council for actual approval. Councilwoman Stanton asked if it was fine that we are not going back through Planning Board. Mr. Jacobs stated the Planning Board is simply a recommendation on it. Council's approval back in October was the actual binding agreement so that is what we are amending.

Councilwoman Stanton stated they had a huge discussion about this in the work session. She does personally have concerns that we are going to follow up and address later.

Councilman Fritzsche had no questions. He thanked Mr. Jacobs for all of his work.

Councilman Allen thanked Mr. Jacobs for his work. Again, this is how government works. They put together a proposal. They put together these plans. They hammer it out until they can get to a good resolution point. He likes the fact that they are not backing themselves into a corner. They are not backing the developers into a corner. They are trying to work through a very tough situation. That piece of land is probably one of the most dynamic pieces of land in the City because of the wetlands and the other properties that surround it. Then the residual effect of the runoff. He appreciates the work that Mr. Jacobs has put into this.

Deputy Mayor Reaster had no questions.

Mayor Kirkpatrick stated as it was already mentioned a lot of work has gone into this. It is not something they have arrived at simply. They had a lot of citizen input on this. They have listened to that citizen. This is a work in progress. They will continue to have concerns that may come up down the road, but he is glad they are moving forward. He thanked Mr. Jacobs for his work again.

Councilman Allen moved to adopt Resolution 7-25. Deputy Mayor Reaster seconded. Yeas, six; Allen, Reaster, Chess, Fritzsche, McCubbins and Kirkpatrick, Nays, one: Stanton. Motion carried. Mayor Kirkpatrick declared Resolution 7-25 duly adopted.

RESOLUTION 8-25 A RESOLUTION TO SUPPORT THE CITY MANAGER'S DECISION TO TAKE ALL NECESSARY ACTION TO ENFORCE THE PROVISIONS OF ORDINANCE 49-19 INCLUDING, BUT NOT LIMITED TO, FILING A LAWSUIT,

Councilman McCubbins motioned to read Resolution 8-25 for the first time by title only. Councilman Fritzsche seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 8-25 by title only.

Mike Gebhart, City Manager, explained as a two-time graduate of Wright State University he is not thrilled about this. He loves his school, but we need to do something to move forward. This is a Resolution to support his decision to take all necessary action to enforce the provisions of Ordinance 49-19 which was passed back in 2019 up to filing a lawsuit against the university.

Mr. Gebhart stated the background on this particular case is Wright State, of course, is located in the City of Fairborn at the intersection of Col. Glenn Highway and North Fairfield Road. The facility's capacity is over 10,000 seats and is home to Wright State University Men's and Women's athletic events. The facility also hosts concerts, professional wrestling, professional bull riding and monster truck/motocross events. There are large volumes of traffic associated with these events and infrastructure costs related to the Nutter Center continue to escalate through utilization of several city departments including Public Works, Fire/EMS, and Police.

In 2019, staff worked with Council over several work sessions to discuss this and a 5% admissions fee was approved by City Council on all non-WSU events, essentially the athletic events. So, any ticket greater than $20 could have this admissions fee applied to it. Wright State's Men's and Women's basketball or volleyball were not part of this admissions fee. At the time Mike Mayer was our City Solicitor and he advised it was a permissible fee under the Ohio Revised Code Section 715. Specifically, ORC 715.013 does not prohibit a Charter city from instituting such a fee. At the time of the passage back in 2019 there were over 60 communities in the State of Ohio who established admissions fees similar to this that generated $23 million to supplement the General /fund to address infrastructure issues surrounding the event center, the Fire and the Police so it is not uncommon.

Again, December 2, 2019, Fairborn City Council adopted Ordinance 49-19, and it went into effect 30 days after that. The collection period began July 1, 2020. WSU is aware through ongoing discussions by then City Solicitor Mayer and Wright State's legal counsel and our then City Manager, Rob Anderson, had discussions with members of the administration of the university also. So, they were aware of the situation. WSU believes they are exempt from such a fee because they think it is a tax and that they cannot be taxed as an institution of higher learning in the State of Ohio. When Mike Mayer retired in May of 2023 and Mike McNamee came on as our City Solicitor in June of 2023, he reviewed Ordinance 49-19 and concurred with Solicitor Mayer that it was a permissible fee through Ohio law.

There have been discussions again between City legal counsel and staff as well as Wright State legal counsel and staff to date. It has been ongoing since 2019. It isn't that nothing was said for three years, four years, five years. It was an ongoing discussion and public information requests were made. Through May 4, 2024, the total ticket sales provided by Wright State University for events that would be subject to this Admissions Fee would be

over $20 million and then if you look at what the five percent admissions fee for the City would generate, it amounts to $1,020,186.96. That is just through April 4, 2024. We made a public information request six weeks ago for the remainder of 2024 and have not received that as of today. Solicitor McNamee reached out to them last week and they acknowledged that they would get that for us as soon as possible. We are at a point now where we have fooled around with this for five plus years. He has recently made requests in writing for our legal counsel and their legal counsel to get together and try to hash this out. He has asked that the Chief Operating Officer of the University and he are needed in those meetings then he would be more than happy, even with his hip replacements to make whatever arrangements are necessary to be there. Those have been met with their counter of not including legal counsel in those meetings and at this point he just does not think that is a prudent decision. The worst-case scenario in this is we would have to file suit against the university for collection of those fees. He would like Council's support to move forward with that. In his position as City Manager, he can make that decision, but he thinks it is important that he knows that the seven council members are in support of that. He will turn over for a few comments from the City Solicitor and then he would be happy to take any questions.

Mike McNamee, City Solicitor, concurred with the timeline that Mr. Gebhart presented. Mr. McNamee's involvement literally when he hit the door in June of 2023, he engaged legal counsel for Wright State basically for that entire period. We are at an impasse. The university claims that the tax is unlawful. We don't think that it is. He can break it down to a simpler form in terms of the nature of the dispute. We concur that the university educational based events are exempt. We in fact have that exemption written in Chapter 169. We concur that it does not apply to ticket events that the tickets are $20 or less. Wright State disagrees with us and sites a 1970 Attorney General opinion. Basically, for the proposition that all events regardless of their nature is exempt. But what is curious about that is even this 1970's opinion excludes and carves out there is no exemption for non-educational based events. The bottom line is Wright State basketball, volleyball, etc. is exempt. Kiss concerts, Tran Siberian Orchestra, Monster Truck events are not exempt. The numbers that were put on the screen of $1 million plus that is just admission fees to date. The Ordinance has rather severe late fees and penalties which have accrued. They are not reflected here. It is not our desire to go this route. We are not getting anywhere but the law needs to be followed. That is where we are. He directed any questions Council might have to Mike Gebhart.

Councilman Fritzsche stated it is unfortunate that this is where we are. This has been something that has been discussed on many occasions.

Councilman Allen stated it was good to see Mike. This is a tough situation, and he appreciates Mr. Gebhart's' compassion for Wright State. He appreciates legal looking into it to try to find a happy ground. He asked Mr. Gebhart to explain what they do at these wrestling and song events. What type of support do we provide? Mr. Gebhart stated that first and foremost is the wear and tear to the intersection of North Fairfield Road and Colonel Glenn. That intersection will go under a major renovation either this year or next year when we will repair everything, mill, place new asphalt in and new traffic control systems. Our Police Department is a back up to the campus Police Department and the Ohio Strate Troopers for traffic control in and out of the facility on large events.

We contractually provide a medic to the university for that facility during events unless it is something similar to Kiss where they ask for a second medic. All overtime associated with extra personnel is eaten by the City. We also have permit fees. For instance, if an event requires pyrotechnical displays, it is a $100 permitting fee. Our Fire Marshall is there the day before to inspect everything and then he is there during each show to make sure that those pyrotechnics are operated property and there are no issues. One hundred dollars does not go a long way to cover those fees.

That facility is wonderful to have in the City, but it also pulls resources from the City. Like many communities in the state that have gone this route. The money is not specifically dedicated to the Nutter Center but it will be used to make Colonel Glenn Highway, Kauffman Avenue to the South better thoroughfares to get in and out of the university as well as equip our Fire/EMS and Police personnel with the equipment and manpower they need should there be any incidents at the Nutter Center. Councilman Allen agreed that those gateways, entryways to Wright State and the Nutter Center are challenging. It is almost like you are going through a back road to get to it.

Councilman Allen stated when they passed the Ordinance in 2019 how did they present that to Wright State. Mr. Gebhart stated there were discussions between Solicitor Mayer at the time and their general counsel. He knows that Mr. Anderson also had conversations about it. As we moved towards this, they were aware of the actions we were taking and to the best of his knowledge we received no comment from them. Everything happened afterwards. Other than them telling us they think they are exempt; we don't have much discussion with them about it. Mike McNamee has reached out to them numerous times. Each time they respond they are exempt, and they should not have to pay for it. It is very frustrating we have not been able to come to some agreement on this, but we are not an anomaly. There are many institutions that do this including the City of Columbus, the Schottenstein Center where he believes the university calls it an in-kind donation equivalent to the City's Ordinance for an admissions fee. However, you slice it these communities all have some type of admission fee that is paid by the venue. We would not be the lone community that has done this. Mr. McNamee stated he counted 60 communities that have a similar admissions fee. Councilman Allen stated this admissions fee would just be a tack on to whatever they are paying for the tickets. Mr. Gebhart stated we all get frustrated with Ticketmaster because there are fees where a $100 ticket ends up being $123 because they receive the fees for Ticketmaster. Essentially the customer buying the ticket pays the admission fee, not Wright State University. Essentially, Wright State would then cut us a check quarterly or annually once the books are reconciled. Wright State would just be the collecting agent to pass on to us.

Deputy Mayor Reaster stated we are not the only City asking for this Ordinance and this fee. It is not like we are trailblazing; we are just asking for a fair cut of the pie to help cover the cost of all the things that we do to support the university. It is a tough situation for us to be in. She thinks it would be fair for her to say on behalf of the Council this is not a position we want to be in and hopefully this will start some dialogue and conversation and get the appropriate people at the table to get a resolution and move forward and be better business partners moving forward

Councilwoman Chess asked if they would be privy to the late fees and penalties. Mr. Gebhart stated he could probably get those for Council. All the information they have was supplied by Wright State from their May 2024 public information request. He is sure that Finance can help him with what those penalties might be. Mr. McNamee stated the way the legislation is drafted is 10% every 30 days.

Councilman McCubbins echoed what his colleagues have said. We all have to pay our fair share, and the citizens are asked to pay property taxes. Tonight, we did curb and sidewalk assessments, and our citizens are paying for that. It is only fair that our other community partners do the same. He believes they need to step up. The other thing he wanted to point out is it has been six years, and it is not like we have not invited these partners to the table, and they would not come. You can't negotiate with a ghost. If they are not going to come to the table, they are really forcing our hands to take this action. Mr. Gebhart stated he believes it is imperative that legal counsel be at the table. We cannot do these deals where there is no legal counsel for either side in the room. Ultimately, it is going to be legal counsel that is going to draft any necessary agreements. Mr. Gebhart would not go to any meeting without Mr. McNamee present. Councilman McCubbins stated the improvements the City is getting ready to do down there far exceed $1,000,000.00.

Councilwoman Stanton hates this as much as everyone else does that we are put in a situation where we have stated these words against our university and that we have reached out so many times, but the only way to move forward is to take the next step.

Mayor Kirkpatrick echoed what everyone else said. He is with Mike Gebhart, who is a two-time graduate of Wright State University. Mayor Kirkpatrick was a full-time faculty member for 8 years. He hates the thought of having to do this, but he does not see any other way. This is not money out of their pocket for ticket sales; it is an add on to the Ticketmaster fees. He does not understand why they have been so reluctant to sit down and talk about this. He hopes this does generate discussion and he hopes they can move forward. He thanked both Mike Gebhart and Mike McNamee for the presentation.

Councilwoman Chess moved to adopt Resolution 8-25. Councilman McCubbins seconded. Yeas, seven: Chess, McCubbins, Allen, Fritzsche, Reaster, Stanton, and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 8-25 duly adopted.

APPOINTMENT

Deputy Mayor Reaster made a motion to reappoint Jane Clifton to a four-year term on the Greene County Board of Health. Councilwoman Stanton seconded the motion. Yeas, seven: Reaster, Stanton, Allen, Chess, Fritzsche, McCubbins and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick stated Ms. Clifton is re-appointed to a four-year term to the Greene County Board of Health.

CITIZENS COMMENTS

Mayor Kirkpatrick opened Citizens Comments.

Charlie Deer, 1819 N. Broad Street, stated March 29, 2025, is National Vietnam Veterans War Day. A year ago, he bought three full bricks to go out in Memorial Park. He bought one for his friend who passed away. One for his brother who is not a Vietnam veteran, but he is a proud veteran and then one was bought for him because he is a Vietnam veteran and purely by the grace of God he came home. So, he cannot understand why it has taken over a year to have the bricks put out there. His brother is getting close to 80 and he would like him to see his brick before he dies.

Mr. Deer complained about the recording quality of the council meetings. He has tried to watch the Planning Board meetings on the television and the audio, and the video is terrible. He has been coming to these for over a year now.

Mr. Deer stated he has walked Memorial Park, and it is beautiful. Fantastic job on the landscaping it is beautiful. It is missing a flag.

Joey Bryant, 1946 Redstone, runs the Fairborn, Ohio News Event group on Facebook. It is a great place for Fairborn to communicate together. He is there to echo their voice, not really his own voice, but their voice. Some of the concerns over the past week include a grocery store on the north side of town. Youth activities and entertainment are also needed. There is nothing from the City or anywhere else that costs $10 or $20 a kid. Fairborn residents can't afford that they need something that is free or something that can provide mentorship, a Big Brother Big Sister Program for them. He was at the Citizens Forum last week talking about the curbs on Broad Street. Talked about the curbs rolling curbs on Maple Avenue that are damaging cars. It is almost impassable to turn into Speedway on Maple Avenue and residents have cars damaged and none of that has been addressed. We are talking about charging Broad Street property owners. Are they allowed to walk down City roads and start charging the City? They wanted a flea market. He knows there is a downtown committee that has a meeting every two weeks, flea market that they are doing. He thinks they are having something as well. The homelessness problem is rising and then the dispensary is last. The biggest thing is the grocery store, youth activities and Maple Avenue curbs being fixed. He had a question about Fairborn suing Wright State University. What other methods have we gone about doing that about soliciting funds for the different intersection activities. He said suing is a big thing and they have said that is the worse case scenario is to sue them. That is not the worse case is the fall out from suing them. Is that coin to stop any future funds? Does the state get funds for helping how much they do? What is the comparable to what the State Troopers do and how much they get, compared to how little we get for how much we help. He did not hear any of that. Other than we deserve this money, but why do we deserve it when there are other people doing more than we are for them as well. He stated Wright State University just hooked him up with a big educational program for his kids, so he wonders why we are attacking them when we can work together on that.

Deborah DeBlanc, 1167 Sanctuary Drive, discussed what type of policy, procedure or format was in place in light of a lot of fires that are occurring in California and then most recently in North Carolina and South Carolina. She wanted to know because she lives in the Sanctuary, and she knows there is the Fisher Homes over there and the Meadowlands

as well. She moved over there because she loves living in the reserve. But, with these fires occurring it has really sparked her concern. As this is close to home and fire hydrants don't seem to be enough to put out a fire. She has spoken with the Assistant Fire Chief, and he has tried to calm her concerns. She has spoken with the City Street Department, but what do we have to help to extinguish a concern like that? Mayor Kirkpatrick stated after Citizens Comments they will address that. She is deeply concerned.

Bruce Kramer, 1164 Ortego Drive, Fairborn, Ohio has called this home since 1985 when the Air Force brought him here. He echoed Mr. Deer's comments and thanked him for his service as well. He asked if Council was aware that the utility billing water department's system is having some hiccups this last month. He got very frustrated this year and last year's billing statements and he honestly doesn't see the bill until the 23rd, 24th, 25th so he let it go until the 26th. When he had no seen the bill, he called down here. He knows there was something online but that did not impact him as he does not do online. He got Christy who gave him the new billing number which he was not aware he needed and then he called USA and went online to make his payment and he suddenly realized this would go by snail mail, postal service, instead of being electronically billed that brought back memories of a few years ago when they changed the system before and it took so long that time that he finally intercepted the City's banking system and talked to them that there was a problem with the accounting billing. So, this time he was proactive and spent over an hour online with the USA asking what is going on here. Why is it suddenly just because an account number changed that it will not go by electronic mail to get here in a timely manner? They finally came back from the tech department and said it was something about the biller. We can't tell you how or why. He called the City back and let them know that there is a problem. He is not sure that he really got a response he was satisfied with, but that is why he is here tonight to simply say he felt he had done due diligence to try to get the bill paid on time because he went ahead and paid it back then because he normally went online. The check is cut, and it is in the mail. What does he do about it other than he has let the City know about it and hopefully they will be understanding enough as he has an excellent record as far as bill paying that they are not going to try to hit him up with a late fee. He also has talked with a number of neighbors and at least one neighbor still has not received a bill. His did come on Saturday, but what is most interesting is the zip code 71201 is Monroe, Louisiana and the postage meter isn't until February 24, 2025. He knows the City has been putting on there sometime that failure to receive a bill is not a defense later or nonpayment. He is also a former Wright State student, and he appreciates what they are going through there, but right now the moto of a City in Motion seems like a portion of it at least is in the flight pattern of doing donuts or it is stalled out. He can only hope this will not take as long as last time when they changed the billing system. He hopes it doesn't take long to get the electronic bill pay back in motion again. He will be as diligent as he can to follow up on that. He hopes the utility department will do that. He asked if this was new to council or are they aware of this. Mayor Kirkpatrick stated they actually addressed this in the work session this evening. He is going to steer him to the young lady in the back with her hand up and she will be glad to discuss it with him.

Al Carney, 325 E. Xenia Drive, stated he wanted to bring up the fact that the Xenia Cold Storage Stormwater System revision of January 31, 2025 still has some major design flaws that is still going to allow floodwater backflow from Pearls Run, which is in the

Beavercreek watershed located on the east side of that property to flow back and cause catastrophic flooding onto the Chapelgate Drive and into the Hebble Creek watershed. The Xenia Cold Storage stormwater system must be designed to prevent this potential of any type of Beavercreek Watershed floodwater backflow and creating the same kind of catastrophic event of flooding that occurred in March 20, 29 and later in April of 2020 that resulted in massive flooding onto the Chapelgate Drive cul-de-sac and floodwaters to nearby businesses and properties along Hebble Creek. Tens and tens of thousands of gallons of floodwater backflow from the Beavercreek Watershed occurred spilling out for over three days. Those same potentials for backwater flood flow exist in the current design that has been proposed by CESO, who is the civil engineers in their January 25, 2025, design and they have not been addressed. Flood prementioned into the Hebble Creek watershed must be a first priority for the Xenia cold water storage system design. Crawford Hoying is getting over $1.238 million in tax incentives for storm water infrastructure for this to help prevent flooding in Hebble Creek and this is over and above their normal requirement for stormwater infrastructure for a normal development. So, what are they spending that money on? He is requesting that three design changes that must be mandated and implemented to ensure full detention basin containment and prevention of floodwater backflow from the Beavercreek Watershed and protect the properties along the Hebble Creek Watershed.

#1 The top of the basin levies must be raised to at least 835 feet, being sea level for both basins on the southeast and the northwest. This will prevent backflow flooding and overtopping of the existing basins as they are being built right now. The top of the basins is 850 feet. If the creek floods to 851, what do you think is going to happen? It is going to go right into the basin and right over onto Chapelgate Drive, no problem. Like he said, the stream can routinely reach 851 feet just on normal rain of one or two inches. The event that occurred in 2020 was 3.5-inch rain and that went on spilling tens of thousands of gallons for three days from Beavercreek Watershed.

#2 A watertight sleuth gate must be installed on the west detention basin which can be manually closed to stop all of the floodwater backflow coming in from that 36 interconnecting stormwater pipe from the southeast basin which causes the catastrophic backflow when such a flood event occurs. This is a key fail safe last result ability to contain that flood condition.

#3 The southeast basins bottom, and side of the levies must be clayed kept to prevent groundwater infiltration. Geotechnical bore data shows in the southeast basin will penetrate groundwater. The water in the basin the groundwater directly follows to the east stream. So, when the flooding occurs there the groundwater comes up. For the record prior to 2019 and the building of the Chapelgate cul-de-sac the 852-land level prevented any possibility for this type of catastrophic flooding back into the Beaver Creek. So cost is not an option or an excuse to not implement these changes that will protect the properties and the safety of residents in the Hebble Creek watershed.

Emily Smith, 2383 Barnhard Drive, stated this is her daughter's first City Council meeting. She is glad she came to this one as it has been pretty interesting. The only thing she wanted to say is that at Five Points where the DQ is located on Old Dayton Yellow Springs Road they have that entrance right there and it to her it seems kind of dangerous because

people are going 35 mph on the turn from Maple and they turn left onto Old Yellow Springs. Some people will stop and try to take that right into the entrance, and she feels like that is an accident waiting to happen. It is an immediate stop and then they turn. She thought that should be looked into.

Mayor Kirkpatrick closed Citizens Comments.

CITY MANAGER COMMENTS

Robin McClure, Acting City Manager, reviewed the milestones for March 2025. She congratulated all of the recipients. She also commended Jon Petty, IT Director, for the brand-new improvements made to the Granicus system. The speakers and the HD quality of our video for our government channel access 5 is occurring as of tonight. Hopefully, with Charlie Deer's mention of how it looks on TV and the sound, this should improve that, and Jon Petty and Emily Gay have been working on that for a while. We appreciate those efforts. Otherwise, thank you to Matt Wellbaum for presenting for the Finance Department and for Hilary Browning for the work session presentation. They appreciate the issues that are happening with utility billing, and they are working diligently with utility billing to make sure they get those taken care of for everyone. Finally, Manuel Jacobs for all of his work on this stormwater issue.

COUNCIL COMMENTS

Councilwoman Chess thanked everyone who came to the Council meeting, especially the citizens for attendance. It is important for Council to understand what the citizens needs are and when you come forward and let us know what your concerns are Council does hear you and they work diligently to try to address your concerns. We all love Fairborn, and it is a great place to live, work and play. She also wanted to thank the milestone recipients. When you start working for a company there are a lot of things to learn, especially the City of Fairborn and we are really working hard to move forward. She also thanked the amazing firefighters of Fairborn. We appreciate the awards that were given tonight. She thanked Chief Wiliams for his leadership and the applause he gives the people that work under him.

Councilman McCubbins echoed Sylvia's comments and wanted to piggyback on the first responder event they had tonight. It was wonderful. He thanked the TV crews for covering that as well. It is always nice to see good news on TV versus negative news. He pointed out that with the first responders and everything that they did the response times were fantastic. Better than a lot of our neighboring communities. It is that time of year, and we get bombarded every year with this issue, potholes, they are everywhere. Please let the City know when you see one. There is also a place on the web page where you can report it. What they don't know, they don't know so when you see them report them please so we can get out there and put a temporary patch on them as the asphalt plants aren't open right now, but we will at least get something in it so we minimize or eliminate any damage to vehicles. The stormwater issue has been a big issue, but with his time on Council and on Planning Board it was a number one issue that we brought up with any PUD. It is very important because it has dramatic negative effects. They have done a lot

of due diligence on all PUDs that have come before this Council since he has been on Council. They are not perfect. He is not sure that every PUD plan is 100% perfect but they are really good. Kudos to everyone that worked on that. He wanted to address the one issue with Wright State University. He thinks the City has done their due diligence when it comes to that particular issue. They have invited them multiple times through two different attorneys and two different City Managers. They just don't want to talk, and due diligence has been done, and it is time to take a stand for the rest of the City. He thanked Charlie and Bruce for their service. He thanked all the citizens for their comments.

Councilwoman Stanton congratulated all of the milestone recipients. She thanked them for their service. She thanked the citizens who came forward tonight. She appreciates the comments and welcomed the student in the audience to her first Council meeting. She thanked Joey Bryant for his attendance at the meeting. She thanked him for his comments. We have some other folks who come and do that type of thing where they are members of larger communities, and they try to give updates they are reading through. That is always appreciated. In the same comment there has been so much attempt to contact Wright State on this. It is kind of like the last step and the last thing we can possibly do to get their attention. She thinks with Clint's question to Mike about all the things we do for Wright State, and there are a lot of costs that go into it especially when those events happen, our taxpayers are paying for those services for those Wright State events. As far as Debra's comments about the fire. She is going to look into that and find her and get back with her as she is curious about that also. She is not sure that the area that is behind her is something that would have an issue like that where it would get that dried out and have a fire like that. Council has had discussions in the past about the emergency plans in general if there was a natural disaster, so she knows she has an email from Mike Gebhart once where he outlined this solid plan about that. She would like to get back with Deborah. Then utility bills Bruce, will get hooked up with Hilary about those issues. They had a presentation about that in the work session prior to, but her understanding is they understand there are hiccups so within a reasonable amount of time they understand they are not going to charge extra to people that are caught in this hiccup for a short period of time. Is that right? Hilary Browning responded, to the extent that the ordinance allows absolutely. Councilwoman Stanton stated so there is an understanding with the department to work with people on that. She was not going to address Al Carney's comments as that was discussed in work session and a follow-up meeting is being worked on to discuss that. She does not know about DQ. She will start paying attention to that and see what they can do.

Councilman Fritzsche congratulated and thanked all of the milestone recipients for their service to the City. They appreciate all that they do. He thanked the emergency services, the Fire Department, and the Police Department and specifically those tonight who were recognized for their efforts. He thanked all the citizens who came up with concerns and those who attended the meeting.

Councilman Allen appreciates his colleagues' comments. He thanked the citizens who came forward and shared their hearts, feelings, thoughts, and views. They have given Council a lot of opportunity to help improve and fix things. As has already been said, if they don't know about it, they can't address the problem. We have done some of that tonight by addressing the stormwater. We have to take one bite of the apple at a time.

He congratulated the milestone recipients. He appreciates the fact that we went back and congratulated Miss Weaks. That is beautiful. It is great we acknowledge those milestones. He thanked Chief Williams for providing them the opportunity to witness and celebrate the accomplishments and the sacrifices of the men and women who serve in our Fire Department. Those awards for firefighters and paramedics are just phenomenal. He has never witnessed a Medal of Honor recognition. He thanked Chief Williams for his service and being a true leader in this community. It is a staple of our community. We pass levies for Police and Fire, and he is never ashamed of passing a levy to support our Police and Fire because they are phenomenal. They sacrifice and assist every single day. As already said, we approved someone to sit on the Greene County Board of Health and he would like during a work session to hear from them to see what they do to support us. He would love to hear how they represent us on that board.

The last thing he wanted to share is this is Women's History Month, and it is just another opportunity for us to recognize the individual and collective contributions that women have made in this country. Later in the week it is International Women's Day, but by all means go out and seek some history and understand the significant contributions women have made. He celebrates them and asks that you celebrate them as well.

Deputy Mayor Reaster said she would try to cut out the redundancy. She has said it 100 times and she will probably say it 100 more, thanks to the milestone recipients. Thank you for choosing to serve the citizens of Fairborn. We appreciate you. She also thanked the Fairborn Fire and Police Departments for being the best of the best. She believes that actually last year was the signing by the Governor for the accreditation and the Fairborn Police Department actually achieved it. So, thank you, Fairborn Police Department. She thanked Chief Williams for his presentation to the Firefighters. She thanked everyone for coming forward with feedback. It is appreciated. On the potholes she lightheartedly said the one at the Kroger entrance is not in the City, it is on private property. Utility billing, they did have a very good presentation by Hilary Browning during the work session. Yes, with change there comes quite a few hiccups, and she appreciates Hilary and her team stepping up and helping the utility team and giving some breaks in there and supporting each other. The great thing is despite the hiccups there are far more payment options. Whether you are an online person or texting or whatever the case may be there are a lot more options. She is excited about what they will bring once they get past the hiccups.

Mayor Kirkpatrick stated Fairborn has the best Fire Department in the State of Ohio and tonight was a good example of that. Not just the fact that we recognized those but look at the crowd of Firefighters who showed up to show support for each other. That is the kind of Fire Department we have. They work together and support each other. They do that largely because we have the best Chief in the State of Ohio.

He addressed Charlie Deer's comments about the bricks. There is a reason the newer bricks are not out there yet. The bricks for the Fairborn Military Veterans Memorial are ordered in batches. They don't just order a few bricks and have them shipped. They must be ordered in large quantities otherwise the cost goes up exponentially. The second order of bricks arrived two months ago. They cannot place the bricks until there is a guarantee of several days of no freezing weather. If there is a continuous freeze thaw situation there is moisture in the gravel and what they have told him is for the walls and

the bricks if you don't wait till it is consistently above freezing that moisture in the gravel and there will be settling, and the bricks won't be even. Mr. Deer stated, now he understands. Mayor Kirkpatrick stated the second batch of bricks arrived two months ago but there has not been an opportunity to place them due to the freeze thaw cycle. They are working on the third batch of bricks now. The audio visual is being addressed here. He thinks they will see big improvements very soon. Mr. Deer mentioned the flag for Memorial Park. There is a planned flag, again waiting for the opportunity to do concrete work where there is gravel underneath. The old flag from the American Legion building is in storage to go into the middle of the park along with six flags for the different branches of the military will also surround that flag. Mr. Deer stated if he had known all that he would not have needed to come to the meeting tonight.

Mayor Kirkpatrick thanked Joey Bryant for his attendance at the meeting as he had mentioned some good points. When the Fulmer's closed years ago they immediately noticed that we had a grocery desert up there and that it has been in the works for years. They approached several grocery stores and none of them were willing to locate there. They were able to get Dollar General to come in and that store located in the old Fulmer's location has the largest section of refrigerated food items of any Dollar General in the State of Ohio. We would like to get a grocery store on the north side of town, but we don't tell grocery stores where to locate. We have asked several grocery stores, but unfortunately, they have not been successful with that. Youth entertainment programs absolutely. He spoke with a group of high school students a couple of months ago and it was hot on their list as well. The curbs on Maple, yes, everyone complains about it. Unfortunately to fix the problem would be cost prohibitive. The pothole issue also goes back to the freeze thaw cycle. We have had a lot of complaints about the potholes at the entrance to and on 675. Unfortunately, that is ODOT's responsibility. If you notice a pothole, please let the City know so a temporary repair can be made until the asphalt companies open back up. He mentioned the market. We do have a market that runs in the spring through the summer. It should be starting soon. Joey also talked about homelessness. That is a problem all over the country. We do have some homeless people in the City. There are a couple of folks they have approached to offer help and some of them do not want help. There are other options, and we try to get them help to deal with those things. The marijuana dispensary is still an issue. The state came out last week with some proposed changes to the laws. We are waiting to see where that goes, He spoke with our State Representative. The State's budget is to be approved in June, and we don't know in what direction the marijuana changes that are being proposed at the state level are going to be impacted by that budget or not. So, we don't want to make decisions that we have to turn around and change a couple of months later until we know exactly what we are dealing with at the state level.

Deborah, you live in the Sanctuary, and I live in the Meadowlands right across from you. So, we have issues and concerns with Fire. From the time that he was in fourth grade through college he lived in southern California, so he knows all about the fires. It is an ongoing issue out there. His best friend from college lives in Los Angeles and the fires came close enough to him that he had major concerns. Fires out there are an every year occurrence. The Sanctuary is right behind that reserve area. We certainly hope that is never an issue. You will notice as you go in there, they have a Neighborhood Watch Program sign. Please encourage your neighbors if they see a problem starting to occur

whether it is a fire, or crime, let people know so we can get that addressed. We do have the best Fire Department in the State of Ohio and if there is a fire issue the Fire Department is going to be on top of that. He appreciated her mentioning that.

Mayor Kirkpatrick stated to Bruce that Hilary Browning would be glad to address his billing questions.

Mayor Kirkpatrick thanked Al Carney for being at the meeting. They know this is not a perfect system and it never will be for stormwater. We hope that the resolution they went through tonight will address the mass majority of those. He knows there are additional issues. He knows that he and Manuel are going to get together soon and hopefully work through some of those issues. We want it to be the best possible solution it can be.

Mayor Kirkpatrick thanked Emily for being at the meeting. They watched that Dairy Queen come over several years. There was an old barbershop there for years. He drives by the DQ frequently and there is almost always a line. Hopefully, they can take a look at that entrance and make sure it doesn't become a problem. He discussed Fairborn Night where Wright State won the game.

Mayor Kirkpatrick welcomed Sylvia Chess back as she was missed during the Council meetings. He knows she has had some health issues and some concerns and hopefully she is heading in the right direction now. He closed by saying we have sorely missed our City Manager, Mike Gebhart, he has been out for two hip surgeries over the last two months. It was fantastic to see him at the meeting tonight. Please tell him if you talk to him to take it easy. He is the type of guy who would be here at the drop of a hat if we asked him to. We wish him and his family well. We have been very fortunate with Terry Adkins and Robin McClure filling in and doing fabulous work as our fill-ins. He thanked them both for their efforts and gave kudos to both of them. He also thanked Mike McNamee for his efforts. He would also be remiss if he did not thank one more person, and that would be Julie Taylor, who keeps Council in line and makes sure they do the right thing. He thanked her for her efforts.

ADJOURNMENT

Councilman Allen made a motion to adjourn the meeting. Deputy Mayor Reaster seconded the motion. Yeas, seven: Allen, Reaster, Chess, Fritzsche, McCubbins, Stanton and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 7:40 p.m.

MAYOR

CLERK, CITY OF FAIRBORN