CITY OF FAIRBORN
COUNCIL MEETING
April 7, 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	☒	☐

Councilwoman Chess moved to excuse Councilman Fritzsche from the meeting. Councilman McCubbins seconded. Voice Vote. All in favor. Motion carried. Mayor Kirkpatrick excused Councilman Fritzsche from the meeting.

STAFF MEMBERS PRESENT

L. Adkins, T. Adkins, Davis, Gay, Gebhart, Jacobs, McNamee, Myers, and Riggs

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

APPROVAL OF MINUTES

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

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

Councilman McCubbins moved to approve the March 21, 2025, Council Retreat Meeting minutes. Councilwoman Stanton seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Councilwoman Stanton moved to approve the March 21, 2025, Special Meeting minutes. Councilman Allen seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

Councilwoman Stanton moved to approve the March 24, 2025, Citizens' Forum minutes. Deputy Mayor Reaster seconded. Voice Vote. Motion carried. Mayor Kirkpatrick declared the minutes approved as written.

PRESCHEDULED

Mayor Kirkpatrick read a proclamation declaring April 2025 as Fair Housing Month. Lesley Adkins, CDBG Program Coordinator, accepted the proclamation.

Mayor Kirkpatrick read a proclamation declaring April 21 – 25, 2025, as Community Development Week. Lesley Adkins, CDBG Program Coordinator, accepted the proclamation.

Shadrick Adams, Environmental Health Director, provided a Greene County Public Health Department Update.

Mr. Adams stated that Melissa Howell, the Health Commissioner on behalf of the Board of Health, has endeavored to reach out to all cities, townships, and villages this year to talk about what they do in public health. Later this year, their levy will be up for renewal. Greene County Public Health reached a national accreditation. They prevent, promote, and protect public health. This translates into three departments in their organization, preparedness, planning, and promotion. They have clinical and health services. They also have the environmental health department which includes private wells and septic systems. As it relates to the City, a lot of what they do involves public health nuisances. They respond to mosquito complaints. They do food protection and restaurant inspections. Last year they did 3,000 restaurant inspections throughout the county. He discussed the 2024 Guard Care Event. In one weekend, they served over 1,000 community members and dispensed over $600,000 worth of medical care for free. That opportunity rotates around. Next year it will be in Crawford County and then in Athens.

Mayor Kirkpatrick thanked Mr. Adams for his presentation.

OLD BUSINESS

ORDINANCE 6-25 AMENDING THE CITY OF FAIRBORN CODIFIED ORDINANCES REGARDING PART ELEVEN PLANNING AND ZONING CODE.

Councilwoman Chess moved to read Ordinance 6-25 for the second time by title only. Councilman McCubbins seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Ordinance 6-25 for the second time by title only.

Kathleen Riggs, City Planner, stated approximately a year ago, the City started the process of updating the Comprehensive Land Use Plan as well as the Zoning Code and subdivision regulations in the Codified Ordinances. The Land Use Plan was approved last December. Tonight, they were there to update the rest of that.

She introduced Jay Stewart with Stewart Land Use, who staff has been working with to update the Code. Mr. Stewart discussed the following updates to the Zoning Code:

1. Conservation Development Zoning District Clarified
2. East Residential Zoning District
3. New Downtown Subdistricts: Main Street
   Focus on Destination Land Uses
   Mixed-Use (upper floor residential)
   Removed allowance for single family detached housing.
4. Broad Street Subdistrict
   Removed the caps – larger retail and office.
   Mixed-Use (upper floor residential)
   Medium to High density residential products
5. Minimum Dwelling Size
6. Architectural Design Guidelines
7. Upgraded Lighting and Driveway Standards
8. BZA and Variance Related Standards
9. New Development Plan Review Chapter
10. Updated Definitions and Subdivision Regulations
11. Zoning Map Edits

Ms. Riggs stated they had a couple of changes from the Conservation Development Zoning District on 235 and 675. There were some parcels that were not necessarily parkland so those were rezoned to Neighborhood Center to accommodate those uses that are on those land, single family homes and commercial uses. Then also a few changes off of East Dayton Yellow Springs Road from light industrial to general commercial to account for the uses currently in the buildings and what that district is and what it has turned into. The biggest change was calling parks Parkland. Mr. Stewart stated the draft code is available online.

Mayor Kirkpatrick opened the public hearing.

Al Carney, 325 E. Xenia Drive, stated he opposes the approval of Ordinance 6-25 Zoning Code update. He emailed his comments to City Council. He hopes Council read his public hearing comments that he provided. He has real concerns about this code and about what was said tonight. He urged Council to read the document. He listed just a few of the major concerns he had in Chapter 1122 of districts that will adversely affect the established districts the most, like removing minimum dwelling size requirements that were not there before. Removing all architectural design requirements that did not exist before. Remove all exterior materials requirements and some of the subjective approval that were in there. Again, a lot of it affects existing districts of which he does not approve. The proposed Zoning Code document is the most restrictive and governmental overreach document to date that he has read from this City, and it is going to affect the Fairborn citizens in an adverse way, especially in the established older districts. He lives in an 80-year-old district and some of these changes are absurd. The most disturbing in his thoughts was the removal of the conservation development district which is different from the Parkland district they are talking about. It served as a green space buffer for both agricultural and low-density development that protected the rural township areas from the

encroaching plan sprawl development and its cancerous annexation that goes on. It provided another barrier there so that review and planning had to make changes before you just go arbitrarily having these sprawl annexations occur. Obviously, the Fairborn Planning Department has better visions to promote more rapid development opportunities so Fairborn can look like the other towns of Beavercreek and Huber Heights with their sprawl everywhere. The Fairborn Planning and Zoning Department wants a detailed Comprehensive Zoning Code that defines every restriction and requirement possible. This makes it easier to accept or deny any application by quoting a specific code regulation to the letter and to the book. No one in the Planning Department really wants to be in a situation to take responsibility, use some common sense for case-by-case situations and grant some type of reasonable variance to a regulation to encourage some creative design.

The Fairborn City Council is supposed to represent the citizens and hold Fairborn administration accountable to serve the citizens not their own agenda. He hopes that each Council member has thoroughly read this Zoning Code Update and also carefully thought out the impact of the red line changes that were in this document. They are going to affect the citizens and the established districts. If Council has not read this document in detail and all the red line documents or have any doubt or concern about any single requirement then he urges them to vote No for the sake of the Fairborn citizens. Otherwise, a yes vote is going to make this bad zoning code document law in its entirety and any of the issues they have will never get fixed. They have seen that in the past. It will just go on for another five years. Again, he opposes adopting Ordinance 6-25 and urges City Council to all vote no, until acceptable changes can be made, requirements reviewed and reviewed by the citizens, not a hand-picked specialized committee that to this date has not been revealed in any of the public minutes for the meetings.

Mayor Kirkpatrick closed the public hearing.

Councilwoman Chess stated there may be a few questions she has but she does really believe this is a way that we can push the agenda going forward making Fairborn greater. She does like the proposed changes. She thinks the requirements are where we are going for Fairborn. These are common sense changes, and she appreciates the hard work that has been put in to bring this forward to Council.

Councilwoman Stanton stated she has some questions and comments, but she wants to bring up topics that she heard from people that were concerned so they can have those questions answered. Most of her concerns boil down to the effect of people that are already here in neighborhoods where they would not meet some of the new requirements.

She has concerns about the new minimum dwelling size requirement and the exceptions that were added. She lives in a house that is under 1200 square feet and a lot of houses around her are a mix of small ranch houses and two-story houses. What percentage of existing homes in Fairborn do not meet the new minimum dwelling size requirements? Ms. Riggs stated she did not have that information. Councilwoman Stanton stated there are a lot of houses that don't meet that requirement so that is why it was important to her to make sure that she asked the right questions to look out for the people. Ms. Riggs stated what they did try to put into the Zoning Code was for those homes that currently

exist, if they want to have an addition put on their home, they do not have to meet these architectural design guidelines. If your home burns down in a fire, you can rebuild that home if you are using the same footprint not necessarily on the same foundation, but if you are using the same footprint that you originally had and just want to rebuild your home because that is what your insurance will pay for then that is what this zoning code supports. She thinks they are trying to protect those existing homes throughout the City, and they definitely had some conversations about that when the steering committee met and this came up. Those minimum home sizes, they wanted to start somewhere and look at the various zoning districts and what the sizes of homes on average and there is a process if they want to build a home that is less than that minimum. There is a process through the board of zoning appeals. Councilwoman Stanton sated a lot of people had reached out to her with that concern. She just wanted to make sure it was addressed during the public forum.

Councilwoman Stanton stated the exception for existing houses is there. For example, if her house is hit by a tornado or half burns to the ground and she has to replace it she is not going to be screwed because her homeowner insurance does not cover it being built to a different standard. If my home is vinyl siding, I would be able to rebuild it that way to match what she already has, so she would not have to upgrade to things she could not afford. In that way they have looked out for existing people to prevent some kind of hardship, and she appreciates that effort going into it. She stated that was in 1124.04 non-conforming structure on page 144 it has as an exception to minimum dwelling size. If a dwelling containing a legal non-conforming single family or duplex land use located in a SR, NDR,UER, DC and NCTR zoning district is damaged or destroyed by any cause those portions so destroyed or damaged may be restored to the original footprint and floor area of the dwelling subject to the architectural design guidelines set forth. Then if you go to architectural guidelines, it has an exception also listed in it. Additions or modifications made to dwellings existing at the time of adoption of these architectural design guidelines shall be exempt from the architectural design guidelines. She finds that the concern was addressed.

Another issue that was brought up by a couple of people to her was solar. There were questions asked about the pitch requirements for the roof. She went and checked that out. The recommended pitch according to the US Department of Energy website homeowner's guide to going solar says typically solar panels perform best on south facing roofs with a slope between 15 and 40 degrees though other roofs may be suitable too, like west and east. She checked all of the design guideline roof pitches, and they all fit within that.

One other comment that was brought up here about that was for residential rooftop solar 1128.28 solar panels Section C 2b. If roof mounted the solar or photovoltaic system shall be located in the most inconspicuous location on the roof so as not to be seen from the street if possible and still be able to function as designed. She explained that when she did her panels, she thought that they could not be put on the front, but a lot of people around her now have them on the front. If it is a south, west or east facing with no shade that is where they should be installed. Her question is will the City prevent a homeowner from installing solar panels on the side of their roof that faces the street. Ms. Riggs stated, no, in that code it says if possible. So that is where they are given leeway. There is no

point in getting solar panels if you can't use them to their capacity. Ideally, we want them away from the street and inconspicuous, but if there is no alternative and they are not going to be a useful product, yes, they can face the street. Councilwoman Stanton stated that is how she has met people. She walks up and knocks on the door and says, hi, would you like to join the Environmental Club? She stated there are four in her neighborhood area. She wanted to clear that up as it was a concern that was brought up. Ms. Riggs stated they did not make any changes to the solar panel section of the Code. Councilwoman Stanton stated she has been told by Power A Clean Future Ohio who works with the Environmental Board that our code is really good for solar panels. She just wanted to make those comments on the record about some of the concerns she had heard.

Councilman Allen appreciates the presentation and the read ahead information. He also appreciated the discussion that was held in the work session. He sat on the Board of Zoning Appeals for a few years and again it was an interesting time. It is challenging when a resident brings concern about building whether it be a fence or shed or an addition to a home. He thinks the stressful part of all of this is you own a piece of property, and you want to be able to create the living environment that you want. The testing piece of it is how the neighbor's feel and how the people around you feel. How does it fit in the character of what is presently in the neighborhood? He appreciates us getting to the point of building some consistency in what we do and those decisions that need to be made. Nothing in this rewrite prevents a citizen from asking the question, asking for a variance, adjustment or consideration based on the need. He can say sitting on the Board of Zoning Appeals they made some adjustments that everyone wasn't happy with to the benefit of that citizen. It is great to be able to bring those things forward before someone starts building something in the neighborhood that doesn't fit. We all have to live in the space together. He appreciates the cleanup. It is tough to read a code and try to figure it out. He appreciates the fact that he is going through this planning class in Greene County because it has opened his eyes to the fact that there is more room to maneuver than we think when it comes to some of these Ordinances that we already have in place. It is in place to create the consistency needed to make those decisions and not take away from the character of the neighborhood. He thanked Jay Stewart for his work. He asked how long the Steering Committee met. Ms. Riggs stated they met four times throughout the process for the past year and a half. Councilman Allen asked who made up the committee. Ms. Riggs stated it was citizens, Planning Board members, Council members, downtown business owners and the Chamber of Commerce.

Deputy Mayor Reaster stated Mr. Stewart had mentioned this is not a 600-page document that drills us down to finite carved in concrete or steel. These are just guidelines for them to base their decisions on. We are not married to this. It is not carved in stone. We really just want to have an expectation and there has never been a time that the Board of Zoning Appeals has not been understanding and worked with the citizens and the plans that they have. She thinks it is great to Clint's point that we are cleaning this up. We are putting together some basis and guidelines for us as a City moving forward. She looks forward to continuing to make downtown a destination, our residential areas a destination especially as we grow our economic development. We want people to live, work and play here.

Mayor Kirkpatrick stated most of what he wanted to say has already been addressed. There are several things he is very glad they addressed, downtown, Broad Street, those have been areas they have been trying to develop for a number of years. They kind of missed the mark in some areas and he thinks this is finally giving them an opportunity to address how we can move forward in those areas. The residential areas and the minimum housing size. When he saw that he was very concerned. The issues about facing material, siding, he had concerns about that. What he has seen in Fairborn over the years is that we have been flexible when they needed to be. A good example of that is the Habitat for Humanity Homes. In the National Homes they have built several Habitat for Humanity Homes, and those homes had to have variances because of the lot sizes. On some of the empty lots they have built larger houses, and they had to get variances. What impresses him about this is that as tight as some of this is there is a process in place for someone who wants to do something a little bit different. The BZA exists for that purpose. He is concerned about our young people who have come to him and said can they afford to live in one of these bigger houses and they know the answer to that is probably is not right away that they will have to do like what we did. He started out in a very small house. He grew up in a very small house. He lives in a much nicer place now, but that did not happen overnight. He thinks the process they went through was a good process. They engaged a lot of different groups to weigh in on that. He understands some of the concerns they have but there are mechanisms in place to address those concerns. There will be times when there are concerns, the minimum lot size, the siding on the house, but we do have a mechanism in place to address those for citizens. We are not tying their hands behind their backs stuck with what this document says. He thinks that is an important piece of what they are deciding tonight. They want to move the City forward and be competitive with other communities. The term urban sprawl was used, and we don't have a lot of areas to do that in Fairborn, but when the opportunity may come, we want to make sure we build the right kind of houses to attract people that are going to want to live there. They are making strong efforts in Fairborn to attract some military type buildings and businesses. Well, those are going to attract people with probably a little higher income, and they are going to want nicer housing so we must have some mechanism in place to provide that. Again, without forgetting the people that don't have higher incomes and like those coming right out of high school and college who are looking for that first home. They can't afford a 3,000 square foot house. He appreciates all the effort that went into this, but he mostly appreciates the fact that we have an opportunity for variances, if and when, they are needed. The BZA has been there for that purpose. He is confident moving forward that they can do what is intended without forgetting the people that may not be able to meet those kinds of standards. We have a mechanism to address that.

Deputy Mayor Reaster moved to waive the rule requiring that Ordinances be read on three separate occasions and that Ordinance 6-25 be read for the third time by title only. Councilman Allen seconded. Yeas, six: Reaster, Allen, Chess, McCubbins, Stanton, and Kirkpatrick. Nays, none. Mike McNamee, City Solicitor, read Ordinance 6-25 by title only.

Councilman Allen moved to adopt Ordinance 6-25. Deputy Mayor Reaster seconded. Yeas, six: Allen, Reaster, Chess, McCubbins, Stanton, and Kirkpatrick. Nays, none. Mayor Kirkpatrick declared Ordinance 6-25 duly adopted.

NEW BUSINESS

RESOLUTION 11-25 DECLARING THE NECESSITY OF CONSTRUCTION OR REPAIR OF CERTAIN SIDEWALKS, CURBS AND DRIVEWAY APPROACHES IN THE CITY OF FAIRBORN, OHIO, AND REQUIRING THAT ABUTTING PROPERTY OWNERS CONSTRUCT OR REPAIR THE SAME FOR THE 2025 CURB, SIDEWALK, AND APPROACH REPAIR PROGRAM.

Councilman McCubbins motioned to read Resolution 11-25 for the first time by title only. Deputy Mayor Reaster seconded. Voice Vote. Motion carried. Mike McNamee, City Solicitor, read Resolution 11-25 by title only.

Haley Myers, Assistant City Engineer, explained this resolution would allow Engineering to move forward with the 2026 Curb, Sidewalk and Approach Program also known as CSA. She explained that the property owners are ultimately financially responsible for maintaining the curb, sidewalks and approaches that fall along their property and that is per Fairborn Ordinance. The first step is to select the streets for the Street Program for the following year and then they go along all of those streets and identify all the adjacent parcels and go through and do an inspection of all those parcels and identify any areas that need improvement. They then generate the estimates based on what is needed, bringing her to the point where they present the Resolution of Necessity which would allow them to move forward and send out the estimates, they have generated to all the property owners. Within those letters they also provide information on how they can do the work privately on their own, have a contractor do it and also provide the time frame that the work would need to be completed by.

Again, they do the CSA Program a year before the paving of those streets to avoid any conflicts. They inspect drainage impacts to the curb. They also inspect the sidewalk and drive approaches for any deterioration, trip hazards or safety issues. As far as the 2026 program stands currently, they have the streets and treatments for the 2026 Street Program selected so therefore they have the 2026 CSA properties selected. Engineering staff has gone out and marked, measured, and inspected for all the properties that are included in the program. They identified about 206 properties that need to have work that need to be completed with this program. Again, the construction for the CSA Program would take place in 2025, the year before those streets are paved.

She provided a listing of the streets that are planned for work in 2026 and the CSA properties that are located adjacent to the streets. Lastly, she wanted to touch on how they generate the estimates that get sent out to the properties. Overall, they try to be fairly conservative with the estimates. They don't want to send out a letter to a homeowner where they anticipate it can be done for a certain price and then months down the line, they send a bill that is higher than what they estimated. So, the estimates for 2026 were based off of the average of the highest three bids that were completed with the 2025 program. That is how they determined the unit prices for the program this year and they through in an increase for estimated inflation. Typically, the cost comes in under the estimated cost. Last year for the 2025 project they came in at about 80 percent. They

would anticipate being close to that number again. Staff recommends approval of Resolution 11-25.

Councilman Allen asked if they would run into the same kind of concern they had on Maple when it comes to the driveways. Is it standard? Ms. Myers stated they are not looking to do any of the curbing that was put in on Maple and drive approaches that are removed would be replaced at roughly the same elevation. That should not be a concern with this program.

Deputy Mayor Reaster stated this is not unique to Fairborn. Most municipalities do this. She has had to do this herself. She looks forward to the improvements. Typically, there are safety improvements, tree roots causing sidewalks to pop up and things of that nature.

Councilman McCubbins asked who does the inspections. Ms. Myers responded that the City has two Engineering inspectors who go out and do it. She went out with them this year for a couple of the streets to get familiar with it and understands how the inspections are completed, and the drawings are done. It is City staff. She will say also they are very considerate that the homeowners are ultimately paying for these repairs.

Councilman McCubbins asked if the costs listed are estimates. Ms. Myers stated that they are estimates which hopefully come back 20 percent higher than they will actually be. Ms. Myers stated this year they considered putting a note to reference the historical data saying that based on past years they do anticipate the numbers might be 10-20 percent less.

Councilman McCubbins stated he was shocked at some of the high prices listed. Are those actual homeowners? Ms. Myers stated no, there were a few that were in the upper $20,000 to $30,000, some of the commercial properties on the end of Garland Avenue that have the corner lots with significant drive approaches that needed repaired or lots of sidewalk or curbing. Councilman McCubbins stated for all those citizens on this particular one and they opted to not get a private contractor at what point in the future could they decide I want to do the contractor and opt out. Ms. Myers stated they don't have a deadline at this point, but when they send out the estimate for the private work it will be included.

Mayor Kirkpatrick thanked Ms. Myers for the presentation. A lot of people walk the sidewalks, and we have to have sidewalks in good condition.

Deputy Mayor Reaster moved to adopt Resolution 11-25. Councilwoman Chess seconded. Yeas, six: Reaster, Chess, Allen, McCubbins, Stanton and Kirkpatrick. Nays, none. Motion carried. Mayor Kirkpatrick declared Resolution 11-25 duly adopted.

APPOINTMENT OF AMY DAVENPORT TO THE PLANNING BOARD FOR AN UNEXPIRED TERM TO 12-31-27.

Councilman McCubbins moved to appoint Amy Davenport to the Planning Board for an unexpired term to 12-31-27. Councilwoman Stanton seconded. Voice vote. All in favor. Motion carried. Mayor Kirkpatrick declared the appointment approved.

APPOINTMENT OF VICTOR HANUS TO THE BOARD OF ZONING APPEALS FOR AN UNEXPIRED TERM TO 12-31-28.

Councilwoman Chess moved to appoint Victor Hanus to the Board of Zoning Appeals for an unexpired term to 12-31-28. Councilman Allen seconded. Voice vote. All in favor. Motion carried. Mayor Kirkpatrick declared the appointment approved.

CITIZENS COMMENTS

Matt Sinto, 1163 Oakhill Avenue, stated he was concerned about how the City handled the moratorium with the dispensaries. There are only a handful of cities that actually stopped it and this being one of them. He wanted to say 60 percent voted for it, which is higher than the state average. So why are they trying to shut this down? Number one the law has been passed, so if they are trying to wait for amendments that are coming through it is not necessarily that they are going to pass anyway, but at the same time the law is there, and Council can do this now. Zoning is the only thing they actually control with this and none of those amendments actually affect zoning. So why aren't any of the regulations being discussed at all? It seems like Council is pushing this away.

Ann Stalter, 3165 Colonel Glenn Highway, stated that she is a proud alumnus of Park Hills High School and a twice graduate of Wright State University. She is professor of nursing there and her area of practice there is community health nursing. She serves the Greene County community in a number of roles such as the Beavercreek Township Zoning Chair where they have looked at Land Use Planning and Marijuana processing and distribution centers. In Fairborn she serves on the Fairborn FISH Food Pantry Advisory Board, and we are all aware of the great work that Jane and Bill Dorley are doing to address poverty and food insecurity. She frequently brings nursing students into Fairborn to complete community assessments and to develop projects addressing your residents' health. It is her contribution to help what was a great place to grow up. Her heart does good to know that her fellow faculty member and nurse friend, Dan Kirkpatrick, takes a political role in improving Fairborn's health. Tonight, she comes to speak to them about the health implications of marijuana on individual and community health because community health often reflects the unintended consequences of policy decisions. Marijuana comes with both short- and long-term health effects and risks that vary by individual consumption method and frequency. We are all familiar with the short-term effects, the red eyes, and the munchies, but more critically it impairs coordination and reaction time, increasing the risk of car accidents. Driving safety impacts on your community's health. The long-term effects are more serious. In adolescents, marijuana disrupts brain development and impairs cognitive function. Smoking can lead to chronic lung disease; heavy use is linked to anxiety and depression and cannabinoid hyperemesis syndrome which is severe nausea and vomiting. Recent studies confirmed these risks: brain scans of 1,000 young adults showed 68% of users had reduced brain activity especially in areas tied to memory. Two large studies analyzed over 75 million

people and found that cannabis users had six times the heart attack risk, double the risk of heart failure, quadruple the stroke risk, and triple the risk of cardiovascular death. There is also a clear connection between cannabis retail access and community health. More dispensaries within close proximity are associated with higher use and more hospitalizations for marijuana related issues. These outlets are often concentrated in lower income and minority neighborhoods raising concerns about health equity and environmental justice. One study even found that dispensary openings decreased violent crime in wealthier neighborhoods but not in lower income areas. Strong communities are built on economic opportunity. But, sustained through public health. Marijuana distribution centers have brought tax revenue, jobs, and business growth to cities in Michigan, Missouri, and New York. These benefits are real, but they come with serious tradeoffs. Communities that welcome marijuana outlets must also grapple with increased use, especially among youth, rising health risks and greater strain on the healthcare systems. Research shows these impacts fall hardest on lower income neighborhoods deepening existing disparities. Illicit market competition and red tape often prevent the promised economic boom from fully materializing, but the public health consequences are immediate and long lasting. So, the question isn't just economic gain or zoning. It is at what cost; a short-term financial boost cannot outweigh the long-term damage to community wellbeing. She urged them to think not just about revenue but about responsibility. If marijuana distribution is approved require investment in the people, job training, school-based cannabis education, minority owned business support, scholarships, and food security. These aren't extras, these are essentials for protecting community health. You have a choice, a quick win or a healthy future and let's build communities that strive in every sense of the word.

Donna Johnson, 328 Bowman Drive, provided the attached comments. Please see attached Exhibit "A."

Al Carney, 325 E. Xenia Drive, feels there needs to be some changes to the curb, sidewalk, and approach program. First of all, he thinks they need to remove the curb repair from the responsibility of the private property owner to have to pay for that. This is a part of the public roadway and many streets around town the curbs are paid for by state funds and a lot of places the private citizen has to pay for it. Again, it is part of the roadway and if you are repaving the roadway then if there needs to be major curb replacements then that should come from the same fund source. Right now, it costs the private owner $110 per linear foot to replace the curb. That is absurd. In talking with the City Engineer he even believes the curbs should be part of the actual street repair process because in doing that he can do a more comprehensive redesign of the roadway if necessary for drainage conditions, putting in an under drain and you can't do that right now if you are just piece mealing and replacing sections. He does not think the private citizen should be responsible for their whole frontage unless it is done from the public funds.

The other thing is Chapter 903.01. There needs to be change in the requirement that says that the property owner has to have the repairs done 30 days after notification. That is absurd. Right now, you are asking the citizens to pay for public property repairs and then you are imposing a totally unrealistic time constraint to do the work in 30 days. You have to go out and get quotes. You are lucky to get a quote from a contractor in two weeks. If you are going to require the citizen to pay for it, he thinks the citizen has the right to go

out and get three or four quotes to make a meaningful judgement as to what is a fair price, but you are not allowing them to do that. Thirty days is what the Ordinance says. So that Ordinance needs to be changed to be realistic if you are going to be charging the citizens to pay for that repair. The best thing to do is to completely remove the curb repair responsibility from the private citizen. Again, it makes more sense to have the City Engineer do the roadway and stuff like that so he can do comprehensive repairs and not burden the citizen to do that. The 30 days is totally unrealistic. If you are going to require the citizens to pay for it then they should have a meaningful amount of time to go out and get bids. As he said, you are lucky to get a contractor to come out in two weeks to give a bid. He does not think one bid is fair. To have a citizen have to scurry around and get that done. There is no hurry and if the road is going to be done next year, then the citizens should have enough time to get a fair quote if you are going to pay for it. His first preference would be to remove the curb repair from private responsibility and put it with part of repair of the road because the City Engineer can make other changes and upgrades to the road that need done.

Joey Bryant, 194 Redstone, stated he has been covering Fairborn for over a year now on news related events. He has been coming to these meetings and all the other ones they have had pretty much for three months now and one of the biggest things he has noticed is that Council does not listen to the residents. Council votes unanimously against them every time. We have a gentleman that has been coming here almost every session that he has seen complaining about these things and they don't even look at it. He said Mayor, I have sent you information about the marijuana and you have people come in from out of state come and talk to Council privately, but you don't talk about the true facts. Zero deaths in Ohio from marijuana, 5,500 from alcohol are we banning alcohol? Why not cigarettes, are we banning those? Those are the true starters down that path. It is not just his opinion this is what he observes with the community that he represents. It is tired of seeing this over and over again. Council does not listen to them ever and they are tired of it. On November 3rd three of the seats come up for election. There will be three new faces up there, he almost guarantees it. Not because he has any ill will. He loves them all and wishes them all the best. You are not representing Fairborn at all. You try, you ask questions, and he appreciates that, but every time they vote it is always that they are on the same page. No one of you are representing the citizens. The question about marijuana they all voted against it. Sixty percent of the town says no, we are for it so who represents Fairborn. He asked about the Maple approaches to people's driveways, those you said were too expensive to repair, yet you are willing to charge residents $2,000 on average to fix the curbs and sidewalks which are technically the City's responsibility. He can't block people from walking down the sidewalks. He can't put up blocks that say you can't walk down this sidewalk because he does live on one of those inside curbs like you were mentioning. If someone falls or gets hurt, and people ride their bikes, he even puts a water jug out for dogs that walk around his neighborhood; if someone gets hurt, I can get sued. He can't stop them from being on the sidewalk, but yet he has to pay and do everything for it when it is the City's responsibility just like the roads are.

Mayor Kirkpatrick closed Citizens Comments.

CITY MANAGER COMMENTS

Mike Gebhart, City Manager, reviewed the milestone recipients for April 2025 explaining that neither of the recipients were available to attend the meeting. It is great that they have stayed with the City. As Council is aware we have people that have been with the City, 15, 20 or 30 years. All of those people are dedicated professionals in the City of Fairborn. He wishes they could have been here this evening.

Officer Mark Kohler retired last week after 25 plus years of service to the citizens of Fairborn. Mark did not want any fan fair. He did not want that last ride. Did not want that last call and he did not want a cake. He wanted to go out quietly. Mark served the people for 25 plus years, and he was a great officer. Mr. Gebhart felt he needed to be recognized for his service even though he would rather stay in the shadows than do a last ride/call. Thanks to Mark for everything that he did.

This morning, we had the opportunity to swear in three firefighters/paramedics and one fire recruit. He welcomed them to the Fairborn family. He thinks it is outstanding that every member of our department is a paramedic. That is not commonplace and that makes sure that every single person that calls us on any medical issue should it turn into advanced life support situation they can treat it on the way to the hospital. That does not sell short an EMT basic or EMT advanced, but he takes pride in the fact that our department is made up totally of paramedics. Welcome to the new employees.

Parks and Recreation this weekend through all the rain on Friday, Saturday, Sunday still held three events on Saturday at Community Park, Paws in the Park, Eggstravaganza, and the teen easter egg hunt. Through the rain, wind and cold those events still went on. Thank you to them and to Emily who fielded a lot of questions about whether the events were still on.

Our Public Works team has been monitoring the rain events over the past several days and their effects on both residential properties as well as the water plant, the well and the Wastewater Treatment plant. They will continue to monitor that through the next rain events. If you drive down Kauffman by the lift station you see a generator. Thankfully, we did not have to use that, but it was in place if there was a need to assist with water pressure. Our Wastewater Treatment facility is at capacity but is handling the situation as it goes down. We are in a good spot there. He is pleased with that.

April 25, 2025, the City building will close at 11:00 a.m. for the annual Employee Appreciation and Annual Awards event at Bowl 10 on Broad Street. If Council is available, please come up for the event. It is a great event to recognize our employees and their contribution to the City.

He is back after several weeks after having both of his hips replaced, publicly he wanted to thank staff for everything they did and Council so that he could take the time to do that, particularly Terry Adkins who served as the Acting City Manager during his first surgery and Robin McClure who acted as the Acting City Manager during his second surgery, and Chief Ryan Williams who served as the Acting Assistant City Manager. It is the first time

he has been pain free for a number of years and he feels like a different person. Thanks to all of you and thanks to staff and the residents also who wished him well and made sure he had time to recover.

COUNCIL COMMENTS

Councilwoman Chess congratulated all the milestone recipients, retirees, and welcomed our three new firefighters/paramedics. She thanked the Parks and Recreation Department because they do work overtime to make sure the job gets done and to make sure our citizens are taken care of in those areas. Also, she welcomed Mr. Gebhart back and thanked him for his service to the City. She thanked everyone for their citizens' comments, Matt, Donna, Al, and Joey. Everyone has their comments about how the city should go forward and different things and Council appreciates that. Believe her, the Council does take everything into consideration. They do have conversations and training, and they do take the citizens' requests/concerns into consideration. To Joey, she wanted to let him know they do have those conversations. They do appreciate the citizens and those people who voted for them. They do all they can to satisfy what is needed to keep Fairborn moving forward. She is happy to be a part of that progress. She thanked the citizens for their comments, and it is well noted.

Councilman McCubbins thanked all those that came forward and spoke tonight. He would also like to address the comment as well that they don't listen to citizens. That could not be further from the truth. They listen to everything the citizens say. They take notes on the ones that come up there and speak on what the citizens say. They field emails on what the citizens say. They talk to them at these forums. He would have liked to have talked to some of them this evening, but they departed, unfortunately. We do listen to each and everything they say to them and they take it to heart. However, their primary job as a City Council is to make the best decision in representing the 34,000 people and not the one or two that come down and speak or one or two that email. They must consider all 34,000 and all areas of the City. With that being said he would like to use the rest of his time tonight to make a comment regarding the current state of the moratorium on recreational marijuana. First, he thinks it is important that we understand what a moratorium is and that it is a legal authorization, it is a temporary stop of a particular activity for a specific amount of time. Nowhere in that definition is the word ban. The City of Fairborn has not banned it. They have not said no. They have not said yes. We are not ignoring the voters. What they are doing is giving themselves time to gather more information so they can make an informed decision as a panel for the 34,000 citizens in the City. The law voters passed in 2016 House Bill 523 which established medical marijuana for the State of Ohio, within that law Section 3796.29 allows the legislative authority of a municipal corporation to adopt an Ordinance or Resolution to prohibit, ban or limit the number of cultivators, processors or retail dispensaries licensed within its corporation. To date, the City of Fairborn has not adopted any such Ordinance or Resolution banning medical marijuana. In fact, while he was the Chairman of the City of Fairborn Planning Board and application was made and presented to them in May of 2018 to construct and operate a medical marijuana dispensary within the City limits. After a lot of consideration and looking at the Zoning codes and everything else the Planning Board approved that facility. Pending approval of that particular company's issuance of a license

from the State of Ohio. Unfortunately, that company was not afforded a license and subsequently they withdrew their package and to date to the best of his knowledge no other applicant has come forward requesting to build such a facility in our City and it is not because we have a ban on it. Because we do not. Fast forward now to 2023 and once again the Ohio voters approved Issue 2 making recreational marijuana legal within the State of Ohio. Subsequently, the City of Fairborn issued a moratorium. Why did they do that? The answer is very simple, that is to give the State of Ohio time to iron out what their rules and regulations are going to be to allow the City an opportunity to insure once those rules and regulations are published to evaluate our Ordinances, our Zoning and everything else to insure the safety, security and well being of all 34,000 citizens. They need to know specifically what the legalities of what a dispensary can do, what the municipality can do, what we could prohibit, what we couldn't.

One example that he will offer is that they hear, and you see a lot on social media is how many vape shops we have in the City. Something that they are very invested in, and they want to make sure of, is that if we do approve a recreational marijuana facility that these vape shops, which three are located right across the street from our primary school, aren't going to be selling recreational marijuana. Pick up your kid and pick up your marijuana at the same time. They want to make sure they don't do that. We can't do that if they don't take the time to make sure that our rules and regulations conform with what the state has said, and we prevent it. Think about it this way as well, when you sit down to play a game with your family such as Monopoly or Uno, you aren't going to invest your time, money and energy playing that game if you don't know what the rules are up front. You are not going to make them up as you go because that is going to make a lot of the people you are playing with angry. He would also like to point out that one of the major complaints that they get on Council, at least he gets, he is not sure if the fellow members get it, is there are too many smoke shops, too many gas stations, too many storage units, etc. within the City and the answer to that is simple these folks have come forward wanting to put these in our City and legally based on the rules and regulations in the Zoning Code we cannot stop it. Otherwise, we face legalities in a court of law.

He offered this as well, in Greene County the City of Fairborn, Xenia and Beavercreek are the largest municipalities within our county. In October of 2024 Xenia banned recreational marijuana. In July 2024 by vote of 4 to 3 Beavercreek banned recreational marijuana and placed a ban on any future medical or recreational marijuana dispensaries. Bellbrook currently has a moratorium in place as well. In Montgomery County, home to two current dispensaries, they have placed a moratorium on any new businesses as well. In January 2025 Kettering banned all forms of marijuana related businesses and just this month Centerville banned recreational marijuana by a vote of 4 to 3 but they retained medical marijuana. So why is the City considering extending this moratorium? There are two particular reasons why he has voted yes to extend the moratorium, and the first one is to ensure the safety, security, and well-being of all citizens of the City of Fairborn. Secondly, the City has invested a lot of time in working with consultants to develop our Land Use Plan for economic development strategy and most recently a review and update of part of our Zoning Code to outline a vision for our City to continue to grow and be a City in motion.

So where do we go from here? We wait. As the legislative body for the City of Fairborn it is their responsibility to make sure they are making a responsible decision for every citizen in the City and that is exactly what he intends to vote for when he makes his vote. He will vote for what he thinks is best for every citizen of the City.

Councilwoman Stanton thanked Mr. McCubbins for the information. She agrees, when she voted yes, for the moratorium she was not voting yes, to ban marijuana. She was voting yes for an extension for more time to get things in line. Personally, she would like it if by the end of this current moratorium we would have time to discuss all the things that we could do so that the next vote she hopes for her anyway is not to extend a moratorium. It is just to decide it. She congratulated four citizens, and one is a teacher at the school. They have a group that was going to get training for the Tree City, USA program and they graduated from their tree commission academy. Those are members of the Environmental Advisory Board, and they want to learn what it takes to be a Tree City, USA and then they are going to lead the way for the City to achieve those goals. She thanked Rachel Sauder, Linda Riffle, Lexy Nick, and Dan Kirkpatrick. She is looking forward to seeing what that program brings our way. She also thanked everyone that came forward and spoke tonight. She listens to people's concerns. Typically, if she does not understand them, she reaches back and she tries to do the best she can. Sometimes, even if she does not agree with you, she will bring it up at a work session for discussion. Please don't be discouraged. These meetings are a different format. She would say to some of the folks that feel that way maybe come to a work session. She knows that it may conflict with work hours, but that is where more discussion is likely to happen, and they might see what you are missing in a meeting of this style.

Councilman Allen thanked Mr. McCubbins for his words. He truly appreciates that, as well as all of his colleagues up there he knows because he has witnessed that they pour their heart and soul into what they do up here. The role is not taken for granted. They truly talk about certain things in work session, and they don't always agree. That is the way it should be. They all came up to this particular point through different paths and he must appreciate what everyone brings to the table. He truly appreciates his colleagues who sit up there and represent the City, as he does the City Manager, the staff who work tirelessly to bring these concerns and plans to the table regardless of what department. It could be Parks, it could be Streets, Engineering, or Finance they work for the City. He truly appreciates that, and they do listen to them. He appreciates the folks that came up tonight. He often says it takes a lot to come up to a microphone to express yourself. It takes a lot to come up in a public forum and speak your truth and your heart. He appreciates the folks that come up because they do listen to you. He thanked the Mayor for the Fair Housing proclamation and the Community Development Week proclamation as we sat back and listened to those proclamations that are read, he wonders to himself why do we have to do that. Why do we have to make a proclamation about fair housing for people who can't get fair housing. It is unfortunate, but he appreciates the fact that we bring those things to light, and we make it a point to represent those who struggle with community development and fair housing. He thanked Officer Mark Kohler for his service. He was a public servant for 25 years. He saw a lot of things and helped in a lot of ways. Hats off to him in his retirement. We are a full-service City. It is tough to make decisions and choices, but we have opportunities. Many of the folks that came up we are getting ready to launch an opportunity right now to have more engagement with the Council

members. More engagement with the Mayor and opportunities where they can sit and have a conversation so that they can learn and understand and have a dialogue about what goes behind a decision they have to make. He looks forward to that. He thanked Emily Gay for making it happen, and he thanked Mr. Gebhart for supporting that as they move forward. It is going to be tremendous. It is going to be a different way. It will be a walk in the transparency tract that we are on. It is more than just an open checkbook, it is transparency, understanding some of the reasons why they do what they do. We had a lot of rain, and he caught himself getting water out of his daughter's basement. Hopefully, everyone got through that challenge unscathed. Hopefully, we are through the rain part, and we can dry out and have fun the rest of the summer.

Deputy Mayor Reaster said she tried to cross out the redundancy, but she thinks there are some that bears repeating. First and foremost, thank you to the milestone recipients. As always, thank you for choosing to serve the citizens of Fairborn. Mark Kohler is probably not watching this, but she is very upset that he did not tell her he was retiring, but they can talk about that later. She thanked everyone for the comments. She did want to respectfully agree to disagree with Mr. Bryant. There are a lot of people that come to them whether it be in this format, through email, the 20-minute conversation she had at Kroger this weekend, where she went home with melted ice cream. That is what they signed up for right. They have a lot of feedback from Al Carney who brings great information to them. If you talk to our City Engineer, he is going to tell you there are things that he did not consider. Donna Johnson is constantly providing information, and we have the Rankins and many others, so she appreciates the frustration, and she understands but she is not sure that it is found completely accurately. Also, to Rodney's point they are here to serve over 34,000 people and they love hearing from all of them. They might not always agree on where they are going and the path, but they do take into consideration all of those comments. In fact, many of them that are on the socials take a look at those and they have those conversations. Hey, did you see this? It is a concern, have you considered it? So, there is a lot of dialogue that does not happen on the first and third Mondays of the month. She would ask Mr. Bryant to have more dialogue with Council directly to understand a little bit more about how this works. She does appreciate his feedback, and she can see where he comes from. Moving on to brighter topics it is a busy time of year, graduates are preparing, the signs are going up around town, you are going to see people stopping to take pictures of kids with their signs. Just be cognizant of that. One of the big comments they see a lot on social media is that there is nothing for our kids to do. There is a lot for the kids to do. Is it the big shiny bounce house or gym, no, but there are lots of things that Parks and Recreation pour their heart and soul into providing opportunities for all of the kids of various ages. Please go check them out and see what they have and get your kids signed up for that. Big thank you to the other city employees, Parks and Recreation, Wastewater, all of the things you have done through these trying times with the weather and keeping everything in line.

Last but not least, she had the honor to be present this morning as we did swear in three firefighters, and they were introduced to the new recruit. It is an honor and privilege to watch these young men and women join the City of Fairborn as not only firefighters but also EMTs because we are the only community around that has that full service. She thanks them as well as the milestone recipients for choosing the City of Fairborn.

Mayor Kirkpatrick thanked the milestone recipients for their service to the City. Mark Stannard is getting ready to retire. He has been a fantastic policeman for the City. He wishes him all the well. He was also with Mary Reaster this morning for the three new firemen and the new recruit. It is fantastic to see these new folks coming in with their families to show their support for them. It is what makes our Fire and Police Department the best in the State.

He wanted to comment on a couple of the things that occurred tonight. The Ordinance that passed tonight. He knows there are concerns about that. They have discussed that at length. It was not something they just made a quick decision on. The comment made that they don't listen to the citizens about things like that is just absolutely not correct. They listen extensively to the citizens. They have heard feedback from them. They also listen extensively to the City, to the experts on the City staff who address those issues and concerns. Then as a Council they have to weigh both sides of it to make a decision. To say that they never listen to the citizens when they make decisions is just blatantly not true. He was a City Councilman for four years, then a Mayor before for four years, he is the Mayor again and he can say that every City Council he has served with listens to the citizens.

He added with the issue with marijuana this is not an easy issue to make a decision on. There has been a lot of angst about what decision they are going to make. They have been criticized for pushing off a decision and as Rodney said there is a lot that goes into making that decision on the moratorium or not. They have been strongly advised by people outside of the City, state legislators, to wait and see what the state is going to do with their budget. We have a two-year budget in the state. In June, the state will make a decision about the budget, and it does impact the decision whether we go with having a dispensary or not because one of the things being addressed in that budget is will the City get any kind of tax that is part of that. There have been various discussions on that. The state legislature has not finalized their decisions on how much money the cities might or might not get. We were advised not to vote until we see what the state is going to do. He thinks that was wise advice they received from some of the state legislators about waiting to see what direction the state is going to go. Everyone on Council has an opinion on the marijuana issue. Everyone in the City has an opinion on it. They have heard very strong reasons to have a dispensary and very strong reasons not to have a dispensary. There are dispensaries in areas around us. If people want to get recreational marijuana it is available not very far away from Fairborn. He thinks making the decision to wait until the state makes their final decisions on the budget is the wise thing for the community to do. He knows there were people here tonight that want us to make a decision right now either direction. They are going to wait to see what the state does and there are good reasons for doing that.

He also takes exception to the comment that they do not listen to the citizens. He meets with citizens almost weekly. He offered to meet with the gentleman who made that comment at the end of the last citizens forum, and he declined to meet with him. We started Citizens' Forums years ago. Paul Keller continued them in a different format. Members of the Council were a part of that. They have made efforts frequently to meet with citizens. He applauded what Clint mentioned. Emily Gay our Communications Manager along with the City Manager have come up with a plan to make transparency

and opportunities to meet with City staff and City Council even more prevalent. So, you are going to see more coming out about that and a lot more opportunities for them to listen to what the citizens say. He really takes exception to the comment that they don't listen to the citizens. Every time they have had major issues, whether it is the plan for the city for housing, they have had extra meetings where they have opened it up to citizens to be heard. He also has heard comments in the past about City Council members missing Council meetings. That is true because on some occasions they do miss Council meetings, and they have always been excused in the sense that they have let us know. For example, in the case tonight Councilman Fritzsche is travelling for his work. In addition to Council meetings, Council members attend a lot of other city functions. We hear Mary Reaster mention the meeting today to recognize and welcome our three new firefighters and the new recruit. They have a lot of events like that. Council members are asked to attend, and many do attend Chamber events, Chamber ribbon cuttings to welcome new businesses. It is very common that the City Manager, Mayor, and other Councilmembers attend those ribbon cuttings. They attend Chamber Chats which are opportunities for Council members to meet with businesses, etc. so to say that the City Council does not listen to their citizens he blatantly disagrees with that statement. They attend a lot of different functions. They attend things for the Base. In the last month he attended the awards ceremony for the 88th Air Base Wing. This Saturday he attended the 445th Reserve Wing's award ceremony. They attend a lot of activities. For Wright State there are a lot of things that go on there that Council attends. To say they don't listen to their citizens he is sorry, he really, really disagrees with those comments that were made, but he is entitled to make those comments.

Again, he thanked everyone for coming to the meeting. They do appreciate your comments. They may not always agree with them, but they appreciate you making those comments. He especially wanted to welcome Mike Gebhart back. He has had a tough road with his hip replacement surgeries, and they are glad to see him back in the office. Mike McNamee has been outstanding as our Solicitor helping them to look at things. He wanted to take time to thank staff for what they do. He especially thanked Penny Davis for filling in for Julie Taylor who is on a much-deserved vacation with her family. He thanked all of the citizens who are actively involved in making Fairborn a better community. We have a policeman here tonight standing in the back of the room, he thanked him for being at the meeting. We are not a perfect community, but we have a lot of people in this community who do a lot of good things to make it the community that we live in. He is a retired military officer. He and his wife lived all over the United States, and they chose to retire in this community because of what this community offers its citizens. Whether it is a fantastic park system, the best Fire and Police departments in the State of Ohio for whatever reasons people choose to live in Fairborn and he appreciates this Council. Three of them are up for re-election this fall. He does not know if they have made decisions whether to run or not, but we have outstanding Council members, and they do listen to the citizens in this community.

RECESS INTO EXECUTIVE SESSION

Councilman McCubbins moved to recess into executive session per ORC 122 (G) (3) to conference with an attorney for the public body concerning disputes involving the public

body that are subject to pending or imminent court action. Deputy Mayor Reaster seconded. Yeas, six: McCubbins, Reaster, Allen, Chess, Stanton, and Kirkpatrick. Nays, none. Motion carried. The meeting recessed into executive session at 8:15 p.m.

RECONVENE

Councilwoman Chess made a motion to reconvene into open session. Deputy Mayor Reaster seconded. Yeas, six: Chess, Reaster, Allen, McCubbins, Stanton, and Kirkpatrick. Nays, none. Mayor Kirkpatrick stated as a part of the process of returning from executive session, as Mayor I am certifying that our discussions in executive session were limited to conferencing with the City Solicitor concerning disputes involving the public body that are the subject of pending or imminent court actions as permitted under ORC 122 (G) (3). The meeting was reconvened at 8:39 p.m.

ADJOURNMENT

Deputy Mayor Reaster made a motion to adjourn the meeting. Councilman McCubbins seconded the motion. Yeas, six: Reaster, McCubbins, Allen, Chess, Stanton, and Kirkpatrick. Nays, none. Motion carried. The meeting was adjourned at 8:40 p.m.

MAYOR

CLERK, CITY OF FAIRBORN

Exhibit "A"

Monday, April 7, 2025
Donna Johnson, 328 Bowman Drive

Mayor, Council,

On February 24 of this year, our mayor and citizens forum was held with the goal to hear from the drug treatment and behavioral health facilities in Fairborn. One of the final statements by our Mayor recorded in the minutes of that forum was to ensure that "we are ready for you if we start seeing problems (in Fairborn)." Most respectfully, Mayor Kirkpatrick and council, we have problems.

Since growing up here in Fairborn back in the 1960s, I have never missed an Independence Day Parade. Over the past decade, we have witnessed increased entries along the parade lineup of some of our local drug treatment facility staff, their patients, and patient families to include children. This is an opportunity for those struggling with addiction to seek our encouragement in their quest to gain their personal independence from the substance that threatens to doom the quality of their lives. Of late, a new church has been located in Fairborn and offers the promise of "Rescue," campaigning specifically to those struggling with drug addiction and a promised ministry in a "non-judgemental" environment. These people see the need and understand fully there is no "pure" or "legal" form of recreational marijuana that can nullify its destruction in the lives of adults and that effect upon their children.

With a low Fairborn Registered voter turnout of only 25% in November 2023, adult recreational use of marijuana became legal in Ohio. I believe it will be our youth who suffer the consequences.

I provide you with references from teams of neuroscientists, psychiatrists and pulmonologists who have studied cannabis use in pregnancy as having detrimental effects. Studies I reference in this address show that consuming THC during pregnancy could potentially affect fetal development, leading to life-long health impacts for offspring. Another study found that prenatal THC negatively affects neurodevelopmental outcomes, and a last study suggests that prenatal exposure to edible THC negatively affects offspring lung development. Again, these studies are clearly referenced in the information I will provide to you tonight.

What we don't know from the studies that Dr. Stalter and I have presented are the health effects on school-age children. But, as a lifelong asthmatic myself, I know smoke exposure to asthmatic children can be fatal. Have you conferred with our Fairborn City School nurses how many asthmatic children visit the clinic every week for inhaler therapy? Do you believe these numbers will increase after Fairborn blesses marijuana use as a life changing contribution to our community? Do you think it will change the health outcomes of our schools? What about the cost to our schools? And, finally you must consider the negative impact of permitting the location of cannabis dispensaries in our hometown, specifically around or remotely near our newly constructed school buildings or drug treatment facilities.

It has become evident that the I-675 corridor, specifically that of the Commerce Center Blvd area, is of prime interest to the marijuana industry. I believe the financial gain they promise our community will be no countermeasure to the negative effects on our youth. The National Library of Medicine reports a potential increase in adolescent use of marijuana as a result of an increased availability brought about by this legalization and social acceptance as well as new, higher potency formulations of edible and vaporized.

Mayor Kirkpatrick and Fairborn City Council, for the sake of our youth of whom our community has, in the most recent years, financially upheld and supported through increased obligation through taxation for brand new school buildings and for the sake of those youth already at risk in our community, I object to marijuana facilities in Fairborn. Considering the location of our newly constructed high school and soon-to-be constructed middle school, as well as that being the location of at least two drug treatment facilities, the I-675 Commerce Center corridor should be completely off-limits to marijuana merchants.

Thank you for your time and consideration.



Study 1
Gerede, A., Stavros, S., Chatzakis, C., Vavoulidis, E., Papasozomenou, P., Domali, E., Nikolettos, K., Oikonomou, E., Potiris, A., Tsikouras, P., & Nikolettos, N. (2024). Cannabis Use during Pregnancy: An Update. Medicina, 60(10), 1691. https://doi.org/10.3390/medicina60101691

Study 2
Noble, A. J., Adams, A. T., Satsangi, J., Boden, J. M., & Osborne, A. J. (2024). Prenatal cannabis exposure is associated with alterations in offspring DNA methylation at genes involved in neurodevelopment, across the life course. Molecular Psychiatry, 1-12.

Study 3
Shorey-Kendrick, L. E., Crosland, B. A., Schabel, M. C., Messaoudi, I., Guo, M., Drake, M. G., ... & Lo, J. O. (2025). Effects of maternal edible THC consumption on offspring lung growth and function in a rhesus macaque model. American Journal of Physiology-Lung Cellular and Molecular Physiology, 328(3), L463-L477.

TO: FAIRBORN CITY COUNCIL **April 3, 2025**

FROM: ALAN CARNEY, 325 E. Xenia Dr ., Fairborn, Ohio

Public Hearing Comments for Ordinance No. 06-25

Chapter 11 Planning and Zoning Code Updates

I strongly urge ALL city council members to REJECT Ordinance 06-25 and the proposed amendments to the Planning and Zoning code and the proposed changes to the Comprehensive Land Use Plan. There are many new REQUIREMENTS for the various land use districts of Chapter 1122 that will be too legislatively restrictive for many existing established districts such as the Urban Edge Residential (UER) and the Medium Density Residential (MDR) and Suburban Residential (SR). Many of these new requirements make **no common sense** to be applied to **existing districts** for the rebuilding or fill-in of homes, are too restrictive to the creativity of building styles , and will just drive up building costs. The new minimum home size requirements will prohibit smaller homes in established neighborhood districts such as UER, MR, and SR where smaller home designs make sense to utilize existing smaller lots. Most of the UER and MR districts already have mixed home sizes of which many are much less than 1200 square feet.

The so called proposed "standards" and so called "guidelines" in the Chapter 1122 for the land use districts will become absolute strict zoning code REQUIREMENTS with **no exceptions**.

NOTE: The use of the term "design guideline" is cleverly misused and will be enforced by the Fairborn planning department as ABSOLUTE REQUIREMNTS in this zoning code for each land district. No "common sense exceptions" are ever granted by planning dept.

Some of the new requirements proposed in the new Planning and Zoning code that need to be **totally removed** are discussed below :

1. Remove ALL minimum home size requirements. Chapter 1122 did not have them before and we do NOT need them to be added now. These minimum home size requirements will impact the existing districts the greatest. This will also restrict and prohibit the building of any " smaller homes" that are more affordable to purchase, operate, and are more environmentally sustainable with their smaller footprint. This flexibility must be allowed for all existing neighborhood districts.

2. Remove ALL architectural design and exterior building material guidelines such as :

a) Minimum roof pitch of 8/12 pitch. This requirement allows for NO flexibility to fit a roof pitch to a given building style or situation. Again this will affect many established neighborhood districts.

b) Remove the requirement for attached 2 car garages. Again this allows for NO flexibility for a given lot size or home style. Many of the existing districts use detached garages to better fit the lot sizes. This new code creates the typical "cookie-cutter" planned sprawl development look.

c) Remove Exterior Building Materials requirement that **prohibits the use of aluminum and vinyl siding.** This requirement demonstrates another excessive governmental restrictive zoning code that absolutely makes no sense, especially for existing districts. (Please note this prohibition of vinyl siding is such a hypocritical double standard given that ALL of your upscale "planned sprawl developments" are mostly "vinyl siding".)

3. Urban Edge Residential District (UER) - Chapter 1122.06

a) **Remove all Minimum Dwelling Area requirements** for single family dwellings of 1,200 square feet (one story) and 1,600 square feet (two story) .
The existing UER neighborhood districts surround the downtown district and date back to 1920. The UER district homes are all largely unique in style and size and need to be retained in this design flexibility to accommodate any in-fill building or rebuilding of homes on existing lots. Majority of the UER homes built after 1935 are mostly less than 1,000 square feet with many UER homes being less than 800 square feet. The new requirement of 1,200 square feet does not make any common sense given that **the existing UER does NOT currently have a minimum dwelling area requirement.** Majority of the UER lots are only 50 feet wide and a house of 1,200 square feet may not typically fit that size lot or the building style in that neighborhood.

b) Remove ALL architectural design guidelines from the UER Districts
The existing UER districts do NOT currently have any restrictive architectural design guidelines and must NOT be subject to those proposed in Section 1122.05(g) and Section 1122.07(g)-(m). As stated above, the existing UER district homes are all largely unique in style and size and need to be retained in this design flexibility to accommodate any in-fill building or rebuilding of homes on existing lots.

4. Medium Density Residential District (MR) - Chapter 1122.07

The Medium Density Residential District is intended to accommodate a diverse range of home styles with an average gross density of 10-20 dwelling units per acre. Many of the proposed updated zoning requirements in Ordinance 06-25 are hypocritical to this intention and will just drive up costs and prohibit any diversity in building style and character. Please note as stated above, the use of the term "design guideline" is cleverly misused and will be enforced by the Fairborn planning department as ABSOLUTE REQUIREMNTS in this zoning code.

a) Remove all Minimum Dwelling Area requirements for single family dwellings of 1,200 square feet (one story) and 1,600 square feet (two story) .

The existing MR districts do NOT currently have single family minimum dwelling area requirement. If a MR district lot is only 50 feet wide, a house of 1,200 square feet may not typically fit that size lot or the building style in that neighborhood. Again this requirement will prohibit the building of more environmentally sustainable smaller homes.

b) Remove ALL exterior building materials and roof design requirements
The existing MR districts do NOT currently have overly restrictive architectural design "guidelines", or exterior building materials requirements , or roof design "guideline" requirements and must NOT be subject to those proposed in Section 1122.05(g) and Sections 1122.07(i),(j), (k).
This MR district section contains **over-reaching government controlled requirements** to again prohibit aluminum and vinyl siding, **dictate and approve** a building's style, building's materials such as the paint color and texture, window and door design/color, and **any additional "generalized"** architectural and materials requirements so deemed by the Fairborn government zoning administrator **as they desire**.

5. Solar Panels Chapter 1128.28

The section 1128.28(c) under Requirements and Regulations contains a subjective restriction that was cleverly placed in the zoning code (without any public review or comment) in a previous update of the zoning code. The solar panel restriction in section 1128.28(c)(2)(B) states: "Be located in the most inconspicuous location on the roof so as not to be seen from the street, if possible, and still be able to function as designed". The wording "not be seen from the street" and "if possible" now becomes a totally subjective decision by the Fairborn zoning and building department to REJECT a citizen's plan for a solar panel installation.

This subjective restriction in section 1128.28(c)(2)(B) MUST be totally removed !!

There are many other "requirement" changes in Ordinance 06-25 for the Planning and Zoning code that must be carefully reviewed to think out the consequences of making them "law". My above list of concerns and comments to remove certain code requirements are just a sample.

Ordinance 06-25 needs to be tabled until a comprehensive review of all the proposed requirements in the planning and zoning code is conducted that MUST include an "open citizen group" to voice our intentions. These Planning and Zoning change requirements were done behind "closed doors" with a hand picked special interest committee and by an outside consultant, Jay Stewart. Citizen's comments and desires were never intended to be included !! Outsiders, including the planning department staff, and high paid consultants seem to be the only ones in Fairborn government that have the authority to control, write, and dictate the zoning code law of the Fairborn citizens and our destiny !!!

Please carefully read the Planning Board's Exhibit A Fairborn Zoning Code Document. If any council member has concerns, doubts or issues with ANY item in this new zoning code I urge you to VOTE NO in the interest of Fairborn citizens. Once it is approved by city council, then it becomes zoning law with NO hope of any future changes being made.

In conclusion, I request that the Fairborn city council REJECT approval of Ordinance 06-25 and all proposed amendments to Fairborn Codified Ordinance Sections 1111-1135 for planning and zoning codes. I also request that the Fairborn city council REJECT approval of the 2024 Comprehensive Land Use Plan changes.

SPEAKING TRUTH TO POWER

< End of Public Hearing Comments from Alan Carney >